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Contents

Federal Register

Vol. 91, No. 87

Wednesday, May 6, 2026

Agriculture Department
See Forest Service

Alcohol, Tobacco, Firearms, and Explosives Bureau
RULES
Conforming Change for Approving a Making Application, 24362–24364
Export Control Reform:
Conforming References to Department of Commerce, 24352–24357
Licensee ''eZ Check'' Verification for Transfers, 24357–24362
Removing Triplicate Filing Requirement for Importing Plastic Explosives, 24364–24366
Revising Machine Gun Definition in Response to Supreme Court Decision, 24348–24352
PROPOSED RULES
Adding Component Definitions Under the Arms Export Control Act, 24392–24395
Allowing Makers to Adopt Certain Markings for National Firearms Act Firearms, 24466–24471
Clarifying Delivery to a Common or Contract Carrier When Transporting Firearms, 24395–24400
Clarifying Exceptions to the Brady Act Background Check Requirement, 24436–24441
Clarifying Interstate Transportation of Firearms under the Gun Control Act, 24441–24448
Clarifying Special (Occupational) Tax Payments per Business Activity, 24478–24485
Definition of Business Premises, 24408–24413
Firearm Records Retention Periods, 24413–24424
Firearms Transactions and Straw Purchases, 24448–24453
Importing Training Rounds, 24400–24408
Regulations Defining Engaged in the Business as a Dealer in Firearms, 24424–24436
Removing Chief Law Enforcement Officer Notification under the National Firearms Act, 24471–24478
Removing Factoring Criteria for Firearms with Attached Stabilizing Braces, 24453–24462
Selecting Biological Sex on ATF Forms, 24462–24466
Transferring Machine Guns Between Qualified Licensees, 24485–24490
Update to Proscribed Countries for Import Restrictions, 24387–24392

Bureau of the Fiscal Service
RULES
Eliminating Unnecessary Regulations, 24366–24368

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
2030 Census Locate Address Test for Accessory Dwelling Units, 24505

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Case Registry, 24546–24547
Next Steps for Tribal Temporary Assistance for Needy Families Research and Data, 24545–24546
Program Monitoring Activities, 24547–24548

Coast Guard
RULES
Safety Zone:
Delaware River, Camden, NJ, Battleship New Jersey, 24372–24373
Fireworks Displays within the USCG East District (formerly Fifth Coast Guard District); The Wharf, Washington, DC, 24373–24375
Key West Paddle Classic, Key West, FL, 24370–24372
Recurring Events in Captain of the Port Duluth Zone, 24370, 24375
Special Local Regulation:
Bush River and Otter Point Creek; Between Perryman, MD and Edgewood, MD, 24368–24370
Fort Lauderdale Air Show, Atlantic Ocean, Fort Lauderdale, FL, 24368
PROPOSED RULES
Special Local Regulation:
East Passage, Narragansett Bay, Newport, RI, 24492–24494
Neuse and Trent Rivers, New Bern, NC, 24490–24492

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

Commodity Futures Trading Commission
PROPOSED RULES
Privacy Act Regulations, 24377–24379
NOTICES
Privacy Act; Systems of Records, 24525–24528

Consumer Product Safety Commission
NOTICES
Request for Information:
Counterfeit Certification Markings, 24528–24529

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
AmeriCorps VISTA Application and Reporting Forms, 24529–24530

Defense Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 24530–24532
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Addressing Diversity, Equity, and Inclusion Discrimination by Federal Contractors, 24544–24545
Charter Amendments, Establishments, Renewals and Terminations:
Department of the Air Force Scientific Advisory Board, 24532–24534

U.S. Strategic Command Strategic Advisory Group, 24534–24535

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
NOTICES
Permits; Applications, Issuances, etc.:
Pesticide Experimental Use, 24542–24543

Federal Aviation Administration
RULES
Special Conditions:
Skyryse, Robinson Helicopter Company Model R66 Helicopter; Static Longitudinal Stability, 24339–24341
Xtreme Avionics, LLC, Airbus Defense and Space S.A. Model 212 Series Airplane; Rechargeable Lithium Battery and Battery System Installations, 24337–24339
PROPOSED RULES
Designation:
Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility, 24650–24704
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Flight Engineers and Flight Navigators, 24638

Federal Deposit Insurance Corporation
NOTICES
Termination of Receivership, 24543

Federal Emergency Management Agency
NOTICES
Disaster or Emergency Declaration and Related Determination, 24582–24591
Disaster or Emergency Declaration and Related Determination:
Alaska, 24575–24576
Alaska; Amendment No. 1, 24579–24580
Alaska; Amendment No. 2, 24561
Arkansas, 24566
Arkansas; Amendment No. 1, 24576
Crow Tribe of Montana; Amendment No. 1, 24578–24579
District of Columbia, 24565–24566
Georgia, 24562
Georgia; Amendment No. 1, 24591
Indiana, 24563–24564
Indiana; Amendment No. 1, 24592
Kansas, 24591–24592
Kentucky, 24571
Kentucky; Amendment No. 1, 24568
Kentucky; Amendment No. 10, 24573
Kentucky; Amendment No. 3, 24569, 24572
Kentucky; Amendment No. 5, 24594
La Jolla Band of Luiseno Indians; Amendment No. 1, 24573–24574
Leech Lake Band of Ojibwe, 24581
Leech Lake Band of Ojibwe; Amendment No. 1, 24580
Louisiana, 24560, 24565
Louisiana; Amendment No. 1, 24569, 24579
Louisiana; Amendment No. 2, 24593
Louisiana; Amendment No. 3, 24564
Maryland; Amendment No. 1, 24581
Michigan; Amendment No. 1, 24560
Mississippi, 24567, 24573
Mississippi; Amendment No. 1, 24578, 24593
Mississippi; Amendment No. 2, 24595
Missouri; Amendment No. 2, 24576, 24580–24581
Missouri; Amendment No. 3, 24569–24570, 24572–24573, 24578–24579
Missouri; Amendment No. 4, 24561, 24594
Missouri; Amendment No. 5, 24568–24570
Missouri; Amendment No. 6, 24572
Montana, 24567–24568
Nebraska, 24574
New Mexico, 24566–24567
North Carolina, 24576–24577
North Carolina; Amendment No. 1, 24559–24560, 24570
North Carolina; Amendment No. 4, 24564–24565
North Carolina; Amendment No. 9, 24562
North Dakota, 24564
South Carolina; Amendment No. 1, 24577
Tennessee, 24571–24572, 24592–24593
Tennessee; Amendment No. 1, 24581–24582, 24592
Tennessee; Amendment No. 2, 24575, 24594–24595
Virginia, 24563
Virginia; Amendment No. 1, 24570
Washington, 24577–24578
West Virginia; Amendment No. 1, 24561
West Virginia; Amendment No. 2, 24580
West Virginia; Amendment No. 6, 24574–24575

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 24540–24541
Application:
Wiscons8, LLC, 24541–24542
Combined Filings, 24536–24539
Effectiveness of Withdrawal of Exhibit F Drawing:
Presumpscot Hydro LLC and Relevate Power Maine LLC, 24540
Environmental Assessments; Availability, etc.:
Leaf River Energy Center, LLC, Leaf River Capacity Expansion Project, 24535–24536

Federal Maritime Commission
NOTICES
Agreements Filed, 24543–24544

Federal Motor Carrier Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Hazardous Materials Safety Permits, 24640–24641
Exemption Application:
Qualification of Drivers; Hearing, 24639–24643
New Registration System:
Availability of Motus; Correction, 24643

Federal Procurement Policy Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Addressing Diversity, Equity, and Inclusion Discrimination by Federal Contractors, 24544–24545

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 24544

Fish and Wildlife Service
NOTICES
Endangered and Threatened Species:
Initiation of 5-Year Status Reviews for 78 Species in Hawaii, Idaho, Oregon, and California, 24598–24601

Food and Drug Administration
RULES
Medical Devices:
Immunology and Microbiology Devices; Classification of the Circulating Tumor Cell Enrichment Device, 24343–24345
Immunology and Microbiology Devices; Classification of the Device to Preserve and Stabilize Relative Abundances of Microbial Nucleic Acids in Clinical Samples, 24341–24343
Ophthalmic Devices; Classification of the Corneal Storage Medium With Preservatives Including Antifungals, 24346–24348
NOTICES
Drug Products not Withdrawn from Sale for Reasons of Safety or Effectiveness:
Dexamethasone (Dexamethasone) Elixir, 0.5 Milligrams/5 Milliliters, 24548–24549
Issuance of Priority Review Voucher; Rare Pediatric Disease Product:
Otarmeni (lunsotogene parvec-cwha), 24549–24550

Foreign-Trade Zones Board
NOTICES
Proposed Production Activity:
Coilcraft, Inc., Foreign-Trade Zone 288, Hawarden, IA, 24506

Forest Service
PROPOSED RULES
Administrative Site Leases, 24494–24497

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Addressing Diversity, Equity, and Inclusion Discrimination by Federal Contractors, 24544–24545

Geological Survey
NOTICES
Hearings, Meetings, Proceedings, etc.:
National Volcano Early Warning and Monitoring System Advisory Committee, 24601–24602

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
PROPOSED RULES
Modification of Certain Terminology, 24380–24387

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See Transportation Security Administration
See U.S. Customs and Border Protection

Housing and Urban Development Department
NOTICES
Annual Indexing of Basic Statutory Mortgage Limits for Multifamily Housing Programs, 24597–24598

Interior Department
See Fish and Wildlife Service
See Geological Survey
See National Park Service
See Reclamation Bureau

Internal Revenue Service
NOTICES
Low Income Taxpayer Clinic Grant Program:
2027 Grant Application Package, 24643–24645

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Aluminum Foil from the Republic of Turkiye, 24513–24515
Certain Aluminum Foil from the Sultanate of Oman, 24515–24517
Certain Stilbenic Optical Brightening Agents from Taiwan, 24511–24513
Large Diameter Graphite Electrodes from the People's Republic of China and India, 24520–24521
Truck Bed Covers from the People's Republic of China, 24511
Welded Stainless Pressure Pipe from India, 24508–24511
Sales at Less Than Fair Value; Determinations, Investigations, etc.:
Certain Freight Rail Couplers and Parts Thereof from India, 24517–24520
Certain Freight Rail Couplers and Parts Thereof from the Czech Republic, 24506–24508

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Nanolaminate Alloy Coated Metal Parts and Products Containing the Same, 24607–24608
Certain Photovoltaic Trunk Bus Cable Assemblies and Components Thereof, 24605–24607

Justice Department
See Alcohol, Tobacco, Firearms, and Explosives Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Law Enforcement Officer Certification Letter for Official-Duty Firearm Purchase, 24609–24610
Proposed Consent Decree:
Clean Air Act, 24608–24609

Management and Budget Office
See Federal Procurement Policy Office

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Addressing Diversity, Equity, and Inclusion Discrimination by Federal Contractors, 24544–24545

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 24550–24551
National Center for Complementary and Integrative Health, 24551

Licenses; Exemptions, Applications, Amendments, etc.:
Development and Commercialization of Engineered Cell Therapies for the Treatment of Cancer, 24551–24552

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Caribbean, Gulf of America, and South Atlantic:
Reef Fish Fishery of the Gulf of America; Accountability Measure for Recreational Harvest of Red Snapper in Federal Waters off Louisiana, 24375–24376
PROPOSED RULES
Fishery of the Gulf of America:
Reef Fish Fishery; Amendment 58B, 24500–24504
NOTICES
Hearings, Meetings, Proceedings, etc.:
Fisheries of the South Atlantic, Gulf and Caribbean; Southeast Data, Assessment, and Review, 24523–24524
New England Fishery Management Council, 24522–24523
Permits; Applications, Issuances, etc.:
General Provisions for Domestic Fisheries; Exempted Fishing, 24521–24522

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 24602–24605

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Qualitative Feedback on Agency Service Delivery, 24610–24611
Hearings, Meetings, Proceedings, etc.:
Proposal Review, 24611

Patent and Trademark Office
NOTICES
Extension and Modification of the Fast-Track Appeals Pilot Program, 24524–24525

Postal Regulatory Commission
NOTICES
Competitive Postal Products, 24611–24612
New Postal Products, 24612

Postal Service
NOTICES
Product Change:
Priority Mail, and USPS Ground Advantage Negotiated Service Agreements, Priority Mail Negotiated Service Agreements, 24612–24613

Railroad Retirement Board
NOTICES
Meetings; Sunshine Act, 24613

Reclamation Bureau
NOTICES
Hearings, Meetings, Proceedings, etc.:
Glen Canyon Dam Adaptive Management Work Group, 24605

Securities and Exchange Commission
NOTICES
Filing:
Consolidated Tape Association, 24619–24620
Order:
Granting Conditional Exemptive Relief Pursuant to the Securities Exchange Act, etc., 24631–24633
Self-Regulatory Organizations; Proposed Rule Changes:
Financial Industry Regulatory Authority, Inc., 24613–24617, 24625–24630
LCH SA, 24617–24619
NYSE Arca, Inc., 24620–24624
The Nasdaq Stock Market LLC, 24625

Small Business Administration
NOTICES
Disaster Declaration:
Montana; Public Assistance Only, 24633
Licenses; Exemptions, Applications, Amendments, etc.:
Small Business Investment Co., 24633–24634

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Orientalism: Between Fact and Fantasy, 24634

Surface Transportation Board
NOTICES
Acquisition of Control:
Jane Stiles and Thomas Stiles; Safe-Way Bus Co. and Safe-Way Wisconsin, Inc., 24634–24636

Trade Representative, Office of United States
NOTICES
China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation:
Initiation of Second Four-Year Review Process, 24636–24638

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration

Transportation Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Critical Facility Information from the Top 100 Most Critical Pipeline Operators, 24596–24597
Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License, 24595–24596

Treasury Department
See Bureau of the Fiscal Service
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
African Growth and Opportunity Act Textile Certificate of Origin, 24556–24557
Application-Permit-Special License Unlading-Lading-Overtime Services, 24559
Customs Declaration, 24553–24555
Report of Diversion, 24557
User Fees, 24557–24559
Visa Waiver Signatory Carrier Program, 24552–24553
Automated Commercial Environment Export Manifest for Air Cargo Test; Renewal, 24555–24556

U.S. International Development Finance Corporation
NOTICES
Hearings, Meetings, Proceedings, etc., 24530

Veterans Affairs Department
PROPOSED RULES
Veteran Readiness and Employment Program:
Improving Development and Delivery of Individualized Rehabilitation Plans, 24497–24499
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program, 24645–24646
Reimbursement of Qualifying Adoption Expenses for Certain Veterans, 24645
Request for Casket/Urn Allowance, 24646–24647

Separate Parts In This Issue

Part II
Transportation Department, Federal Aviation Administration, 24650–24704

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.

14 CFR
25.....24337
27.....24339
Proposed Rules:
1.....24650
74.....24650
91.....24650
107.....24650
17 CFR
Proposed Rules:
146.....24377
21 CFR
866 (2 documents) 24341, 24343
886.....24346
Proposed Rules:
10.....24380
56.....24380
106.....24380
201.....24380
251.....24380
310.....24380
312.....24380
314.....24380
329.....24380
600.....24380
803.....24380
862.....24380
866.....24380
870.....24380
882.....24380
1114.....24380
27 CFR
447 (2 documents) 24348, 24352
478 (2 documents) 24348, 24357
479 (3 documents) 24348, 24352, 24362
555.....24364
Proposed Rules:
447 (2 documents) 24387, 24392
478 (10 documents) 24395, 24400, 24408, 24413, 24424, 24436, 24441, 24448, 24453, 24462
479 (6 documents) 24453, 24462, 24466, 24471, 24478, 24485
555.....24462
31 CFR
337.....24366
345.....24366
33 CFR
100 (2 documents) 24368
165 (5 documents) 24370, 24372, 24373, 24375
Proposed Rules:
100 (2 documents) 24490, 24492
36 CFR
Proposed Rules:
251.....24494
38 CFR
Proposed Rules:
21.....24497
50 CFR
622.....24375
Proposed Rules:
622.....24500

Rules and Regulations

Federal Register
Vol. 91, No. 87
Wednesday, May 6, 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.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2026–3664; Special Conditions No. 25–890–SC]

Special Conditions: Xtreme Avionics, LLC, Airbus Defense and Space S.A. Model 212 Series Airplane; Rechargeable Lithium Battery and Battery System Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Airbus Defense and Space S.A. (Airbus) Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes. These airplanes, as modified by Xtreme Avionics, LLC (Xtreme), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is a rechargeable lithium-ion battery for backup power of the GI 275 Standby Display. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Xtreme on May 6, 2026. Send comments on or before June 22, 2026.

ADDRESSES: Send comments identified by Docket No. FAA–2026–3664 using any of the following methods:

- *Federal eRegulations Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Aircraft Systems, AIR–626A, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3160; email *nazih.khaouly@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

Privacy

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

Confidential Business Information

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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed special conditions.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On August 30, 2024, Xtreme applied for a supplemental type certificate for the installation of rechargeable lithium batteries in the GI 275 Standby Display in the Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes. These airplanes, approved under Type Certificate No. A43EU, are twin engine transport category airplanes. The Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF and C–212–DF airplanes have a maximum passenger range between 19 and 28 passengers, and a maximum takeoff

weight range between 14,332 and 16,976 pounds, depending on model and configuration.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Xtreme must show that the Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A43EU or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes will incorporate the following novel or unusual design feature:

This design feature is a rechargeable lithium-ion battery for backup power of the GI 275 Standby Display.

Discussion

Rechargeable lithium batteries and battery systems are considered to be a novel or unusual design feature in transport category airplanes, with respect to the requirements in § 25.1353. This type of battery has certain failure, operational, and maintenance characteristics that differ significantly from those of the nickel-cadmium and lead-acid rechargeable batteries currently approved for installation on transport category airplanes. These batteries and battery systems introduce higher energy levels into airplane systems through new chemical compositions in various battery-cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Special Condition 1 requires that each individual cell within a battery and battery system be designed to maintain safe temperatures and pressures. Special Condition 2 addresses these same issues but for the entire battery system.

Special Condition 2 requires that the batteries and battery system be designed to prevent propagation of a thermal event, such as self-sustained, uncontrolled increases in temperature or pressure from one cell to adjacent cells.

Special Conditions 1 and 2 are intended to ensure that the cells and battery system are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special Conditions 3, 7, and 8 are self-explanatory.

Special Condition 4 clarifies that the flammable-fluid fire-protection requirements of § 25.863 apply to rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Rechargeable lithium batteries contain electrolyte that is a flammable fluid.

Special Condition 5 requires each rechargeable lithium battery and battery system installation to not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

Special Condition 6 requires each rechargeable lithium battery and battery system installation to have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells. The means of meeting special conditions 5 and 6 may be the same, but they are independent requirements addressing different hazards. Special Condition 5 addresses corrosive fluids and gases, whereas special condition 6 addresses heat.

Special Condition 9 requires rechargeable lithium batteries and battery systems to have ''automatic'' means, for charge rate and disconnect, due to the fast acting nature of lithium battery chemical reactions. Manual intervention would not be timely or effective in mitigating the hazards associated with these batteries.

These special conditions apply to all rechargeable lithium batteries and battery system installations in lieu of § 25.1353(b)(1) through (4) at amendment 25–123, or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations will remain in effect for other battery installations on these airplanes.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes. Should Xtreme apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A43EU to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Airbus Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 40113, 44701, 44702, and 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model C–

212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, and C–212–DF airplanes, as modified by Xtreme.

In lieu of Title 14, Code of Federal Regulations (14 CFR) 25.1353(b)(1) through (4) at amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure, and automatically control the charge rate of each cell to protect against adverse operating conditions, such as cell imbalance, back charging, overcharging, and overheating.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a monitoring and warning feature that alerts the flightcrew when its charge state falls below acceptable levels if its function is required for safe operation of the airplane.

9. Have a means to automatically disconnect from its charging source in the event of an over-temperature condition, cell failure or battery failure.

Note: A battery system consists of the battery, battery charger and any protective, monitoring and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of this special condition, a battery and the battery system is referred to as a battery.

Issued in Des Moines, Washington, on April 28, 2026.

Paul R. Siegmund,

Deputy Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2026–08903 Filed 5–5–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 27

[Docket No. FAA–2025–2303; Special Conditions No. 27–059–SC]

Special Conditions: Skyryse, Robinson Helicopter Company Model R66 Helicopter; Static Longitudinal Stability

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Robinson Helicopter Company (Robinson) Model R66 helicopter. This helicopter, as modified by Skyryse, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for normal category rotorcraft. This design features a four-axis full authority digital fly-by-wire (FBW) flight control system (FCS), which provides aircraft control through pilot input or coupled autopilot modes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective June 5, 2026.

FOR FURTHER INFORMATION CONTACT: Mitch Soth, Product Policy Management, AIR–62B, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, FAA Southwest Regional Office, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone 817–222–5104; email *mitch.soth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 10, 2023, Skyryse applied for a supplemental type certificate (STC) for the installation of novel control inputs and an FBW system in the Model R66 helicopter. The Robinson Model R66 helicopter, currently approved under Type Certificate No. R00015LA, is a single-engine, five-passenger helicopter with a maximum takeoff weight of 2,700 pounds.

Title 14 CFR 27.171, 27.173, and 27.175 establish the minimum requirements for static longitudinal stability for operation under visual flight rules, and appendix B of part 27, sections IV and VII, ''Airworthiness Criteria for Helicopter Instrument Flight,'' provides the airworthiness criteria for helicopter instrument flight. However, these requirements are inadequate for the Robinson Model R–66 helicopter as modified by Skyryse because the longitudinal control laws may permit neutral or negative static stability rather than requiring positive static stability throughout the approved flight envelope.

Type Certification Basis

Under the provisions of § 21.101, Skyryse must show that the Robinson Model R66 helicopter, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. R00015LA or with the regulations in effect on the date of the application for the change.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 27) do not contain adequate or appropriate safety standards for the Robinson Model R66 helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for an STC to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Robinson Model R66 helicopter must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Robinson Model R66 helicopter will incorporate the following novel or unusual design feature:

A four-axis full authority digital FBW FCS that provides aircraft control through pilot control inputs or coupled autopilot modes in addition to degraded modes.

Discussion

The Skyryse Robinson Model R66 helicopter is configured with an FBW FCS, which needs to be evaluated for

acceptable static stability characteristics.

For conventional rotorcraft having mechanical linkages from the primary cockpit flight controls to the rotor, static longitudinal stability means that a pull displacement or force on the cyclic will result in a reduction of speed relative to the trim speed, and that a push displacement or force will result in a higher speed relative to the trim speed. Acceptable longitudinal stability is necessary for the following reasons:

- Airspeed change cues are provided to the pilot through increased and decreased forces on the controller.
- Short periods of unattended control of the rotorcraft do not result in significant changes in attitude, airspeed, or load factor.
- A predictable pitch response is provided to the pilot.
- An acceptable level of pilot workload, to attain and maintain trim speed and attitude, is provided to the pilot.
- Longitudinal stability provides gust stability.

The pitch control movement of the cyclic for the FBW FCS is an attitude command, which results in a rotor movement to attain the commanded pitch attitude. The flight path commanded by the initial cyclic input will remain stick-free until the pilot gives another command. This control function is applied during ''normal'' control laws within the approved flight envelope.

As detailed in § 27.173(b) and considered in Advisory Circular (AC) 27.173(A), ''Static Longitudinal Stability,'' which is contained within AC 27–1B, ''Certification of Normal Category Rotorcraft,'' and the positive control force stability requirements in appendix B to part 27, sections IV and VII, the slope of the control position (cyclic) versus the airspeed curve must be positive (*i.e.,* provide positive static stability) throughout the full range of altitude for which certification is requested with the throttle and collective pitch held constant.

The design of the Skyryse FBW FCS is such that the static stability requirements identified under part 27 and appendix B, section IV, may not be met for all flight conditions.

The special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

The FAA issued notice of proposed special conditions No. FAA–2025–2303 for the Robinson Model R66 helicopter, which was published in the **Federal Register** on November 21, 2025 (90 FR 52569).

The FAA received a comment from the Citizens Rulemaking Alliance, which raised several issues.

The commenter stated the FAA improperly relied on ''good cause'' to bypass the notice and comment procedures and 30-day delayed effective date under the Administrative Procedure Act. The commenter requested that the FAA withdraw the immediate effectiveness of the special conditions and republish them as proposed special conditions with a reasonable comment period.

The FAA disagrees. As noted in 14 CFR 11.38, the Administrative Procedure Act does not require notice and comment for special conditions, which are rules of particular applicability. Nonetheless, the FAA did provide notice and comment on these special conditions. Citizens Rulemaking Alliance submitted this comment in response to a notice of proposed special condition for which the FAA provided a 45-day comment period. In addition, these final special conditions are effective 30 days after publication in the **Federal Register**. Therefore, no change is necessary.

The commenter stated that the FAA failed to provide the technical rationale for its deviation from part 27 requirements and requested that the FAA place in the docket a non-proprietary, substantive summary of the technical basis and safety case. The commenter requested that the FAA include a description of the modified flight control architecture and control laws, a comparative assessment of the applicable regulations, flight test plans and results, failure modes and effects analysis excerpts, and proposed rotorcraft flight manual changes.

The FAA disagrees. The preamble of the notice of proposed special conditions explains the novel and unusual design feature and how the current requirements in part 27 are not applicable to FBW rotorcraft with indirect flight controls that have extensively augmented stability. The preamble also explains the FAA's justification for the safety standards in the special conditions. The additional information requested by the commenter is proprietary. The Freedom of Information Act (5 U.S.C. 552) and the Trade Secrets Act (18 U.S.C. 1905) prohibit the FAA from disclosing such data.

The commenter stated that the special conditions are a ''novel policy'' under Executive Order 12866 and requested that the FAA submit them to the Office of Information and Regulatory Affairs for a significance determination.

The FAA disagrees. Special conditions are not subject to review under Executive Order 12866, which only applies to rules of general applicability.

Lastly, the commenter stated that the FAA failed to comply with the Regulatory Flexibility Act (5 U.S.C. 601–612) and requested that the FAA include in the docket its assessment of the burden of the special conditions on small entities.

The FAA disagrees. Special conditions are not subject to the Regulatory Flexibility Act, which only applies to general notices of proposed rulemaking.

Applicability

As discussed above, these special conditions are applicable to the Robinson Model R66 helicopter. Should Skyryse apply at a later date for an STC to modify any other model included on Type Certificate No. R00015LA to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Model R66 helicopter. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the rotorcraft.

List of Subjects in 14 CFR Part 27

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Robinson Helicopter Company Model R66 helicopter, as modified by Skyryse.

In lieu of the requirements of §§ 27.173(b) and 27.175 for operation under visual flight rules and the airworthiness criteria for helicopter instrument flight in appendix B to part 27, sections IV and VII, the following special conditions apply:

The rotorcraft must be shown to have suitable longitudinal stability in any condition normally encountered in

service, including the effects of atmospheric disturbance. The showing of suitable static longitudinal stability must be based primarily on a positive control movement (positive control sense of motion as referenced in AC 27.173A), in addition to rotorcraft handling qualities by assessing pilot workload, cues, and pilot compensation for specific test procedures during the flight test evaluation.

Issued in Fort Worth, Texas, on April 29, 2026.

Jorge R. Castillo,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2026–08938 Filed 5–5–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2026–N–4644]

Medical Devices; Immunology and Microbiology Devices; Classification of the Device To Preserve and Stabilize Relative Abundances of Microbial Nucleic Acids in Clinical Samples

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the device to preserve and stabilize relative abundances of microbial nucleic acids in clinical samples into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the device to preserve and stabilize relative abundances of microbial nucleic acids in clinical samples. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective May 6, 2026. The classification was applicable on November 3, 2021.

FOR FURTHER INFORMATION CONTACT: Himani Bisht, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3106, Silver Spring, MD 20993–0002, 301–796–6189, *Himani.Bisht@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the device to preserve and stabilize relative abundances of microbial nucleic acids in clinical samples into class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On June 15, 2020, FDA received DNA Genotek Inc.'s request for De Novo classification of the OMNIgene GUT Dx device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II

with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on November 3, 2021, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 866.2952.[1] We have named the generic type of device ''device to preserve and stabilize relative abundances of microbial nucleic acids in clinical samples,'' and it is identified as a device that consists of a container and reagents intended to stabilize microbial nucleic acids for the subsequent assessment of the relative abundance of microbial nucleic acids (*i.e.,* microbiome) in human specimens by an assay validated for use with the device. The device may also be indicated for sample collection. The device is not intended for preserving morphology or viability of microorganisms.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR DEVICES TO PRESERVE AND STABILIZE RELATIVE ABUNDANCES OF MICROBIAL NUCLEIC ACIDS IN CLINICAL SAMPLES

Identified risks to health	Mitigation measures
Failure to correctly operate the device leading to inadequate sample collection.	Certain labeling information, including warnings and device descriptions.
	Certain design verification and validation studies.
Failure to stabilize microbial nucleic acid resulting in an inaccurate assay result.	Certain design verification and validation studies.
Device use with unvalidated or incompatible assays leading to inaccurate assay results and improper patient management.	Certain labeling information, including warnings, device descriptions, and study information.
Malfunction of the collection device may lead to possible exposure to infectious pathogens by laboratorians or individuals collecting fecal samples.	Certain labeling information, including warnings and device descriptions.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for devices to preserve and stabilize relative abundances of microbial nucleic acids in clinical samples. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 866.2952 to subpart C to read as follows:

§ 866.2952 Device to preserve and stabilize relative abundances of microbial nucleic acids in clinical samples.

(a) *Identification.* A device to preserve and stabilize relative abundances of microbial nucleic acids in clinical samples is a device that consists of a container and reagents intended to stabilize microbial nucleic acids for the subsequent assessment of the relative abundance of microbial nucleic acids (*i.e.,* microbiome) in human specimens by an assay validated for use with the device. The device may also be indicated for sample collection. The device is not intended for preserving morphology or viability of microorganisms.

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) The intended use on the device's label and labeling required under § 809.10 of this chapter must include a detailed description of the type(s) of human specimens intended for collection and preservation, and the characteristics of the microbial population intended for subsequent analysis.

(2) The labeling required under § 809.10(b) of this chapter must include:

(i) A detailed device description, including reagents, ancillary reagents required but not provided, and all other parts that make up the device.

(ii) A warning statement that the device is not for the detection of specific microbial pathogens.

(iii) A warning statement that the device should only be used with legally marketed assays that are indicated for use with the device, including, as appropriate, indicated for the relevant storage and transport conditions.

(iv) Description of the microorganisms used for studies, including the results and performance summaries, required under paragraph (b)(3)(i) of this section.

(3) Design verification and validation must include:

(i) Detailed documentation and results from studies used for device validation. This detailed documentation must include a detailed identification of each of the following (which must be representative of the spectrum of situations in which the device might be used that are within the scope of the device's intended use): the panel of microorganisms, the extraction platforms, the assay protocols used to measure the stabilization of relative ratios (relative abundance) of the microorganisms in the sample, and the bioinformatic pipelines used in the validation studies for the determination of relative abundances of preserved nucleic acids.

(ii) For devices intended for the collection of samples, detailed documentation and results from studies that demonstrate the device's usability, including user collection studies that demonstrate that the user instructions are appropriate for the intended collection methods (*e.g.,* self-collection or clinician/laboratory collection) and users.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–08811 Filed 5–5–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2026–N–4643]

Medical Devices; Immunology and Microbiology Devices; Classification of the Circulating Tumor Cell Enrichment Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the circulating tumor cell enrichment device into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the circulating tumor cell enrichment device. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective May 6, 2026. The classification was applicable on May 24, 2022.

FOR FURTHER INFORMATION CONTACT: Soma Ghosh, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3316, Silver Spring, MD 20993–0002, 240–402–5333, *Soma.Ghosh@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the circulating tumor cell enrichment device into class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On September 28, 2020, FDA received ANGLE Europe Ltd.'s request for De Novo classification of the Parsortix PC1 Device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on May 24, 2022, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 866.6110.[1] We have named the generic type of device ''circulating tumor cell enrichment device,'' and it is identified as in vitro diagnostic device used to enrich circulating tumor cells from the peripheral blood of patients diagnosed with cancer for subsequent in vitro diagnostic testing.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR THE CIRCULATING TUMOR CELL ENRICHMENT DEVICE

Identified risks to health	Mitigation measures
Failure to identify circulating tumor cells (CTCs) that are present in the sample leading to delays in patient management.	Use of certain specimen collection devices identified in special control (1). Certain labeling information identified in special control (2), including limitations, device descriptions, training specifications, explanation of procedures, and performance information identified in special control (3). Certain design verification and validation identified in special control (3), including documentation of certain analytical studies and clinical studies.
No results obtained using downstream testing leading to delays in patient management.	Certain labeling information identified in special control (2), including limitations, device descriptions, training specifications, explanation of procedures, and performance information identified in special control (3).
Incorrect evaluation of CTCs using downstream analyses leading to associated risk of false test results and improper patient management.	Certain labeling information identified in special control (2), including limitations, device descriptions, explanation of procedures, and performance information identified in special control (3).
Failure to correctly operate the device leading to delays in patient management and associated risk to downstream analyses resulting in false test results and improper patient management.	Certain labeling information identified in special control (2), including limitations, device descriptions, and explanation of procedures.
Bloodborne pathogen transmission from blood waste/blood sample	Certain labeling information identified in special control (2), including limitations, device descriptions, and explanation of procedures.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for circulating tumor cell enrichment devices. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866–IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 866.6110 to subpart G to read as follows:

§ 866.6110 Circulating tumor cell enrichment device.

(a) *Identification.* A circulating tumor cell enrichment device is an in vitro diagnostic device used to enrich circulating tumor cells from the peripheral blood of patients diagnosed with cancer for subsequent in vitro diagnostic testing.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Any device used for specimen collection and transport must be FDA-cleared, -approved, or -classified as 510(k) exempt for the collection of human specimens; alternatively, the sample collection device must be cleared in a premarket submission as a part of this device.

(2) The labeling required under § 809.10(b) of this chapter must include:

(i) Detailed specifications and procedures for sample collection, processing, and storage.

(ii) An intended use statement that includes:

(A) The intended specimen type(s) for which acceptable, as determined by FDA, validation data has been provided (*e.g.,* peripheral whole blood).

(B) The identification of, or the specifications for, the collection device or devices to be used for sample collection.

(C) Information on the device output(s) (*e.g.,* circulating tumor cells (CTCs), other blood cells).

(D) The specific tumor type(s) for which the device is intended to be used.

(E) A statement for general downstream diagnostic assays and that end users need to validate use with any subsequent tests and collection devices.

(F) A statement that the standalone device is not intended for diagnostic, prognostic, or monitoring use with CTCs, including as an aid in any disease management and/or treatment decisions.

(iii) Prominent and conspicuous limiting statements clearly explaining:

(A) The use of the device is intended for the collection of CTCs from previously diagnosed cancer patients.

(B) The standalone device is not intended for cell enumeration.

(C) The users for whom the device is intended, including any training specifications.

(D) The performance characteristics of this device have not been established for general downstream diagnostic assays and that end users need to validate use with any subsequent tests and collection devices.

(E) An insufficient number of CTCs or even no circulating tumor cells may be collected.

(F) Results from the standalone device do not provide information to the patient regarding their current state of health.

(G) The standalone device does not diagnose any health conditions and is not a substitute for visits to a doctor or other healthcare professional.

(H) The device is intended only for enriching CTC content in specimens so that the enriched specimens can then be used in further processing/analysis using additional independent methods.

(I) The variability of the number of CTCs and other cells harvested by the device may impact the success of any subsequent analysis.

(iv) A troubleshooting section that includes clear instructions for resolving any common device-related issues.

(v) A description of the device mechanism of action to enrich CTCs.

(vi) A detailed summary of the analytical and clinical performance studies required under paragraph (b)(3) of this section.

(3) Design verification and validation must include the following:

(i) Documentation of studies that provide:

(A) Data demonstrating acceptable, as determined by FDA, analytical device performance using samples representative of the range of those with which the device is intended for use. The number of specimens tested must be sufficient to obtain estimates of device performance that is representative of the device performance within the full spectrum of the device's intended use.

(B) Data demonstrating acceptable precision, as determined by FDA, to adequately evaluate intra-run, inter-run, and total variability across operator, instrument, lot, day, and site, as applicable.

(C) Data demonstrating the detection limit of the device.

(D) Recovery study data demonstrating the range of the device.

(E) Data demonstrating appropriate validation of device design features and specifications such that the device reproducibly and reliably collects and isolates CTCs. At a minimum, the data must include:

(*1*) Data, as appropriate for the intended use, including estimates of within-lot, within-device, and lot-to-lot variability, demonstrating that samples collected from the intended use population using the device provide CTCs that are suitable, as determined by FDA, for the intended downstream testing.

(*2*) Data demonstrating that the device output has no contamination or minimal levels of contamination from other sources, and that any such contamination does not interfere with the recovery of CTCs.

(*3*) Data demonstrating that the presence of clinically relevant levels of potential interfering substances in the intended specimen type(s) and intended use population, including endogenous and exogenous substances, does not interfere with the recovery of CTCs.

(*4*) Data demonstrating that blood samples collected for use with the device remain stable under certain storage conditions (*e.g.,* temperature, time) and do not impact the output of representative downstream testing.

(ii) Documentation of clinical studies using the device on intended use clinical specimens that demonstrate the device can enrich or capture an appropriate number of CTCs, as determined by FDA, to support the intended use of the device.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–08812 Filed 5–5–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 886

[Docket No. FDA–2026–N–4645]

Medical Devices; Ophthalmic Devices; Classification of the Corneal Storage Medium With Preservatives Including Antifungals

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the corneal storage medium with preservatives including antifungals into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the corneal storage medium with preservatives including antifungals. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective May 6, 2026. The classification was applicable on May 2, 2022.

FOR FURTHER INFORMATION CONTACT: Kesia Alexander, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1406, Silver Spring, MD 20993–0002, 301–796–6482, *Kesia.Alexander@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the corneal storage medium with preservatives including antifungals into class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified into, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo classification process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a premarket notification (510(k)) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On November 10, 2020, FDA received AL.CHI.MI.A. S.r.l.'s request for De Novo classification of the Kerasave device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness of the device, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see section 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on May 2, 2022, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 886.4320.[1] We have named the generic type of device ''corneal storage medium with preservatives including antifungals,'' and it is identified as a

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

device that is used to temporarily preserve human cornea tissue between harvesting and implantation.

FDA has identified the risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR CORNEAL STORAGE MEDIUM WITH PRESERVATIVES INCLUDING ANTIFUNGALS

Identified risks to health	Mitigation measures
Infection	Sterilization validation; Non-clinical performance testing; Labeling; and Shelf life testing.
Adverse tissue reaction	Biocompatibility evaluation; and Non-clinical performance testing.
Antimicrobial resistance	Antimicrobial resistance analysis; Non-clinical performance testing; and Labeling.
Worsening prognosis that may need recurring or more invasive surgery due to damage to cornea tissue while in storage.	Non-clinical performance testing; and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order.

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for corneal storage media with preservatives including antifungals. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality management system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 886

Medical devices, Ophthalmic goods and services.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 886 is amended as follows:

PART 886–OPHTHALMIC DEVICES

■ 1. The authority citation for part 886 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 886.4320 to subpart E to read as follows:

§ 886.4320 Corneal storage medium with preservatives including antifungals.

(a) *Identification.* Corneal storage medium with preservatives including antifungals is a device that is used to temporarily preserve human cornea tissue between harvesting and implantation.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use.

(i) The following performance characteristics of the cornea following storage in the device must be demonstrated:

(A) Endothelial cell density;

(B) Endothelial cell morphology;

(C) Corneal transparency; and

(D) Central corneal thickness.

(ii) Antimicrobial activity of the device must be demonstrated at the initial and maximum labeled storage time.

(iii) Characterization of all preservatives, including antifungals, must include the following:

(A) Characterization of impurities, heavy metal analysis, concentration, and dissolution; and

(B) Chemical activity of all preservatives over the labeled use life of the device.

(2) Performance data must demonstrate the sterility of the device.

(3) The device must be demonstrated to be biocompatible and non-pyrogenic.

(4) Performance data must support the claimed shelf life by demonstrating continued sterility, controlled bioburden, package integrity, and device functionality over the intended shelf life.

(5) The device and each of its components (*e.g.,* antifungal, antibiotic, medium) must be demonstrated to be compatible with their respective commercial container closure system/packaging.

(6) An analysis must be provided that identifies and evaluates any contribution to the development and spread of antimicrobial resistance.

(7) Labeling must include the following instructions:

(i) Rinsing of cornea prior to transplantation; and

(ii) Complete dissolution of all preservatives.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–08813 Filed 5–5–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Parts 447, 478, and 479

[ATF No. 2024R–01F]

RIN 1140–AA60

Revising Machine Gun Definition in Response to Supreme Court Decision

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is amending Department of Justice (''Department'') regulations in response to the Supreme Court's decision in *Garland* v. *Cargill.* The Supreme Court held that ATF exceeded its statutory authority in its December 2018 final rule titled ''Bump-Stock-Type Devices'' by classifying a bump stock as a ''machine gun'' because a semi-automatic rifle equipped with a non-mechanical bump-stock-type device is not a ''machine gun'' under the National Firearms Act. Accordingly, ATF is removing from the three regulatory definitions of ''machine gun'' the two sentences that incorporated bump stocks into those definitions.

DATES: This final rule is effective on May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act (''GCA''), as amended, and the National Firearms Act (''NFA''), as amended.[1] This includes the authority to promulgate regulations necessary to enforce the provisions of the GCA and NFA. *See* 18 U.S.C. 926(a); 26 U.S.C. 7805(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA and NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d); 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations implementing both the GCA and the NFA in 27 CFR parts 478, 479.

Following a February 20, 2018, Presidential memorandum,[3] the Department amended ATF regulations by issuing a final rule titled ''Bump-Stock-Type Devices'' (''2018 final rule''), which determined that rifles with an attached bump-stock-type device constituted ''machine guns'' under Federal law.[4] On June 14, 2024, the Supreme Court held that ''a semiautomatic rifle equipped with a [non-mechanical] bump stock is not a 'machinegun' because it cannot fire more than one shot 'by a single function of the trigger.' And, even if it could, it would not do so 'automatically.'''[5] The regulatory definition of ''machine gun'' does not distinguish between non-mechanical and mechanical bump stocks and simply states ''bump-stock-type device.'' ATF will rely on the statutory definition, as well as federal case law, such as *Cargill,* that further defines terms within the ''machine gun'' definition such as ''single function of the trigger'' and ''automatically.''

ATF is now taking steps to conform its regulations with the Supreme Court's decision in *Cargill.* This final rule removes from the Code of Federal Regulations (''CFR'') the revised portions of the regulatory definitions of ''machine gun'' that included bump stocks. Removing these portions of the previous final rule restores the regulatory text for those definitions to what it was prior to the December 2018 rule, with one minor exception.[6]

II. Final Rule

Under the NFA, as amended, and the GCA, as amended, the term ''machinegun'' means ''any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.'' 26 U.S.C. 5845(b); *see* 18 U.S.C. 921(a)(24) (referencing the NFA definition). The term ''machinegun'' also includes ''the frame or receiver of any such weapon'' or any part or combination of parts designed and intended ''for use in converting a weapon into a machinegun,'' and ''any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.'' 26 U.S.C. 5845(b). This statutory definition uses the key terms ''single function of the trigger'' and ''automatically,'' but those terms are not defined in the statutory text. Before the 2018 final rule, the regulations contained definitions for the term ''machine gun'' in 27 CFR 478.11 and 479.11, that mirrored the NFA's statutory definition.

The definition of ''machinegun'' in 27 CFR 447.11, promulgated pursuant to the portion of section 38 of the Arms Export Control Act (''AECA'') (22 U.S.C. 2778) delegated to the Attorney General by section 1(n)(ii) of Executive Order 13637, 78 FR 16129 (Mar. 13, 2013), is similar, but not identical. Before the 2018 final rule, the definition of machine gun in 27 CFR 447.11 provided that a '''machinegun,' 'machine pistol,' 'submachinegun,' or 'automatic rifle' is a firearm originally designed to fire, or capable of being fired fully

[1] Some NFA and GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this final rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes the Arms Export Control Act and the Contraband Cigarette Trafficking Act.

[3] On February 20, 2018, President Trump issued a memorandum instructing the Attorney General ''to dedicate all available resources to . . . propose for notice and comment a rule banning all devices that turn legal weapons into machineguns.'' Presidential Memorandum (Application of the Definition of Machinegun to ''Bump Fire'' Stocks and Other Similar Devices), 83 FR 7949 (Feb. 20, 2018); U.S. Dep't of Justice, *Attorney General Sessions Announces Regulation Effectively Banning Bump Stocks* (Mar. 23, 2018), *https://www.justice.gov/opa/pr/attorney-general-sessions-announces-regulation-effectively-banning-bump-stocks* [*https://perma.cc/S7DZ-76XD*].

[4] 83 FR 66514 (Dec. 26, 2018); 84 FR 9239 (Mar. 14, 2019) (ratifying final rule).

[5] *Garland* v. *Cargill,* 602 U.S. 406, 415 (2024).

[6] Consistent with the Supreme Court's decision, ATF is not reinserting the sentence segment ''is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger'' in the pre-rule definition of ''machinegun'' found in 27 CFR 447.11, nor is it removing the sentence that includes frames and receivers, conversion parts, and combinations of parts in the definition. See discussion below.

automatically by a single pull of the trigger.'' However, it did not use the NFA's terminology — ''is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger'' — nor did it contain the additional sentence that included machinegun frames and receivers, conversion parts, and combinations of parts, both of which were present in the NFA's statutory definition and the definitions in §§ 478.11 and 479.11.

The 2018 final rule promulgated amendments to all these regulatory definitions to add bump-stock-type-devices. Specifically, the previous final rule amended these definitions by: (1) adding definitions to clarify the meaning of ''automatically'' and ''single function of the trigger;'' and (2) expressly including bump-stock-type-devices as machine guns. The 2018 final rule also harmonized the definition of ''machinegun'' in § 447.11 with the NFA's statutory definition and the ''machine gun'' definitions in §§ 478.11 and 479.11. This harmonization in § 447.11 included: (1) changing the sentence segment ''is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger'' to the NFA's segment ''is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger;'' and (2) adding the sentence from the NFA that includes machine gun frames and receivers, conversion parts, and combinations of parts.

On June 14, 2024, the Supreme Court issued its decision in *Cargill,* in which it found that ATF exceeded its statutory authority in promulgating the rule classifying a bump stock as a machine gun. The Court effectively invalidated the rule's sentence defining ''automatically'' and ''single function of the trigger,'' and the sentence expressly including bump-stock-type devices as machine guns.[7] This rule updates ATF's corresponding regulatory provisions within parts 447, 478, and 479 to conform to the Court's decision by removing those two sentences in all three regulations. This rule also makes a minor technical amendment to move the commas in § 447.11's definition inside the quotation marks in conformity with standard American punctuation. These changes are shown in the table below:

Regulatory definition (divided by sentence)	Before 2018 final rule	After 2018 final rule	After this rule
§ 447.11	*Machinegun.* A ''machinegun'', ''machine pistol'', ''submachinegun'', or ''automatic rifle'' is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger.	*Machinegun.* A ''machinegun'', ''machine pistol'', ''submachinegun'', or ''automatic rifle'' is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person. For purposes of this definition, the term ''automatically'' as it modifies ''shoots, is designed to shoot, or can be readily restored to shoot,'' means functioning as the result of a self-acting or self-regulating mechanism that allows the firing of multiple rounds through a single function of the trigger; and ''single function of the trigger'' means a single pull of the trigger and analogous motions. The term ''machinegun'' includes a bump-stock-type device, *i.e.,* a device that allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.	*Machinegun.* A ''machinegun,'' ''machine pistol,'' ''submachinegun,'' or ''automatic rifle'' is a firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.
§§ 478.11 and 479.11	*Machine gun.* Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.	*Machine gun.* Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.	*Machine gun.* Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

[7] *Cargill,* 602 U.S. at 407–08.

Regulatory definition (divided by sentence)	Before 2018 final rule	After 2018 final rule	After this rule
	The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.	The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person. For purposes of this definition, the term ''automatically'' as it modifies ''shoots, is designed to shoot, or can be readily restored to shoot,'' means functioning as the result of a self-acting or self-regulating mechanism that allows the firing of multiple rounds through a single function of the trigger; and ''single function of the trigger'' means a single pull of the trigger and analogous motions. The term ''machine gun'' includes a bump-stock-type device, *i.e.,* a device that allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.	The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

III. Statutory and Executive Order Review

A. Administrative Procedure Act

Under the Administrative Procedure Act, 5 U.S.C. 553(b)(B), an agency may, for good cause, find that the usual requirements of prior notice and comment are impracticable, unnecessary, or contrary to the public interest. As described above, this rule simply removes the sentences added by the 2018 final rule in conformity with the Supreme Court's decision in *Cargill.* These conforming updates to ATF regulations in parts 447, 478, and 479 are to ensure consistency with the *Cargill* decision, thus avoiding any public confusion that may result from reliance on regulatory provisions that have been held to exceed statutory authority. Because this rule merely responds to the Supreme Court's decision, ATF finds it unnecessary to publish this rule for public notice and comment. *See McChesney* v. *Petersen,* 275 F. Supp. 3d 1123, 1136 (D. Neb. 2016) (''No notice and commentary could have altered the Commission's obligation to implement the 2013 Congressional extension . . . Accordingly, . . . notice and comment [was] unnecessary under 553(b)(B).''); *In re Oil Spill by the Oil Rig ''Deepwater Horizon'' in the Gulf of Mexico on April 20, 2010,* 2015 WL 729701, at *4 (E.D. La. Feb. 19, 2015) (The ''EPA had no discretion—it was required by Congress to adjust the penalty according to the formula. As a result, the usual notice and comment procedure was unnecessary in this instance.''). On the same basis, this rule is made effective upon publication because ATF finds good cause for an immediate effective date, as delaying the effective date of the conforming amendments would not serve the public interest (5 U.S.C. 553(d)(3)).

B. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This rule removes previously added language to conform the ATF's regulations with the Supreme Court's decision without increasing costs. The Office of Management and Budget (''OMB'') has determined that this rule is a ''significant regulatory action,'' although not economically significant, under Executive Order 12866. It has therefore been reviewed by OMB pursuant to section 3(d)(3) of Executive Order 12866. ATF provides the following analysis to comply with Executive Orders 12866 and 13563.

1. Benefits

ATF estimates that this rule will result in quantifiable benefits to the public in the form of future production and sales, and some qualitative benefits due to recovered bump stocks and more options in firearms accessories in the future.

In the 2018 final rule, ATF evaluated public comments received in response to its proposed rule and performed an analysis of the estimated ''foregone future production and sales'' for the 2018 final rule.[8] Since this final rule is rescinding provisions that were implemented by the 2018 final rule, ATF used—and updated—the foregone future production and sales from the 2018 final rule as a measure of overall quantitative benefits that will accrue from this final rule.

In the 2018 final rule, ATF estimated that 62,084 bump stocks were produced per year. However, at that time, there had been no legal decision on whether bump stocks would be found to convert firearms into machine guns or not, so some persons who otherwise might have produced or purchased them might not have done so.[9] As a result, the future production estimate from 2018 is likely

[8] *See* footnote 4, *supra.*

[9] ATF notes that 62,084 bump stocks purchased over the next ten years may be an underestimate. Prior to the publication of the 2018 final rule, the Supreme Court had not decided whether bump stocks converted firearms into machine guns or would be considered GCA firearm accessories. Now, with that assurance, firearm purchasers may buy more bump stocks in the future.

lower than future bump stock production will be post-*Cargill*. So, ATF notes that the production rate in this analysis is likely to result in an underestimate of the potential future revenue from bump stocks.

Based on historical prices, the retail price of bump stocks ranged from $99.99 [10] to $453.51.[11] ATF used these historical retail prices in this analysis as a proxy for future bump stock retail prices, but updated these prices to account for inflation.[12] Using the date the information was accessed for the 2018 final rule, and updating these retail prices to 2025 dollars, ATF estimates that the current retail value of these bump stocks ranges between $133.04 to $603.41. For the purposes of this analysis, ATF rounded and weighted the 2025 price range costs to calculate an average of $330 per bump stock at 2025 prices. At an estimated future production rate of 62,084 multiplied by $330 per bump stock, ATF estimates that the annualized benefit from this rule will be a minimum of $20,487,720, or $204,877,200 over the course of ten years.

In addition, after the 2018 final rule was published, approximately 965 bump stocks were turned into ATF for disposal. People who turned in bump stocks to ATF have been provided the opportunity to retrieve them from ATF, which would provide them with a qualitative benefit in recovering foregone property. Overall, this rule will also now allow firearm purchasers more options to accessorize and modify their existing firearms.

2. Costs

No costs were attributed to this rule because this rule is upholding the Supreme Court decision to assess bump stocks as firearms accessories, and it is also deregulatory in that it removes restrictions on bump stock sales and purchases. It does not impose additional requirements or cause persons to incur new costs.

C. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. Although this rule is a significant regulatory action as defined by Executive Order 12866, it does not impose total costs greater than zero. This rule removes regulatory language to adhere to the Supreme Court's decision in *Cargill* and imposes no costs. Therefore, this rule is an Executive Order 14192 deregulatory action (defined OMB Memorandum M–25–20 as a final action that imposes total costs less than zero) and ATF does not need to identify at least ten existing regulations to repeal or revise to account for the promulgation of this rule.

D. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This final rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

E. Executive Order 13132

This rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this rule does not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

F. Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

G. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any rule subject to notice-and comment-rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the rule will not have a significant economic impact on a substantial number of small entities or the rule is exempt from notice-and-comment rulemaking requirements under 5 U.S.C. 553(b) or other law. 5 U.S.C. 603(a), 604(a). Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

In accordance with the RFA, 5 U.S.C. 603, 604, and 605(b), a Regulatory Flexibility Analysis is not required for this final rule because ATF was not required to publish a general NPRM for this matter. In addition, the Director certifies, after consideration, that this rule would not have a significant economic impact on a substantial number of small entities as it removes previously added requirements, thereby also removing any costs or burdens of complying with them.

H. Unfunded Mandates Reform Act of 1995

This rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (''UMRA''). Regardless, like the RFA, the UMRA does not apply here because no NPRM was required to precede this final rule. 2 U.S.C. 1532(a).

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring,

[10] Bumpfire Systems, *What Is a Bump Fire?* (2017), *https://web.archive.org/web/20170214195732/http://bumpfiresystems.com/* (last visited April 7, 2026).

[11] Slide Fire, *AR15 Bump Fire Stocks* (2015), *https://web.archive.org/web/20170128085532/http://www.slidefire.com/products/ar-platform* (last visited April 7, 2026).

[12] U.S. Bureau of Lab. Stats., *CPI Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm* (last visited Jan. 6, 2026) (inflation to December 2025).

posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This rule does not create any new information collection requirements or impact any existing ones covered by the PRA.

J. Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

List of Subjects

27 CFR Part 447

Administrative practice and procedure, Arms and munitions, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Taxes, and Transportation.

For the reasons discussed in the preamble, ATF is amending 27 CFR parts 447, 478, and 479 as follows:

PART 447—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

■ 1. The authority citation for 27 CFR part 447 continues to read as follows:

Authority: 22 U.S.C. 2778, E.O. 13637, 78 FR 16129 (Mar. 8, 2013).

§ 447.11 [Amended]

■ 2. In § 447.11, amend the definition of ''Machinegun'' by removing the last two sentences of the definition and by removing the commas after the quotation marks at the end of terms ''machinegun'', ''machine pistol'', and ''submachinegun'' and adding a comma inside the ending quotation marks for each of those terms.

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 3. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

§ 478.11 [Amended]

■ 4. In § 478.11, amend the definition of ''Machine gun'' by removing the last two sentences of the definition.

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 5. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5812; 28 U.S.C. 5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

§ 479.11 [Amended]

■ 6. In § 479.11, amend the definition of ''Machine gun'' by removing the last two sentences of the definition.

Robert Cekada,

Director.

[FR Doc. 2026–08926 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Parts 447 and 479

[Docket No. ATF–2026–0332; ATF No. 2020R–03D]

RIN 1140–AA66

Export Control Reform—Conforming References to Department of Commerce

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Direct final rule.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is amending Department of Justice (''Department'') regulations to make administrative and technical clarifying revisions. These revisions add conforming references to the Department of Commerce in the relevant processes, and respond to regulatory changes already made by the Departments of Commerce and State that have effectively divided export and temporary import controls between those two agencies. The revisions also make minor technical amendments to punctuation for better clarity.

DATES: This direct final rule is effective on July 6, 2026, unless significant adverse comments are received by June 5, 2026. If ATF receives a significant adverse comment within the stated time that warrants revising the rule (as described under the ''Public Participation'' heading in the **SUPPLEMENTARY INFORMATION** section of this regulation at part IV of this preamble), ATF will publish a notice in the **Federal Register** withdrawing the rule before the effective date. Commenters should be aware that the *https://www.regulations.gov* comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA66, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; *ATTN: ATF RIN 1140–AA66.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA66) for this direct final rule. ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. A summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; or by telephone at (202) 648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the National Firearms Act (''NFA''), as amended, 26 U.S.C. chapter 53.[1] Congress and the Attorney General have delegated the responsibility for administering and enforcing the NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the NFA in 27 CFR part 479.

Through Executive Order 13637, the President delegated authorities under the Arms Export Control Act (''AECA'') to the Secretary of State, including controls for exporting and temporarily importing defense articles and defense services. E.O. 13637, sec. 1(n)(i), 78 FR 16129 (Mar. 8, 2013). The International Traffic in Arms Regulations (''ITAR''), 22 CFR part 120 *et seq.,* implements the Secretary of State's delegated AECA authorities and enumerates the defense articles and defense services the Secretary of State regulates for export and temporary import purposes on the regulatory United States Munitions List (''USML'') at 22 CFR 121.1.

Additionally, the President delegated to the Attorney General authority under the AECA to control permanently importing defense articles and defense services. *See* E.O. 13637, sec. 1(n)(ii). In exercising that authority, the Attorney General ''shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States.'' *Id.* The Attorney General has delegated this AECA permanent import control authority to ATF. *See* 28 CFR 0.130(a)(6)(vi). ATF promulgated its AECA regulations at 27 CFR part 447. ATF's AECA regulations include the United States Munitions Import List (''USMIL'') at 27 CFR 447.21. The USMIL enumerates AECA defense articles and defense services that are controlled by the Attorney General for permanent import purposes pursuant to the AECA, 22 U.S.C. 2778, and Executive Order 13637. While the defense articles and services on the USML under ITAR for export and temporary import and the defense articles and services on the USMIL for permanent import purposes are separate lists, there is some overlap between items listed on the USML and USMIL.

In 2009, the Export Control Reform initiative (''ECR'') was launched to conduct a comprehensive review of the U.S. export control system.[3] As part of ECR regulatory revisions to update the U.S. export control system, the Department of State revised, for export and temporary import control purposes, the ITAR listing of some defense articles and services on the USML, with the effect that those defense articles and services became subject to the Department of Commerce's Commerce Control List (''CCL'') in the Export Administration Regulations (''EAR''), 15 CFR parts 730–774.[4] This revision was based on the Department of State's determination that those defense articles and services no longer warrant export and temporary import control under the ITAR. As a result of these ECR regulatory changes, which became effective in March 2020,[5] the Department of State and the Department of Commerce now have divided jurisdiction over export and temporary import controls for items that are also USMIL defense articles controlled by ATF for permanent import purposes. Specifically, the Department of State now controls for export and temporary import purposes those AECA defense articles also appearing on the USMIL that are subject to their export and temporary import jurisdiction under the ITAR, and the Department of Commerce now controls for export and temporary import purposes those AECA defense articles also appearing on the USMIL that are subject to their export and temporary import jurisdiction under the EAR.

ATF is therefore amending ATF regulations in this direct final rule to add a reference to the Department of Commerce, as appropriate, in those regulatory provisions that currently refer only to the Department of State.

II. Direct Final Rule

This direct final rule updates ATF's regulatory provisions by adding references to the Department of Commerce in 27 CFR part 447 (regulations promulgated under the AECA) and 27 CFR part 479 (regulations promulgated under the NFA) to conform to the Department of Commerce's control over certain items as a result of the ECR. More specifically, this direct final rule adds references to the Department of Commerce in the applicable sections in parts 447 and 479 to refer to those transactions that implicate the Department of Commerce's export and temporary import jurisdiction.

A. 27 CFR Part 447, Importing Arms, Ammunition, and Defense Articles

This direct final rule amends the articles-in-transit provision at 27 CFR 447.46 to add a reference to the Department of Commerce and its EAR at 15 CFR 758.10. Articles subject to 27 CFR part 447 import permit procedures that are entering the United States only temporarily pending removal, and articles temporarily taken out of the United States for subsequent return to the United States, are not considered imported or exported for part 447 purposes. Those temporary import and temporary export transactions are now subject to in transit or temporary export procedures of either the Department of State or the Department of Commerce. In addition, this rule makes a minor plain writing edit to remove the words ''shall be'' and ''will be,'' replacing the first with the word ''are.''

This direct final rule also amends the exemption provisions at § 447.53(a)(3) and (b) to add references to the Department of Commerce after existing

[1] Some NFA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this direct final rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, Gun Control Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes the Contraband Cigarette Trafficking Act.

[3] U.S. Army Acquisition Support Center, Export Control Reform: An Overview of President Obama's Initiative (Aug 1, 2012), *https://asc.army.mil/web/access-export-control-reform-an-overview-of-president-obamas-initiative/* (last visited Jan 4, 2026).

[4] *See, e.g.,* Amendment to the International Traffic in Arms Regulations: Initial Implementation of Export Control Reform, 78 FR 22740 (Apr. 16, 2013); Amendment to International Traffic in Arms Regulations: Continued Implementation of Export Control Reform, 78 FR 40922 (Jul. 8, 2013); *see* also 15 CFR 734.3(b)(1) (excluding from EAR ''[i]tems that are exclusively controlled for export or reexport by'' the Department of State.'').

[5] *See* International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III, 85 FR 3819 (Jan. 23, 2020); Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML), 85 FR 4136 (Jan. 23, 2020).

references to the Department of State. Section 447.53(a)(3) currently states that part 447 provisions do not apply to importing articles (other than firearms as defined in 18 U.S.C. 921(a)(3)) manufactured in foreign countries for persons in the United States that are subject to Department of State approval. ATF is adding ''or Department of Commerce'' after ''Department of State'' to conform to the regulatory changes made through the ECR such that the exemption applies to articles subject to either department's approval. The provision at 27 CFR 447.53(b) currently states that any person seeking to import USMIL defense articles exempt under § 447.53(a) may obtain release of such articles from Customs custody by submitting, to the customs officer with authority to release, a statement claiming the exemption accompanied by satisfactory proof of eligibility. The proof may be in the form of a letter from the Department of Defense or State, as the case may be, confirming the person has met the exemption conditions. This direct final rule replaces ''Department of Defense or State'' with ''Departments of Defense, State, or Commerce'' in § 447.52(b).

Additionally, this direct final rule makes technical amendments to § 447.53(a)(1)–(3) to change the word ''importation'' to ''importing'' where it appears in each paragraph, and to § 447.53(a)(3) to add a missing punctuation mark, specifically to close the parenthetical phrase that ends after the citation ''18 U.S.C. 921(a)(3),'' and to change the term ''Customs'' to the term ''Customs and Border Protection'' and its subsequent abbreviation, to conform with that agency's preference.

B. 27 CFR Part 479, Machine Guns, Destructive Devices, and Certain Other Firearms

This direct final rule also amends the requirements at § 479.122(b), on exporting firearms caliber .22 or larger, by adding a conforming reference to the Department of Commerce—''other authorization from'' in addition to the license requirement—due to Department of Commerce practices. In addition, this rule amends the requirements (1) by restructuring the last sentence to clarify up front that the person must obtain the license or authorization prior to exporting, rather than mentioning that at the end as the existing regulation does, and (2) by providing the public updated contact information for the Department of State and for the Department of Commerce regarding export authorizations.

Finally,[6] the direct final rule adds to § 479.122(b) a new last sentence to simply remind exporters of an existing obligation, which is that they should abide by the terms and conditions of the applicable exemption or license exemption prior to exporting firearms caliber .22 or larger. This sentence reads, ''Any such person should also comply with the terms and conditions of an applicable Department of State exemption or Department of Commerce license exception prior to exporting such firearms.'' As described above, these changes are necessary to bring ATF's export control regulations into conformity with changes made in March 2020 as a result of the ECR. Those changes included a split of Department of State authority over export and temporary import controls between the Department of State and the Department of Commerce, which now both control export and temporary import controls for items that are USMIL defense articles that are also controlled by ATF for permanent import purposes.

III. Statutory and Executive Order Review

A. Administrative Procedure Act

Under 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (''APA''), an agency may forgo notice and comment when the agency for good cause finds such procedures impracticable, unnecessary, or contrary to the public interest. Agencies may dispense with the APA's notice-and-comment requirements as unnecessary in situations in which the rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public. *Util. Solid Waste Activities Grp.* v. *E.P.A.,* 236 F.3d 749, 755 (D.C. Cir. 2001). This formulation is consistent with the explanation of the ''unnecessary'' prong of the good cause exemption that the Attorney General issued contemporaneously to the APA. *See* Dep't of Justice, Attorney General's Manual on the Administrative Procedure Act 31 (1947) (explaining that ''unnecessary'' refers to a ''minor rule or amendment in which the public is not particularly interested'').

This rule makes minor technical edits in the applicable sections in 27 CFR parts 447 and 479 to conform ATF's regulations with regulatory changes already implemented by the Departments of State and Commerce to divide their agency roles with regard to controlled arms items. The rule achieves this primarily by adding references to the Department of Commerce and its authorization for exports, plus a minor technical edit to restructure a sentence so it is clearer that persons must submit applications and comply with the terms of any exception they have before exporting.

ATF does not anticipate controversy or significant comments on these changes because the public and industry are well informed of the export control reform changes that were initiated several years ago and became effective in 2020 as discussed in section I of this preamble. The rule simply updates the regulation to reflect that import and export controls are now divided between the Departments of State and Commerce, as opposed to solely the Department of State. However, ATF is nonetheless providing a full opportunity for notice and comment. Prior to the effective date of this rule, we will consider any significant adverse comments we receive and withdraw the rule, if necessary, to address them. Thus, ATF finds, for good cause, that it is unnecessary to first publish a notice of proposed rulemaking for this rule.

In Recommendation 95–4, the Administrative Conference of the United States (''ACUS'') endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are not controversial and that are not expected to generate significant adverse comment.[7] The direct final rule process allows an agency to issue a rule that it believes to be noncontroversial ''without having to go through the review process twice . . . while at the same time offering the public the opportunity to challenge the agency's view that the rule is noncontroversial.'' [8] ACUS recommended that agencies use the direct final rule process when they act under the ''unnecessary'' prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with this recommendation, ATF is making the changes to 27 CFR 447.11, 447.46, 447.53, 479.114, and 479.122 through a direct final rule because this rule makes noncontroversial changes, and ATF does not expect to receive any significant adverse comments.

Unless we receive a significant adverse comment that warrants revising the rule by June 5, 2026, this rule will become effective on July 6, 2026. If any timely significant adverse comments are

[6] In addition, ATF is making conforming changes to § 447.11, § 479.114, and other applicable sections to include the Department of Commerce. However, those changes are being made through different rulemakings that are also updating other portions of the same sections, so are not included in this rule.

[7] Adoption of Recommendations, 60 FR 43108, 43110 (Aug. 18, 1995).

[8] 60 FR 43110–11.

received, ATF will publish a notice in the **Federal Register** withdrawing this direct final rule before its effective date. *See* section IV.A of this preamble on ''Comments sought'' for a description of what is considered a significant adverse comment.

B. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This direct final rule adds conforming references to the Department of Commerce in the ATF regulations at 27 CFR parts 447 and 479 as appropriate and relevant and a minor technical edit to restructure a sentence so it is clearer that applications must be submitted before exporting.

The Office of Management and Budget (''OMB'') has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. There are no changes in ATF standards or compliance requirements; therefore, ATF anticipates no costs or savings for this rule.

C. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this direct final rule is not an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it does not impose total costs greater than zero.

D. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

E. Executive Order 13132

This regulation will not have substantial direct effects on the states, on the relationship between the federal 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 (Federalism), the Director has determined that this regulation does not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

F. Executive Order 12988

This regulation meets the applicable standards set forth in subsections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

G. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule simply adds references to the Department of Commerce in 27 CFR part 447 and part 479 to reflect the Department of Commerce's control over certain items as a result of the ECR and to refer to those transactions that implicate the Department of Commerce's export and temporary import jurisdiction. It also restructures a sentence to make it more understandable in plain language of an existing obligation that the public already complies with. The Director therefore certifies that this rule will not have a significant economic impact on a substantial number of small entities as it imposes no additional costs.

H. Unfunded Mandates Reform Act of 1995

This direct final rule does not include a federal mandate that will 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 (as adjusted for inflation), and it will not significantly or uniquely affect small governments.

Therefore, the ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This direct final rule does not create any new information collection requirements or impact any existing ones covered by the PRA.

J. Congressional Review Act

This rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on this direct final rule from all interested persons. Pertinent to this direct final rule, a significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including by identifying challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is significant in the following circumstances:

(1) The comment opposes ATF's assessment regarding the non-controversial nature of the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response may be required when:

(a) The comment causes ATF to reconsider its position or conduct additional analysis;

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

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

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

(3) The comment causes ATF to make a change (other than editorial or administrative changes) to the rule.

All comments must reference this document's RIN 1140–AA66 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA66. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

Disclosure

Copies of this rule and any public comments received in response to it are available through the federal e-rulemaking portal at *https://www.regulations.gov* (search for RIN 1140–AA66).

List of Subjects

27 CFR Part 447

Administrative practice and procedure, Arms and munitions, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and record-keeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and record-keeping requirements, Seizures and forfeitures, Taxes, Transportation.

For the reasons discussed in the preamble, ATF amends 27 CFR parts 447 and 479 as follows:

PART 447—IMPORTATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

■ 1. The authority citation for part 447 continues to read as follows:

Authority: 22 U.S.C. 2778; E.O. 13637, 78 FR 16129 (Mar. 8, 2013).

§ 447.46 [Amended]

■ 2. Amend § 447.46 by removing the words ''shall be'' and ''will be'' from the first sentence and adding in place of ''shall be'' the word ''are''; removing the

word ''Part'' from the parenthetical and adding in its place the word ''part''; and adding ''or the entry clearance requirements for temporary imports maintained by the Department of Commerce (see 15 CFR 758.10)'' at the end of the second sentence.

§ 447.53 [Amended]

■ 3. Revise § 447.53 to read as follows:

447.53 Exemptions.

(a) The provisions of this part are not applicable to:

(1) Importing by the United States or any agency thereof;

(2) Importing components for items being manufactured under contract for the Department of Defense; or

(3) Importing articles (other than those which would be ''firearms'' as defined in 18 U.S.C. 921(a)(3)) manufactured in foreign countries for persons in the United States pursuant to Department of State or Department of Commerce approval.

(b) Any person seeking to import articles on the U.S. Munitions Import List as exempt under paragraph (a)(2) or (3) of this section may obtain release of such articles from Customs and Border Protection (''CBP'') custody by submitting, to the CBP officer with authority to release, a statement claiming the exemption accompanied by satisfactory proof of eligibility. Such proof may be in the form of a letter from the Departments of Defense, State, or Commerce, as the case may be, confirming that the person has met the conditions of the claimed exemption.

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 4. The authority citation for part 479 is revised to read as follows:

Authority: 26 U.S.C. 5801–5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

§ 479.122 [Amended]

■ 5. Revise § 479.122 paragraph (b) to read as follows:

§ 479.122 Requirements.

* * * * *

(b) Persons engaged in the business of exporting firearms caliber .22 or larger are subject to the requirements of a license issued by, or other authorization from, the Secretary of State or Secretary of Commerce. Prior to exporting such firearms, persons intending to export them should register with the Department of State, Directorate of Defense Trade Controls (DDTC), *https://www.pmddtc.state.gov,* or apply for an export license to the Department of Commerce, Bureau of Industry and Security, *https://www.bis.gov/,* depending on the relevant export control list. Any such person should also comply with the terms and conditions of an applicable Department of State exemption or Department of Commerce license exception prior to exporting such firearms.

Robert Cekada,

Director.

[FR Doc. 2026–08927 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0009; ATF No. 2025R–32D]

RIN 1140–AA61

Licensee ''eZ Check'' Verification for Transfers

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Direct final rule.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is amending Department of Justice (''Department'') regulations to allow federal firearms licensees (''FFLs'') that are transferring a firearm to another FFL to verify the transferee FFL's license through ATF's publicly available ''FFL eZ Check'' system, as an alternative to the current requirement to obtain a certified copy of the transferee's license. Additionally, because the eZ Check system is accessible, free to use, and updated regularly, this rule removes the now-unnecessary provision that allows a transferor to rely on a certified list provided by a multi-licensed organization for up to 45 days to make transfers to licensees operated by such organization.

DATES: This direct final rule is effective on August 4, 2026, unless significant adverse comments are received by June 5, 2026. If ATF receives a significant adverse comment within the stated time that warrant revising the rule (as described under the ''Public Participation'' heading in the **SUPPLEMENTARY INFORMATION** section of this regulation at Part IV of this preamble), ATF will publish a notice in the **Federal Register** withdrawing the rule before the effective date. Commenters should be aware that the *https://www.regulations.gov* comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA61, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226; *ATTN: ATF RIN 1140–AA61.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA61) for this direct final rule. ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. A summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone

at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

The GCA at 18 U.S.C. 922(b)(3) makes it unlawful, with some exceptions, for a licensed importer, manufacturer, dealer, or collector to sell or deliver a firearm to any person who does not reside in (or, if the person is a corporation or other business entity, that does not maintain a place of business in) the state in which the licensee's business premises is located. Further, licensees must conduct a background check and maintain records (*e.g.,* acquisition and disposition records, Firearms Transaction Record, ATF Form 4473) before transferring a firearm to a non-licensee. *See* 18 U.S.C. 922(t), 923(g); 27 CFR 478.102, 478.121–125.

Consequently, to sell a firearm to a non-licensee who resides in a different state, a licensee must first ship the firearm to another licensee who has business premises located in the same state as the non-licensee. To facilitate lawful transfers via shipments between firearms licensees, the Department promulgated regulations at 27 CFR 478.94, which provide that a licensed importer, manufacturer, or dealer selling or disposing of firearms, and a licensed collector selling or disposing of curios or relics, to another licensee must, with certain exceptions, verify the identity and licensed status of the transferee prior to the transaction. Further, the regulations provide that such verification must be established by the transferee furnishing a certified copy of its federal firearms license to the transferor. Under § 478.95, a licensee may reproduce its original license and certify the reproduction to verify its licensed status for transfers under § 478.94, or the licensee may request a certified copy of its license from ATF for a nominal fee.

II. Direct Final Rule

In 2002, ATF launched the FFL eZ Check system, which was designed to allow an FFL that has a copy of another FFL's license to verify or authenticate the license prior to shipping or transferring a firearm(s) to that FFL.[3] The regulations at § 478.94 still require the licensee to first obtain a certified copy of the transferee's license and do not permit the licensee to use the eZ Check system as a substitute for obtaining that copy. There is no cost for FFLs to use this system.

Even though the system was originally designed as a means to verify that a license copy was valid, it can also be used to verify that a licensee has a current and valid license without needing to compare the system information to a copy. Because this system has been widely available, and because a high number of FFLs use modern technologies to conduct their business, ATF is amending § 478.94 to allow transferor licensees to verify that a transferee FFL has a current and valid license through the FFL eZ Check system without first obtaining a certified copy of the license. The transferor FFL would need only the transferee's FFL number to confirm that the transferee's license is active. Under this rule, the license number, expiration date, and address verified through FFL eZ Check must match the information the transferee provides at the time of the transaction. ATF is not removing the option to verify a transferee's license by obtaining a certified copy, so licensees can elect either method to comply with the regulation's verification requirements.

The eZ Check alternative method modernizes the license verification process, reduces the need to share paper copies of licenses between FFLs, and streamlines compliance without diminishing regulatory integrity. It also reduces costs to licensees because the eZ Check system is publicly available and free.

Since FFLs can easily use the eZ Check system, this rule also removes from § 478.94 the provision that permits a transferor to rely on a certified list (in lieu of a certified copy of each license) from a multi-licensed business organization to sell or dispose of a firearm to licensees on such list because it is unnecessary.

In addition to these changes, this rule makes minor structural changes in § 478.94 to improve readability by splitting the regulation into paragraphs. Thus, under this rule, paragraph (a) explains the regulatory requirements, paragraph (b) describes how to verify licenses, and paragraph (c) discusses when verification is not required.

III. Statutory and Executive Order Review

A. Administrative Procedure Act

Under 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (''APA''), an agency may forgo notice and comment when the agency for good cause finds such procedures impracticable, unnecessary, or contrary to the public interest. Agencies may dispense with the APA's notice-and-comment requirements as unnecessary in situations in which the rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public. *Util. Solid Waste Activities Grp.* v. *E.P.A.,* 236 F.3d 749, 755 (D.C. Cir. 2001). This formulation is consistent with the explanation of the ''unnecessary'' prong of the good cause exemption that the Attorney General issued contemporaneously to the APA. *See* Dep't of Justice, Attorney General's Manual on the Administrative Procedure Act 31 (1947) (explaining that ''unnecessary'' refers to a ''minor rule or amendment in which the public is not particularly interested'').

This rule allows FFLs to use the FFL eZ Check system, which is free, to verify the validity of another licensee's license prior to transferring a firearm, in lieu of needing to request from the transferee licensee a certified copy of the transferee's license. These changes are beneficial to both the industry and ATF. ATF does not anticipate controversy or significant comments on making these changes to allow electronic verification as an option because this online system has been available since 2002 and is familiar to the industry, and because it

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the GCA, National Firearms Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] ATF, *FFL eZ Check Application* (last reviewed Sep. 8, 2025), *https://www.atf.gov/firearms/ffl-ez-check-application* [*https://perma.cc/6HKK-Z4BT*].

is not required; licensees may still request certified copies if they prefer. This rule merely updates ATF's regulations to make existing technological options available to the industry, thereby providing more flexibility for regulated parties. However, ATF is nonetheless providing a full opportunity for notice and comment. Prior to the effective date of this rule, ATF will consider any significant adverse comments we receive and will withdraw the rule, if necessary, to address them. Thus, ATF finds, for good cause, that it is unnecessary to first publish a notice of proposed rulemaking for this rule.

In Recommendation 95–4, the Administrative Conference of the United States (''ACUS'') endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are not controversial and that are not expected to generate significant adverse comment.[4] The direct-final-rule process allows an agency to issue a rule that it believes to be noncontroversial ''without having to go through the review process twice . . . while at the same time offering the public the opportunity to challenge the agency's view that the rule is noncontroversial.'' [5] ACUS recommended that agencies use the direct final rule process when they act under the ''unnecessary'' prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with this recommendation, ATF is updating 27 CFR 478.94 through a direct final rule because this rule makes noncontroversial changes, and ATF does not expect to receive any significant adverse comments.

Unless we receive a significant adverse comment that warrants revising the rule by June 5, 2026, this rule will become effective on August 4, 2026. If any timely significant adverse comments are received, ATF will publish a notice in the **Federal Register** withdrawing this direct final rule before its effective date. See section IV.A of this preamble on ''Comments sought'' for a description of what is considered a significant adverse comment.

B. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

The Office of Management and Budget (''OMB'') has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. ATF provides the following analysis to comply with Executive Order 12866 and 13563.

This final rule amends 27 CFR 478.94 to allow FFLs to use ATF's eZ Check system to verify another licensee's information prior to transferring a firearm, as an alternative to obtaining a certified copy of the transferee's license. This rulemaking provides qualitative benefits to the industry by providing more flexibility with respect to statutory and regulatory compliance. ATF also expects this rule to produce monetary savings for industry because FFLs will no longer need to expend time of funds to obtain certified copies of their licenses when dealing with each other since using FFL eZ Check is faster and more efficient. According to ATF's Federal Firearms Licensing Center, as of December 23, 2025, there were 45,605 active dealer FFLs (Type 01). However, ATF has no data on how many of these licensees engage in transfers with other licensees that will be impacted by this rule, nor any data on the number of such transfers in which each licensee might engage. Licensees do not report this information to ATF. For purposes of this analysis, therefore, ATF uses an illustrative assumption that 50 percent of these dealers currently engage in a single firearm transfer that will be affected by this rule each year. Assuming these FFLs use the eZ Check system instead of continuing to rely on certified copies, each FFL will save approximately $1 on paper and postage that would have been spent to obtain and send a certified copy of a license. This change in FFL practice would result in an estimated 22,803 FFLs realizing a cost savings of at least $1 per year, which results in an estimated $22,803 in cost savings per year.

Next, ATF estimates that copying licenses, mailing them to licensees' counterparts, and certifying the copies takes approximately one hour per transaction. By eliminating the time spent on these tasks, this rule reduces compliance burdens by an estimated 22,803 hours in time burden as well. ATF estimates that an FFL retail salesperson handles these tasks and is paid an hourly wage rate of $17.64 per hour.[6] To account for fringe benefits such as insurance, ATF calculated a load rate based on total hourly compensation (average $45.03 for 2024) [7] and divided the average total compensation by the average hourly wages and salaries (average $31.10 for 2024),[8] resulting in a load rate of 1.45.[9] Multiplying the estimated hourly wage rate for an FFL ($17.64) by the load rate of 1.45, ATF estimates that an FFL will save a rounded $26 in loaded monetized time per hour.

In total, if 22,803 FFLs complete a single transfer per year, as estimated above, and each saves an hour per transfer, FFLs may be able to save $592,878 in total monetized time savings per year under this illustrative example. When added to the saved postage and paper costs of $22,803, ATF estimates the industry will save a total of $615,681 per year under this final rule under this illustrative example. This rule will not create any costs or additional time burdens.

C. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action as defined in section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this final rule is not an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it does not impose total costs greater than zero. This rule is an Executive Order 14192 deregulatory action (defined OMB Memorandum M–25–20 as a final action

[4] Adoption of Recommendations, 60 FR 43108, 43110 (Aug. 18, 1995).

[5] 60 FR 43110–11.

[6] U.S. Bureau of Lab. Stats., *Occupational Employment and Wages, May 2023: 41–2031 Retail Salespersons, https://www.bls.gov/oes/2023/may/oes412031.htm* [*https://perma.cc/Z38C-9YEE*].

[7] U.S. Bureau of Lab. Stats., *Total compensation cost per hour worked for private industry workers (2024), https://data.bls.gov/dataViewer/view/timeseries/CMU2010000000000D* [*https://perma.cc/T2ZL-2UUB*].

[8] *Id.*

[9] 1.45 load rate = $45.03 total hourly compensation/$31.10 hourly wages and salaries.

that imposes total costs less than zero) because it provides the industry with more flexibility and cost savings by allowing members of the industry an alternative method to comply with statutory and regulatory requirements; as a result, they will no longer need to take time to request from ATF a copy of another licensee's license or make a certified copy of their own license for verification purposes.

D. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

E. Executive Order 13132

This rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this rule does not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

F. Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

G. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule will not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule is deregulatory and imposes no additional costs to the public because it provides FFLs a free, alternative method of verifying another FFLs license thus saving them time from having to request a certified copy from ATF; therefore, the Director certifies, after consideration, that this rule will not have a significant economic impact on a substantial number of small entities.

H. Unfunded Mandates Reform Act of 1995

This final rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements created by a rule or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This final rule does not create any new information collection requirements or impact any existing ones covered by the PRA.

J. Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on this direct final rule from all interested persons. Pertinent to this direct final rule, a significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including by identifying challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is significant in the following circumstances:

(1) The comment opposes ATF's assessment regarding the non-controversial nature of the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response may be required when:

(a) The comment causes ATF to reconsider its position or conduct additional analysis;

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

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

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

(3) The comment causes ATF to make a change (other than editorial or administrative changes) to the rule.

All comments must reference this document's RIN 1140–AA61 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI/PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA61. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF, and it may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director, within the 30-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this rule and the comments received in response to it are available through the federal e-rulemaking portal at *https://www.regulations.gov* (search for RIN 1140–AA61).

Severability

ATF has determined that this rule implements and is fully consistent with governing law. However, in the event any provision of this rule, an amendment or revision made by this rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of this rule, the amendments or revisions made by this rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF amends 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Revise § 478.94 to read as follows:

§ 478.94 Sales or deliveries between licensees.

(a) A licensed importer, manufacturer, or dealer selling or otherwise disposing of firearms, and a licensed collector selling or otherwise disposing of curios or relics, to another licensee must verify the identity and licensed status of the transferee prior to making the transfer, unless one of the exceptions under paragraph (c) of this section applies.

(b) Licensees must verify the transferee's license under paragraph (a) of this section by:

(1) The transferee furnishing to the transferor a certified copy of the transferee's license: or

(2) The transferor verifying the transferee's license through ATF's online Federal Firearms Licensee eZ Check system by ensuring that the transferee's license number, expiration date, and business premises address in the eZ Check system match the information the transferee provides to the transferor at the time they arrange the transfer.

(c) Circumstances in which verification is not required:

(1) Once a transferee has complied with the verification required under paragraph (b) of this section, the transferor does not need to re-verify that transferee's license for subsequent transfers with that transferee during the remaining term of the transferee's current license.

(2) If a licensee is returning a firearm, either directly or through another licensee, to the licensee from which the licensee acquired the firearm, the returning licensee is not required to furnish a certified copy of its license, nor is the transferor required to verify the license through the eZ Check system, with respect to the returned firearm.

(3) Licensees that are part of a multi-licensed business organization are not required to verify each others' licenses when transferring firearms between such licensees operated by such organization.

Robert Cekada,

Director.

[FR Doc. 2026–08924 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 479

[ATF No. 2025R–21F]

RIN 1140–AA79

Conforming Change for Approving a Making Application

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is amending Department of Justice (''Department'') regulations to require that a National Instant Criminal Background Check System background check be performed as part of the approval process to make a National Firearms Act (''NFA'') firearm. ATF already conducts such background checks as part of its processing and this amendment to the regulation simply ensures that the regulations addressing NFA processes are consistent with the statutory requirements.

DATES: This rule is effective May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the National Firearms Act (''NFA''), as amended, 26 U.S.C. chapter 53.[1] Congress and the Attorney General have delegated the responsibility for administering and enforcing the NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the NFA in 27 CFR part 479.

The regulations in 27 CFR part 479 contain procedural and substantive requirements for importing, making, exporting, transferring, taxing, identifying, registering, and dealing in machine guns, destructive devices, and certain other firearms. The NFA applies to machine guns, shotguns having a barrel or barrels of less than 18 inches in length, rifles having a barrel or barrels of less than 16 inches in length, weapons made from a rifle with an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length, weapons made from a shotgun with an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length, silencers, destructive devices, and any other weapon as defined by the NFA (''NFA firearm''). 26 U.S.C. 5845(a).

Pursuant to 26 U.S.C. 5822(e), no person can make an NFA firearm unless they have obtained the Attorney General's approval to make and register the firearm and the application form shows such approval. Applications must be denied if making or possessing the firearm would place the person making the firearm in violation of law.

The regulations that implement 26 U.S.C. 5822(e) are found at 27 CFR 479.64 (''Procedure for approval of application'') and 479.65 (''Denial of application''). Section 479.64 sets forth the process for ATF's approval of the application and makes clear that the maker cannot make the firearm until the application has been approved and returned to the applicant with the approved stamp. The regulation at 27 CFR 479.65 includes the requirement that an application must be denied if making or possessing the firearm would place the maker in violation of law. However, these provisions contain no explicit guidance on how applications to make an NFA firearm (*i.e.,* ATF Form 5320.1, Application to Make and Register a Firearm (''Form 1'')) are to be evaluated to ensure that, pursuant to the statute, making or possessing the firearm would not place the person making the firearm in violation of law.

Another NFA regulation in 27 CFR part 479 that implements application processing procedures contains explicit guidance that is absent from 27 CFR 479.64. The statute at 26 U.S.C. 5812, which pertains to transferring an NFA firearm, states that an application to transfer an NFA firearm ''shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.'' The implementing regulation for 26 U.S.C. 5812 states, ''[i]n addition to any other records checks that may be conducted to determine whether the transfer, receipt, or possession of a firearm would place the transferee in violation of law, the Director shall contact the National Instant Criminal Background Check System.'' 27 CFR 479.86.

While both statutory provisions (26 U.S.C. 5812 and 5822) require that the respective applications to either make or transfer an NFA firearm be denied if making or transferring the firearm would place the individual in violation of law, currently it is only 27 CFR 479.86 that explicitly states that a National Instant Criminal Background Check System (''NICS'') background check must be performed as part of the application process, whereas 27 CFR 479.64 contains no such explicit requirement. Nevertheless, for both making and transfer applications, ATF currently contacts NICS to ensure individuals are not prohibited under the law from possessing a firearm.

II. Final Rule

To reflect current practice and track relevant language in § 479.86, this rule amends § 479.64 to require that a NICS background check be conducted by ATF as part of processing Form 1 applications to make an NFA firearm. This change is necessary to ensure that the Form 1 approval process meets the statutory requirement at 26 U.S.C. 5822 and is consistent across ATF regulations.

Section 479.86 currently provides: ''An application, Form 4 (Firearms), to transfer a firearm shall be denied if the transfer, receipt, or possession of a firearm would place the transferee in violation of law. In addition to any other records checks that may be conducted to

[1] Some NFA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this final rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, Gun Control Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

determine whether the transfer, receipt, or possession of a firearm would place the transferee in violation of law, the Director shall contact the [NICS].'' Accordingly, ATF is simply adding to 27 CFR 479.64 language that parallels the language in § 479.86 used for transfer applications. The added language makes clear that an application to make a firearm, Form 1, must be denied if making or possessing the firearm would place the maker in violation of law, and that to make this determination ATF must contact NICS.

This final rule also makes a technical edit to correct the authority citation line for 27 CFR part 479 to read as: 26 U.S.C. 5801–5812; 26 U.S.C. 7801; 26 U.S.C. 7805, and makes minor technical edits to § 479.64 for plain writing purposes—primarily, breaking the long paragraph into smaller ones, updating form references, and removing passive voice.

III. Statutory and Executive Order Review

A. Administrative Procedure Act

This final rule relates to a matter of agency management or personnel and is a rule of agency organization, procedure, or practice. This rule does not alter any obligations on the public and simply adds to ATF's regulations ATF's longstanding practice of running a NICS background check to determine whether an applicant's making or possession of an NFA firearm would place the maker in violation of the law. Accordingly, this rule is exempt from the usual requirements of prior notice-and-comment and a 30-day delay in effective date. *See* 5 U.S.C. 553(a)(2), (b)(A), (d).

B. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This final rule is amending 27 CFR 479.64 to require that ATF conduct a NICS background check as part of processing Form 1, the application to make an NFA firearm, to simply make the agency's regulations consistent with the current process. The Office of Management and Budget (''OMB'') has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. There are no changes in ATF standards or compliance requirements; therefore, ATF anticipates no costs or benefits accruing from this rule.

C. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this rule is not an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it does not impose total costs greater than zero.

D. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This final rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

E. Executive Order 13132

This final rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this final rule does not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

F. Executive Order 12988

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

G. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

A regulatory flexibility analysis is not necessary because this rule is not required to undergo notice-and-comment rulemaking as described in section III.A of this preamble. Nevertheless, the Director certifies, after consideration, that this rule will not have a significant economic impact on a substantial number of small entities because it is only including in the regulations the existing practice of running a NICS background check on applicants who submit a Form 1 to make an NFA firearm.

H. Unfunded Mandates Reform Act of 1995

This final rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This final rule involves one existing information collection under the PRA, which is

OMB control number 1140–0011: Application to Make and Register NFA Firearm, which includes ATF Form 5320.1 (''Form 1''). However, because this rule changes only a requirement for the agency, it will not have an impact on this existing information collection.

J. Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

List of Subjects in 27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Taxes, Transportation

For the reasons discussed in the preamble, ATF amends 27 CFR part 479 as follows:

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 1. Revise the authority citation for 27 CFR part 479 to read as follows:

Authority: 26 U.S.C. 5801–5812; 26 U.S.C. 7801; 26 U.S.C. 7805.Inserting required closing tag for E.

■ 2. Revise § 479.64 to read as follows:

§ 479.64 Action on making application.

(a) A person who intends to make a firearm must submit the application to make a firearm, Form 1, directly, in duplicate, to the Director in accordance with the instructions on the form. The Director will consider the application for approval or disapproval. If the application is approved, the Director will return the original to the applicant and retain the duplicate.

(b) In addition to any other records checks the Director may conduct to determine whether the applicant would be violating the law by making or possessing a firearm, the Director must contact the National Instant Criminal Background Check System.

(c) Upon receiving the approved application, the maker may make the described firearm. The maker must not, under any circumstances, make the firearm until the Director has approved and returned the application with the National Firearms Act stamp affixed.

(d) If the Director disapproves the application, the Director will return to the applicant the original Form 1 and the remittance submitted by the applicant and will include on the form the reason for disapproving the application.

Robert Cekada,

Director.

[FR Doc. 2026–08931 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 555

[ATF No. 2025R–38F]

RIN 1140–AA74

Removing Triplicate Filing Requirement for Importing Plastic Explosives

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is amending Department of Justice explosives regulations on importing plastic explosives by removing the requirement to submit the required attestation in triplicate.

DATES: This final rule is effective June 5, 2026.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Title XI of the Organized Crime Control Act of 1970 (''OCCA''), Public Law 91–452, 84 Stat. 922 (1970), added chapter 40 (Importation, Manufacture, Distribution, and Storage of Explosive Materials) to 18 U.S.C.[1] One of the stated purposes for title XI was to reduce the ''hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials.'' Public Law 91–452, sec. 1101, 84 Stat. at 952. The Attorney General is responsible for implementing title XI. *See* 18 U.S.C. 847. The Attorney General has delegated that responsibility to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General.[2] *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972). Regulations in 27 CFR part 555 implement title XI.

Persons importing explosive materials into the United States must abide by the general provisions set forth in 27 CFR 555.108. Importers of plastic explosives into the United States are subject to the additional requirements at § 555.183. *Id.* at § 555.108(d). Under § 555.183, importers of plastic explosives that file an ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles (''Form 6, part I''),[3] must also attach a written statement, prepared in triplicate, declaring, under penalty of perjury, that the plastic explosive they intend to import contains a detection agent as required by § 555.180(b) or that the plastic explosive is a ''small amount'' to be used for research, training, or testing purposes and is exempt from § 555.182's detection agent requirements.

II. Final Rule

ATF is removing from its regulations at § 555.183 the requirement that importers of plastic explosives attach three copies of their written statement to their Form 6, part I applications. ATF used to require that Form 6, part I applications be submitted in triplicate, therefore making three copies of the additional statement in § 555.183 necessary. As ATF has modernized its processing systems, ATF no longer requires this form to be submitted in triplicate, nor does ATF use the extra copies of the statement when processing the Form 6, part I applications. The triplicate filing requirement has

[1] Some 18 U.S.C. chapter 40 provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this final rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under OCCA, the National Firearms Act, and the Gun Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] A Form 6, part I application to import is generally required for articles on the United States Munitions Imports List (''USMIL''). *See* 27 CFR 447.41. If importing plastic explosives that fall under USMIL, importers would be required to file a Form 6, part I application and submit the additional information as required by § 555.183. 27 CFR 447.42(a)–(b).

therefore become unnecessary for ATF. While ATF has not received Form 6, part I applications to import plastic explosives in the past three years, removing the requirement to file in triplicate reduces a burden on importers should they import plastic explosives in future. ATF is not removing the requirement to submit the written statement; it is simply removing the requirement to submit the statement in triplicate.

Accordingly, the final rule removes from § 555.183 the phrase, ''prepared in triplicate,'' and an obsolete reference to ''on or after April 24, 1997,'' in the first paragraph. The final rule also updates the section heading by removing the obsolete reference to ''on or after April 24, 1997'' and modernizes it to read ''Importing plastic explosives.''

III. Statutory and Executive Order Review

A. Administrative Procedure Act

Generally, the Administrative Procedure Act (''APA'') requires that agencies publish a notice of a proposed rulemaking and give interested persons an opportunity to participate in the rulemaking by submitting comments on it. *See* 5 U.S.C. 553(c). However, the APA provides limited exceptions to its notice-and-comment requirements. One such exception is for ''rules of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(A); *see also Am. Fed'n of Lab. & Cong. of Indus. Orgs. (AFLCIO)* v. *Nat'l Lab. Rels. Bd.,* 57 F.4th 1023, 1034 (D.C. Cir. 2023) (''[A]s the text of the APA makes clear, not all rules that might be categorized as procedural are exempted; the limited carveout is intended for 'internal house-keeping measures organizing agency activities.' '' (citing *Am. Hosp. Ass'n* v. *Bowen,* 834 F.2d 1037, 1045 (D.C. Cir. 1987))). The courts have described this exception as covering ''agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.'' *Id.* (citing *James V. Hurson Assoc., Inc.* v. *Glickman,* 229 F.3d 277, 280 (D.C. Cir. 2000) (internal quotation marks omitted)). ''[I]t is always within the discretion of . . . an administrative agency to relax or modify its procedural rules adopted for the orderly transaction of business.'' *Am. Farm Lines* v. *Black Ball Freight Serv.* 397 U.S. 532, 539 (1970) (citations omitted).

By removing the requirement that the attestation on plastic explosives be submitted in triplicate with the Form 6, part I, ATF is neither imposing a substantive requirement on industry or the public, nor relieving industry or the public from any substantive requirements. ATF no longer needs additional copies of the attestation because ATF does not need the Form 6, part I to be in triplicate. The import application is available on ATF's eForms platform, and a majority of importers submit their applications electronically. When submitting electronically, users complete the Form 6, part I application once. While ATF still accepts paper applications, ATF also no longer needs the Form 6, part I in triplicate and, at the time of this rule, is amending the form's instructions to reflect this. Overall, removing the requirement to file the attestation in triplicate is a procedural housekeeping measure that decreases the administrative burden for both industry and ATF without effectuating any substantive change or adversely impacting the broader public.

B. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This final rule amends 27 CFR 555.183 to remove the requirement that a written statement be submitted in triplicate as it is unnecessary to process the Form 6, part I application to import plastic explosive materials. The Office of Management and Budget (''OMB'') has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866. Although ATF finds that this rule can forgo notice-and-comment because it a procedural, housekeeping rule under 5 U.S.C 553(b)(A), ATF nonetheless includes a brief benefits-costs discussion to illustrate the benefits and deregulatory nature of removing the requirement to submit in triplicate when licensees import plastic explosives.

1. Benefits

The benefits ATF expects to result from this rule would be primarily qualitative in nature and de minimis. Form 6, part I serves as the application form for importing plastic explosives, but also for other items that contain explosive materials, such as propellant for sporting ammunition, propellant for nonsporting ammunition (rounds over 50 caliber, tracer, or incendiary), and destructive devices (for example bombs, mines, grenades, ammunition rounds larger than 23mm, if they contain more than 4 oz of explosive material). Based on ATF data, there have been 55 Form 6 applications submitted over the past three years to import items that contain explosive materials, with an annual average of approximately 18 per year.

Removing the requirement that importers of plastic explosives attach three copies of their written statement with their Form 6, part I application would save importers the marginal burden of printing and signing three copies of the required forms. Where these triplicate forms were once collected on carbon copied physical forms, any additional burden was nonexistent. As the carbon copies were phased out and replaced by physical or electronic forms, a marginal burden emerged where the applicant was required to produce redundant copies of the application. However, the entire form never had to be completed three times. An electronic form could be printed three times instead of once, or a physical form could be photocopied and signed instead of completed again. While no import applications have been submitted for plastic explosives in the past three years, this rule would eliminate any such de minimis burden in the event of a future import of plastic explosives. For the above reasons, ATF expects benefits to be primarily qualitative in nature and quantitatively de minimis.

2. Costs

ATF does not expect any compliance costs to result from the rule, as it is a deregulatory action that would result in marginal benefits and transfers.

C. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior

regulations. However, this rule is not an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it does not impose total costs greater than zero. This rule qualifies as an Executive Order 14192 deregulatory action as it removes a requirement for applicants to submit three copies of an attestation with their Form 6, part I application to import plastic explosives.

D. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This final rule does not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

E. Executive Order 13132

This final rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this rule does not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

F. Executive Order 12988

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

G. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, ATF has considered whether this final rule will have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

In accordance with sections 603 and 604 of the RFA, a Regulatory Flexibility Analysis is not required for this final rule because ATF was not required to publish a general notice of proposed rulemaking for this matter. However, there are no additional costs to the public as it removes an unnecessary regulatory requirement; therefore, the Director certifies, after consideration, that this final rule will not have a significant economic impact on a substantial number of small entities.

H. Unfunded Mandates Reform Act of 1995

This final rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of ten or more persons within any 12-month period. *See* 5 CFR 1320.3(c). This rule does not create any new information collection requirements. There is no existing information collection associated with this triplicate filing requirement because it has not involved ten or more respondents within a 12-month period. 44 U.S.C. 3502(3)(A)(i); 5 CFR 1320.3(c)(4).

J. Congressional Review Act

Pursuant to the Congressional Review Act, 5 U.S.C. 801 *et seq.,* ATF has determined that this rule does not meet the criteria in 5 U.S.C. 804(2) to constitute a major rule. This rule is not a major rule because it would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

List of Subjects in 27 CFR Part 555

Administrative practice and procedure, Explosives, Freight, Hazardous substances, Imports, Penalties, Reporting and record-keeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, Warehouses.

For the reasons discussed in the preamble, ATF amends 27 CFR part 555 as follows:

PART 555—COMMERCE IN EXPLOSIVES

■ 1. The authority citation for 27 CFR part 555 continues to read as follows:

Authority: 18 U.S.C. 847.

■ 2. Amend § 555.183 by revising the section heading and introductory text to read as follows:

§ 555.183 Importing plastic explosives.

Persons filing a Form 6 application to import plastic explosives must attach to the application the following written statement executed under the penalties of perjury:

* * * * *

Robert Cekada,

Director.

[FR Doc. 2026–08920 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

31 CFR Parts 337 and 345

RIN 1530–AA34

Eliminating Unnecessary Regulations

AGENCY: Bureau of the Fiscal Service, Fiscal Service, Treasury.

ACTION: Direct final rule.

SUMMARY: Pursuant to an Executive order, the Department of the Treasury (Treasury), Bureau of the Fiscal Service (Fiscal Service) is conducting a review of existing regulations, with the goal of reducing regulatory burden by revoking existing regulations that meet the criteria set forth in the Executive order. In support of that objective, this direct final rule streamlines title 31 of the Code of Federal Regulations (CFR) by removing regulations that are no longer necessary or no longer have any current or future applicability.

DATES: This rule is effective upon July 6, 2026 without further action, unless significant adverse comment is received by June 5, 2026. If Fiscal Service receives significant adverse comments, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit comments electronically through the Federal

eRulemaking Portal: (*https://www.regulations.gov*) or by mail to: Attn: E.O. 14219 Comments, Elizabeth Spears, Senior Counsel, Bureau of Fiscal Service, P.O. Box 396, Parkersburg, WV 26106–1328. Because paper mail may be subject to delay, it is recommended that comments be submitted electronically. Comments will be available for public inspection on (*https://www.regulations.gov*). In general, comments received, including attachments and other supporting materials, are part of the public record and are available to the public. Do not submit any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Sara C. Badger, Special Assets & Liabilities Division, Office of Accounting, Division Director or Jared Waters, Program Manager, via email at *SLGS@fiscal.treasury.gov,* by telephone at (304) 480–5299, or via U.S. Mail at Bureau of the Fiscal Service, P.O. Box 396, Parkersburg, WV 26106–1328, for information on the removal of the following parts of 31 CFR:

—part 337 (*https://www.ecfr.gov/current/title-31/part-337*)

—part 345 (*https://www.ecfr.gov/current/title-31/part-345*)

SUPPLEMENTARY INFORMATION:

Background

On April 9, 2025, the President issued a Presidential Memorandum, Directing the Repeal of Unlawful Regulations, to implement Executive Order 14219, Ensuring Lawful Governance And Implementing The President's ''Department of Government Efficiency'' Deregulatory Initiative (Deregulatory E.O.), 90 FR 10583 (Feb. 19, 2025). The Deregulatory E.O. directed the heads of executive departments and agencies to review their regulations and repeal those which are unlawful or impose undue burdens, among other things.

This Direct Final Rule

This direct final rule removes regulations that are no longer necessary, or have no current or future applicability and, therefore, no longer provide useful guidance. Removing these regulations from the Code of Federal Regulations will streamline title 31 and increase clarity.

Explanation of Provisions

In accordance with the purposes described above, the regulations removed are:

31 CFR part 337, Supplemental Regulations Governing Federal Housing Administration Debentures

The Federal Housing Administration (FHA) provides mortgage insurance on single-family, multifamily, manufactured home, and hospital loans made by FHA-approved lenders throughout the United States and its territories. The FHA, through Fiscal Service as its agent, issued debentures under 31 CFR part 337 to settle claims on certain insured mortgages.

The rescission action taken under this rule follows FHA's cost-savings measure to remove the option of mortgagees to elect payment of FHA insurance claims in debentures instead of cash. The Federal Housing Commissioner, as delegated by the Secretary of the Department of Housing and Urban Development, has the option of paying insurance claims in either cash or debentures issued with respect to a loan or mortgage insured by FHA under the provisions of the National Housing Act (the Act) pursuant to 24 CFR 207.259(a)(1).

In 2015, FHA amended its regulations to bring consistency in determining the method of payment for FHA insurance claims. The changes eliminated provisions in HUD's regulations that provided mortgagees the ability to request and receive payment of an insurance claim on a loan insured under the Act in debentures. 80 FR 51466, 51468, Final Rule, Federal Housing Administration (FHA): Standardizing Method of Payment for FHA Insurance Claims (Aug. 25, 2015).

The debenture offering under 31 CFR part 337 remained open out of an abundance of caution while FHA implemented cash payments as the uniform, consistent method of paying insurance claims. In consultation with FHA, Fiscal Service has determined that the offering is unnecessary. Accordingly, FHA instructed that the annual interagency agreement between FHA and Fiscal Service that was referenced in 80 FR 51466, 51466 and which was implemented through its service provider, the Administrative Resource Center who serviced the outstanding debentures, would not renew in Fiscal Year 2026. Therefore, Fiscal Service is removing 31 CFR part 337.

Nonetheless, Fiscal Service continues to be responsible for disbursing cash payments under 31 U.S.C. 3321 under its disbursement function. Fiscal Service issued the final debenture pursuant to the Act on February 3, 2011, and made the last maturity payment, with interest, upon the redemption of a debenture submitted by an owner for payment on July 2, 2012. In keeping with FHA's rule changes, Fiscal Service redeemed all other remaining matured outstanding debentures ($209,264.15 in principal and interest) on October 1, 2025. These redeemed debentures no longer contribute to the statutory debt limit calculation codified at 31 U.S.C. 3101; however, Fiscal Service will maintain the corresponding subsidiary ownership records until such time as final payment is made to the owners.

31 CFR Part 345, Regulations Governing 5 Percent Treasury Certificates of Indebtedness—R.E.A. Series

Fiscal Service is eliminating the Regulations Governing 5 Percent Certificates of Indebtedness—R.E.A. Series promulgated in 31 CFR part 345 which were offered to the borrowers of the Rural Electrification Administration (R.E.A.) and the Rural Telephone Bank. REA was abolished in 1994, and its functions were assumed by Rural Utilities Service (RUS). In consultation with RUS, Fiscal Service has determined that this part is unnecessary. Moreover, the Rural Telephone Bank was liquidated in 2006, and all of the bank shares were redeemed. There are no remaining outstanding obligations left in the R.E.A. Series. Therefore, Fiscal Service is removing 31 CFR part 345.

Procedural Requirements

This direct final rule is not a significant regulatory action under Executive Order 12866, as amended. Therefore, a regulatory assessment is not required. Because no notice of proposed rulemaking is required, an analysis under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* does not apply.

The Fiscal Service is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA; 5 U.S.C. 551–559) generally requires agencies to provide notice and an opportunity for comment, section 553(b)(B) of the APA provides an exception when the agency ''for good cause finds'' that notice and comment are ''impracticable, unnecessary, or contrary to the public interest.'' Because this rule removes regulations that are no longer necessary or have no current or future applicability, the Fiscal Service has determined that it is unnecessary to undertake notice-and-comment rulemaking under 5 U.S.C. 553.

List of Subjects

31 CFR Part 337

Government securities.

31 CFR Part 345

Government securities.

■ For the reasons stated in the preamble and under the authority of 31 U.S.C. 321, Fiscal Service removes 31 CFR Parts 337 and 345.

By the Department of the Treasury.

Gary E. Grippo,

Acting Fiscal Assistant Secretary.

[FR Doc. 2026–08950 Filed 5–5–26; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2026–0210]

Special Local Regulation; Fort Lauderdale Air Show, Atlantic Ocean, Fort Lauderdale, FL

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Fort Lauderdale Air Show event from May 8, 2026, through May 10, 2026, to provide for the safety of life on navigable waterways during this event. This action is necessary to provide for the safety of life on these navigable waters during marine events. During the enforcement periods, no person or vessel may enter, transit through, anchor in, or remain within the regulated area unless authorized by the Coast Guard Patrol Commander or a designated representative.

DATES: The regulation in 33 CFR 100.702, will be enforced for the Fort Lauderdale Air Show listed in item No. 3 in Table 1 to § 100.702 daily from 9 a.m. until 6 p.m., on May 8, 2026, through May 10, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email MST2 Jodi Stoiber, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone 305–535–4317, email *SectorMiamiWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a special local regulation for the Fort Lauderdale Air Show listed in 33 CFR 100.702, Table 1 to § 100.702, item No. 3, daily from 9 a.m. until 6 p.m., from May 8, 2026, through May 10, 2026. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulations for marine events within the Captain of the Port Miami, Table 1 to § 100.702, item No. 3, specifies the location of the regulated area Fort Lauderdale Air Show event which encompasses portions of Atlantic Ocean and Fort Lauderdale Beach. Under the provisions of § 100.702(c), all persons and vessels are prohibited from entering the regulated area, if you are the operator of a vessel in the regulated area you must comply with directions from the COTP Miami or designated representative.

Under the provisions of § 100.702(c), spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter in, impede the transit of festival participants or official patrol vessels or enter the regulated area without approval from the Coast Guard Patrol Commander or a designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notice of the regulated area via Local Notice to Mariners, Marine Safety Information Bulletins, Broadcast Notice to Mariners, and on-scene designated representatives.

F. J. Florio,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2026–08823 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2026–0402]

RIN 1625–AA08

Special Local Regulation; Bush River and Otter Point Creek; Between Perryman, MD and Edgewood, MD

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) for certain waters of the Bush River and Otter Point Creek, in Maryland, between Perryman and Edgewood. This action is necessary to provide for the safety of life on these navigable waters, located at Edgewood, MD, during a high-speed power boat race on May 16, 2026, and May 17, 2026. This regulation prohibits persons and vessels from entering the regulated area unless specifically authorized by the Captain of the Port, Sector Maryland-National Capital Region (COTP), or a designated representative.

DATES: This rule is in effect from 9 a.m. on May 16, 2026, through 7 p.m. on May 17, 2026. It will only be subject to enforcement, however, from 9 a.m. through 7 p.m. on each of the two days the rule is in effect.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0402.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Kate Newkirk, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard: telephone 410–576–2596, or email *MDNCRWaterways@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
SLR Special Local Regulation
U.S.C. United States Code

II. Background and Authority

The Kent Narrows Racing Association applied for a permit under 33 CFR 100.15 to conduct the Harford County Spring Nationals Inboard Hydroplane Race on May 16, 2026, and May 17, 2026, from 10 a.m. to 6 p.m. on both days. The high-speed power boat racing event consists of approximately 50 participating racing boats—including composite and wood hull inboard hydroplanes—12 to 28 feet in length. Following the approval of a permit, the COTP may issue special local regulations under 33 CFR 100.35, as the Coast Guard is doing in the form of this temporary final rule.

The Captain of the Port Sector Maryland-National Capital Region (COTP) is issuing this Special Local Regulation (SLR) under the authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the power boat race would be a safety concern for anyone intending to participate in this event and for vessels that operate within the specified waters of the Bush River and Otter Point Creek. The purpose of this rule is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event.

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 to provide notice, consider any comments received, and publish a final rule by May 16, 2026, when the rule must be in place to address the potential safety hazards associated with the high-speed power boat race.

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 temporary SLR from 9 a.m. on May 16, 2026, through 7 p.m. on May 17, 2026. Although it will be in effect during that period, it will only be enforced from 9 a.m. to 7 p.m. on May 16, 2026, and from 9 a.m. to 7 p.m. on May 17, 2026. The regulated area will cover all navigable waters of the Bush River and Otter Point Creek, shoreline to shoreline, bounded to the north by a line drawn from the western shoreline of the Bush River at latitude 39°21′15″ N, longitude 076°14′39″ W and thence eastward to the eastern shoreline of the Bush River at latitude 39°27′03″ N, longitude 076°13′57″ W, and bounded to the south by the Amtrak Railroad Bridge, across the Bush River at mile 6.8, between Perryman, MD and Edgewood, MD. These boundaries are based on a detailed course map for the event which the Coast Guard received from the sponsor on January 20, 2026.

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. 4321–4370f), 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 special local regulation. It is categorically excluded from further review under paragraph L61of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T599–0402 to read as follows:

§ 100.T599–0402 Special Local Regulation; Bush River and Otter Point Creek; Between Perryman, MD and Edgewood, MD.

(a) *Location.* This special local regulation applies to the following area:

(1) *Regulated area.* All navigable waters of Bush River and Otter Point Creek, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline of the Bush River at latitude 39°27′15″ N, longitude 076°14′39″ W and thence eastward to the eastern shoreline of the Bush River at latitude 39°27′03″ N, longitude 076°13′57″ W; and bounded to the south by the Amtrak Railroad Bridge, across the Bush River at mile 6.8, between Perryman, MD and Edgewood, MD. The race area, buffer zone, and spectator area are within the regulated area.

(2) *Race Area.* The area is bounded by a line commencing at position latitude 39°26′39.48″ N, longitude 076°15′23.44″ W, to latitude 39°26′36.52″ N, longitude 076°15′13.33″ W, to latitude 39°26′36.94″ N, longitude 076°15′10.01″ W, to latitude 39°26′38.59″ N, longitude 076°15′07.41″ W, to latitude 39°26′41.03″ N, longitude 076°15′06.22″ W, to latitude 39°26′43.61″ N, longitude 076°15′06.76″ W, to latitude 39°26′45.63″ N, longitude 076°15′08.89″ W, to latitude 39°26′47.93″ N, longitude 076°15′16.76″ W, to latitude 39°26′50.24″ N, longitude 076°15′24.63″ W, to latitude 39°26′49.81″ N, longitude 076°15′27.95″ W, to latitude 39°26′48.16″ N, longitude 076°15′30.56″ W, to latitude 39°26′45.72″ N, longitude 076°15′31.75″ W, to latitude 39°26′43.15″ N, longitude 076°15′31.20″ W, to latitude 39°26′41.13″ N, longitude 076°15′29.07″ W thence back to the beginning point.

(3) *Buffer Zone.* The buffer zone surrounds the entire race area and is bounded by a line commencing at position latitude 39°26′39.60″ N,

longitude 076°15′30.00″ W, to latitude 39°26′37.80″ N, longitude 076°15′24.00″ W, to latitude 39°26′34″ N, longitude 076°15′14.40″ W, to latitude 39°26′34.80″ N, longitude 076°15′09.00″ W, to latitude 39°26′37.20″ N, longitude 076°15′05.40″ W, to latitude 39°26′40.80″ N, longitude 076°15′03.60″ W, to latitude 39°26′44.40″ N, longitude 076°15′04.20″ W, to latitude 39°26′46.80″ N, longitude 076°15′07.20″ W, to latitude 39°26′49.80″ N, longitude 076°15′15.60″ W, to latitude 39°26′52.20″ N, longitude 076°15′25.20″ W, to latitude 39°26′51.60″ N, longitude 076°15′28.80″ W, to latitude 39°26′49.20″ N, longitude 076°15′32.40″ W, to latitude 39°26′45.60″ N, longitude 076°15′34.20″ W, to latitude 39°26′42.60″ N, longitude 076°615′33.60″ W thence back to the beginning point.

(4) *Spectator Area.* The spectator area is designated as all waters immediately surrounding the buffer zone up to a distance of 500 feet immediately surrounding the buffer zone.

(b) *Definitions.* As used in this section—

Buffer Zone is a neutral area that surrounds the perimeter of the race area within the regulated area described by this section. The purpose of a buffer area is to minimize potential collision conflicts with marine event participants or high-speed power boats and nearby transiting vessels. This area provides separation between a race area and other vessels that are operating in the vicinity of the regulated area established by the special local regulations 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 Maryland-National Capital Region (COTP) in the enforcement of the regulated area.

Event Patrol Commander or Event PATCOM means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been so designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as a participant in the race.

Race area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a race area within the regulated area defined by this section.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods.* This section will be enforced from 9 a.m. to 7 p.m. on May 16, 2026, and from 9 a.m. to 7 p.m. on May 17, 2026.

Dated: April 16, 2026.

Patrick C. Burkett,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2026–08901 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–0346]

Safety Zones; Recurring Events in Captain of the Port Duluth Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Superior 4th of July Fireworks Display on July 4, 2026, to provide for the safety of life on navigable waterways during this event. Our regulation for recurring safety zones within the Captain of the Port Duluth Zone identifies the regulated area for this event in Superior, WI. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.943, for Event (G)(7) in Table 1, will be enforced from 9:30 p.m. until 11 p.m., on July 4, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Zachary Fedak, Marine Safety Unit Duluth, U.S. Coast Guard; telephone (206) 815–7117 (option 6), email *Zachary.A.Fedak@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in 33 CFR 165.943, Table 1, Event (G)(7), for the Superior 4th of July Fireworks Display regulated area from 9:30 p.m. to 11 p.m. on July 4, 2026. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for recurring safety zones within the Captain of the Port Duluth Zone, § 165.943, at Table 1, Event (G)(7), specifies the location of the regulated area for the Superior 4th of July Fireworks Display, which encompasses portions of Superior Bay. During the enforcement period, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

J.P. Botti,

Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Duluth.

[FR Doc. 2026–08941 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0480]

RIN 1625–AA00

Safety Zone; Key West Paddle Classic, Key West, FL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone for the navigable waters surrounding Key West, Florida. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the Key West Paddle Classic event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Key West, or their designated representative.

DATES: This rule is effective from 6 a.m. until 5 p.m. on May 9, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0480.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MSTC Mathew Mason, Sector Key West Waterways Management Division, U.S. Coast Guard; telephone 305–292–8823, or email *Mathew.R.Mason@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 that a marine event will be held on May 9, 2026, consisting of 100 paddle craft paddling around the island of Key West. The Captain of the Port (COTP) Key West has determined that potential hazards associated with the event are a safety concern for anyone along the course of the event when participants are present. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

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. Additionally, the Coast Guard was notified of the final details of this event too late in the planning process to engage in the public comment process but we must establish this safety zone by May 9, 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 temporary moving safety zone from 6 a.m. until 5 p.m. on May 9, 2026. The safety zone will cover all navigable waters within 50 yards in front of the lead safety vessel preceding the first event participants, 50 yards behind the safety vessel trailing the last event participants, and at all times extend 100 yards on either side of event participants. The event course begins at the Beachside Resort in Key West, Florida, moves south through Cow Key Channel, west to Higgs Beach to the area offshore of Fort Zachary Taylor Historic State Park, north through Key West Harbor, east through Fleming Key Cut, and west returning to the Beachside Resort in Key West, FL. 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(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is 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.T07–0480 to read as follows:

§ 165.T07–0480 Safety Zone; Key West Paddle Classic, Key West, FL.

(a) *Location.* The following area is a moving safety zone: All waters of the

Atlantic Ocean and Gulf of America from surface to bottom, along a course starting at the Beachside Resort in Key West, Florida, moves south through Cow Key Channel, west to Higgs Beach to the area offshore of Fort Zachary Taylor Historic State Park, north through Key West Harbor, east through Fleming Key Cut, and west returning to the Beachside Resort in Key West, FL. The safety zone will extend 50 yards in front of the lead safety vessel preceding the first event participants, 50 yards behind the safety vessel trailing the last event participants, and at all times extend 100 yards on either side of event participants.

(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 Key West (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 888–245–9727. 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 6 a.m. to 5 p.m. on May 9, 2026.

Joshua M. Empen,

Captain, U.S. Coast Guard, Captain of the Port, Sector Key West.

[FR Doc. 2026–08822 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0199]

RIN 1625–AA00

Safety Zone; Delaware River, Camden, NJ, Battleship New Jersey

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for waters of the Delaware River, in Camden, NJ, for a clay shoot aboard the Battleship New Jersey on May 7, 2026, or on a rain date of May 11, 2026. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the clay shoot. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Delaware Bay (COTP).

DATES: This rule is effective from May 7, 2026, through May 11, 2026. It will only be subject to enforcement, however, on the one day during that time period when the event takes place, from 9 a.m. to 4 p.m. Absent postponement, that date will be May 7, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0199.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST2 Dominick Dobridge, Sector Delaware Bay, Waterways Management Division, U.S. Coast Guard; telephone (206)–815–6688, option 3, email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Sector Delaware Bay
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 that an organization will be conducting a clay shoot from the decommissioned, historic Battleship New Jersey, in Camden, NJ from 9 a.m. to 4 p.m. on May 7, 2026. The participants will fire bird shot at clay targets from the port side of the Battleship New Jersey into the Delaware River. The Captain of the Port (COTP) Sector Delaware Bay has determined that potential hazards associated with bird shots are a safety concern for anyone within 900 feet of the Battleship. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

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 to do so. In the time since we were informed of the event, it is unlikely we would have enough time to solicit and respond to comments, and publish a final rule by May 7, 2026, the date of the event. During the event the participants will fire bird shot at clay targets from the port side of the Battleship New Jersey into the Delaware River. This safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the bird shot fired during the clay shoot.

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 9 a.m. through 4 p.m. on May 7, 2026, or on a rain date of May 11, 2026. The safety zone will cover all navigable waters within 900 feet of the Battleship New Jersey, on the Delaware River, in Camden, NJ. The coordinates of the safety zone are provided in the rule text, below. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled clay shoot. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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. 4321–4370f), 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(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is 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; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T05–0199 to read as follows:

§ 165.T05–0199 Safety Zone; Delaware River, Camden, NJ, Battleship New Jersey.

(a) *Location.* All navigable waters within 800 feet of the Battleship New Jersey, on the Delaware River, in Camden, NJ, located at approximate position latitude 39°56.36′ N, longitude 075°07.99′ W.

(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 Delaware Bay (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. 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 9 a.m. to 4 p.m. on May 7, 2026, or (if it is postponed due to weather) on a rain date of May 11, 2026, with the same times.

Roberto Rivera,

Captain, U.S. Coast Guard, Acting Captain of the Port, Sector Delaware Bay.

[FR Doc. 2026–08904 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0412]

RIN 1625–AA00

Safety Zone; Fireworks Displays Within the USCG East District (Formerly Fifth Coast Guard District); The Wharf, Washington, DC

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a fireworks display at ''The Wharf DC,'' in Washington, DC, to provide for the safety of life on navigable waterways during this event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Maryland-National Capital Region, or their designated representative.

DATES: This rule is effective from 8 p.m. through 9 p.m. on May 6, 2026.

ADDRESSES: To view documents we've indicated are available in the docket, go to *https://www.regulations.gov* and search for USCG–2026–0412.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Kate M. Newkirk, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard: telephone 410–576–2596, email *MDNCRMarineEvents@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 a short duration fireworks display that will be discharged in the Upper Potomac River at The Wharf in Washington, DC. The Captain of the Port, Sector Maryland-National Capital Region (COTP) has determined that potential hazards associated with this fireworks display would be a safety concern for anyone within a 500-foot radius of the fireworks discharge site. Such hazards include premature detonations, dangerous projectiles, and falling or burning debris. Therefore, the

COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

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 and contrary to the public interest. The Coast Guard was notified of this event on March 17, 2026, but we must establish this safety zone by May 6, 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 which will be enforced from 8 p.m. to 9 p.m. on May 6, 2026. The duration of the safety zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the fireworks display scheduled to start between 8:30 p.m. to 8:45 p.m. This temporary safety zone will cover all navigable waters within a 500-foot radius of a barge in the Upper Potomac River at The Wharf in Washington, DC. The approximate position of the barge is latitude 38°52′18″ N, longitude 077°01′16″ W. 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(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. To view documents in the docket, go to *https://www.regulations.gov* and search for USCG–2026–0412.

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; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T05–0412 to read as follows:

§ 165.T05–0412 Safety Zone; within the USCG East District (formerly Fifth Coast Guard District); The Wharf, Washington, DC

(a) *Location.* The following area is a safety zone: All waters in the Upper Potomac River, within a 500-foot radius of a fireworks discharge barge in approximate position latitude 38°52′18″ N, longitude 077°01′16″ W (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 Maryland-National Capital Region (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 410–576–2693. 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 8 p.m. to 9 p.m. on May, 6, 2026.

Dated: April 16, 2026.

Patrick C. Burkett,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2026–08907 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–0268]

Safety Zones; Recurring Events in Captain of the Port Duluth Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce certain listed safety zones for 4th of July firework displays in the Captain of the Port Duluth Zone on July 4, 2026. This action is necessary to protect participants and spectators during the events. Our regulation for marine events within the Captain of the Port Duluth Zone identifies the regulated areas for the four identified events. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.943, Table 1 will be enforced for the four safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Zachary Fedak, Marine Safety Unit Duluth, U.S. Coast Guard; telephone 218–522–0708, email *Zachary.A.Fedak@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones in 33 CFR 165.943, Table 1, Events (G)(1), (G)(2), (G)(4) and (G)(5), on July 4, 2026, during the following listed times:

(1) Ashland 4th of July Fireworks Display: from 9:30 p.m. to 11:00 p.m., on all waters of Chequamegon Bay in Ashland, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°35′50″ N, 090°52′59″ W;

(2) City of Bayfield 4th of July Fireworks Display: from 9:30 p.m. to 11:00 p.m., on all waters of the Lake Superior North Channel in Bayfield, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°48′40″ N, 090°48′32″ W;

(3) Duluth 4th Fest Fireworks Display: from 9:30 p.m. to 11:00 p.m., on all waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°46′14″ N, 092°06′16″ W; and

(4) LaPointe 4th of July Fireworks Display: from 9:30 p.m. to 11:00 p.m., on all waters of Lake Superior in LaPointe, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°46′40″ N, 090°47′22″ W.

This action is being taken to provide for the safety of life on navigable waterways during these 4th of July events. During these enforcement periods, as reflected in 33 CFR 165.943(a)(4), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide the maritime community with advance notification of these enforcement periods via the Local Notice to Mariners and Broadcast Notice to Mariners. The Captain of the Port Duluth may be contacted via Channel 16, VFH–FM or at (218) 522–0708.

J.P. Botti,

Commander, U.S. Coast Guard, Captain of the Port, Marine Safety Unit Duluth.

[FR Doc. 2026–08942 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 200124–0029; RTID 0648–XF703]

Fisheries of the Caribbean, Gulf of America, and South Atlantic; Reef Fish Fishery of the Gulf of America; Accountability Measure for Recreational Harvest of Red Snapper in Federal Waters off Louisiana

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

ACTION: Temporary rule, accountability measure.

SUMMARY: Recreational landings of red snapper in Louisiana during 2025 exceeded the annual catch limit (ACL) apportioned to the state for the private angling component of the recreational sector. According to the accountability measure (AM), NMFS reduces Louisiana's 2026 ACL for red snapper in the Gulf of America (Gulf) by the amount of the overage in 2025. NMFS implements this AM for the 2026 fishing year to protect the red snapper resource in the Gulf.

DATES: This temporary rule is effective from May 6, 2026, through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, 727–824–5305, *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the Gulf reef fish fishery and red snapper in Federal waters under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). NMFS and the Gulf Fishery Management Council prepared the FMP, and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

All weights discussed in this temporary rule are in round weight. The metric conversion for the imperial measurement used in this document is 1 pound (lb) equals approximately 0.45 kilograms.

This temporary rule implements an AM for the recreational harvest of red snapper by the private angling component in Federal waters off Louisiana for the 2026 fishing year. The private angling component (private anglers) includes those who fish from private vessels and fishermen on non-federally permitted charter vessels and headboats (for-hire vessels).

Red snapper in Gulf Federal waters are harvested each year by the commercial and recreational sectors under separate catch limits. The recreational sector ACL is further divided between private anglers and federally permitted for-hire vessels. In 2020, NMFS delegated authority to the Gulf States of Florida, Alabama, Mississippi, Louisiana, and Texas to establish specific management measures for the harvest of red snapper by private anglers (85 FR 6819, February 6, 2020). That rule allocated a portion of the private angler ACL (private recreational ACL) to each state and each state is required to constrain landings within its allocation as part of state management. The private recreational ACL for the Louisiana regional management area is 934,587 lb (50 CFR 622.23(a)(1)(ii)(C)).

Regulations at 50 CFR 622.23(b) state that if landings from a state's private anglers exceed the state's private recreational ACL, then that ACL will be reduced in the following fishing year by the amount of the overage in the prior fishing year. On May 6, 2025, NMFS published a temporary rule in the **Federal Register** that reduced the private recreational ACL for the Louisiana regional management area in 2025 to 894,955 lb due to an overage in 2024 (90 FR 19129).

The Louisiana Department of Wildlife and Fisheries reported that private anglers landed 947,103 lb of red snapper. Therefore, NMFS has determined that 2025 landings by private anglers exceeded Louisiana's 2025 ACL by 52,148 lb. In accordance with the AM, this temporary rule reduces Louisiana's 2026 ACL of 934,587 lb by the 2025 overage. This results in a 2026 Louisiana ACL of 882,439 lb.

This temporary rule does not affect the private recreational ACLs in the other Gulf state management areas.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.23(b), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and opportunity for public comment on this action. Such procedures are unnecessary because the rule implementing the authority for the post-season ACL adjustment has already been subject to notice and comment, and all that remains is to notify the public of the action. Such procedures are contrary to the public interest because a failure to implement the ACL overage adjustment immediately may confuse the public about what ACL is in effect for Louisiana during the 2026 fishing season.

For the aforementioned reasons, there is also good cause to waive the 30-day delay in the effectiveness of the action under 5 U.S.C. 553(d)(3).

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

Dated: May 4, 2026.

Kelly Denit,

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

[FR Doc. 2026–08984 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 87
Wednesday, May 6, 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.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 146

RIN 3038–AF47

Privacy Act Regulations

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is establishing a new Insider Risk Program, the records of which are included in a new Privacy Act system of records, CFTC–59, Insider Risk Program Records (CFTC–59), published concurrently in this **Federal Register**. The Commission proposes here to update its regulations to exempt CFTC–59 from certain provisions of the Privacy Act in accordance with the requirements of the Privacy Act and the guidance contained in Office of Management and Budget (OMB) Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication Under the Privacy Act* (OMB A–108) in order to maintain the integrity of insider risk investigations and to keep confidential the identity of confidential sources. If the Commission adopts this proposal, the records in CFTC–59 will be exempt from those provisions of the Privacy Act pertaining to an individual's right to access and request amendment of their records.

DATES: Please submit comments on or before June 5, 2026.

ADDRESSES: You may submit comments identified as pertaining to ''Privacy Act Exemption—CFTC–59'' by any of the following methods:

- *Regulations.gov:* Go to *https://www.regulations.gov* and press the ''Search'' button, then proceed as follows:

1. Under Refine Documents Results—check the box to ''Only show documents open for comment''

2. Under Agency—select ''See More'' and check the box for ''Commodity Futures Trading Commission,'' then press the Apply button;

3. Identify this proposal in the list of CFTC documents open for comment, press the ''Comment'' button to open the submission form, and follow the instructions on the form.

Alternatively, if you are viewing this proposal on *www.federalregister.gov,* click the ''Submit A Public Comment'' button at the top of the page to open the comment form. Follow the instructions on the form to submit your comment to *Regulations.gov*.

- *Mail:* Send to—Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Address to—CFTC Comment Submission, Attn: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through *Regulations.gov* are encouraged.

All comments must be submitted in English or, if not, accompanied by an English translation. Do not include in your comment text or attachments any personal identifying information or business information that you do not want published online. Comments (regardless of submission method) will be published without review for, and without removal of, any personal identifying information or information your business may consider confidential.

If you wish to submit confidential information for the Commission's consideration, please contact the CFTC personnel listed in this Notice under **FOR FURTHER INFORMATION CONTACT** before making any submission. Please also carefully review the Commission's procedures in 17 CFR 145.9 for requesting confidential treatment under the Freedom of Information Act (FOIA) of information submitted to the Commission.

The CFTC reserves the right, but shall have no obligation, to review, pre-screen, filter, or redact all or any part of your comment submission. The CFTC also reserves the right, without further notification, to refuse to publish or to remove from public view all or any part of your submission to the extent it contains content inappropriate for publication in a comment file, such as—without limitation—obscene language, threats of violence, solicitations for commercial sales or illegal activity, or obvious spam. If a submission that is refused for or withdrawn from publication because of inappropriate content also contains comments on the merits of this proposal, such submission will be retained in the record for the matter and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Kellie Cosgrove Riley, Chief Privacy Officer, *privacy@cftc.gov,* 202–418–5610, Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Privacy Act

The Privacy Act of 1974 [1] establishes a code of fair information practice principles that govern Federal agencies' collection, maintenance, use, and dissemination of an individual's personal information. The Privacy Act applies to information that is maintained in a ''system of records,'' defined as a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.[2]

In addition to establishing a code of fair information practice principles, the Privacy Act restricts disclosure of records containing personal information that an agency maintains.[3] The Privacy Act also grants individuals an increased right of access to records maintained about themselves as well as the right to request amendment of those records upon a showing that they are not accurate, relevant, timely, or complete.[4]

[1] 5 U.S.C. 552a.
[2] 5 U.S.C. 552a(a)(5).
[3] 5 U.S.C. 552a(b).
[4] 5 U.S.C. 552a(d).

B. Privacy Act Exemptions

The Privacy Act permits agencies, where certain requirements are met and subject to limitations set forth in the Privacy Act, to specifically exempt systems of records from certain provisions of the Privacy Act, mainly pertaining to an individual's right to access and request amendment of their records.[5] In order to claim an exemption, however, the agency must engage in a rulemaking process pursuant to the APA [6] and make clear to the public why particular exemptions are being invoked.[7]

Part 146 of the Commission's regulations,[8] entitled ''Records Maintained on Individuals,'' contains the rules of the Commission implementing the Privacy Act. Commission regulation § 146.12 [9] (the Privacy Act regulation) currently asserts exemptions for certain of the Commission's systems of records that contain records relating to the Commission's investigatory mission and personal security obligations. The Commission proposes to amend Commission regulation § 146.12 to add new subsection (h) identifying CFTC–59 as a system of records for which the Commission would assert an exemption and to specify the rationale for the exemption in compliance with subsection (k) of the Privacy Act [10] and the corresponding guidance in OMB Circular A–108.[11] OMB A–108, issued in 2016, provides that, at a minimum, an agency's Privacy Act exemption regulations should include the specific name of any systems of records that will be exempt pursuant to the regulations, the specific provisions of the Privacy Act from which the system of records will be exempt and the reasons therefor, and an explanation of why the exemption is necessary and appropriate.[12]

C. CFTC–59

The Commission is publishing a new Privacy Act system of records, CFTC–59, Insider Risk Program Records (CFTC–59), concurrent with this notice of proposed rulemaking and is proposing here to exempt CFTC–59 from certain provisions of the Privacy Act. CFTC–59 contains records related to the Commission's Insider Risk Program investigations. An Insider is any person who has or had authorized access to or knowledge of the CFTC's resources, including employees, facilities, information, equipment, networks, and systems. An Insider Risk is a risk that an insider will use their authorized access, wittingly or unwittingly, to harm the security of organizational operations and assets, individuals, other organizations, or the Nation. Records in CFTC–59 are collected to detect, deter, and mitigate the unauthorized disclosure of information by an insider and to protect individuals, facilities, information, equipment, networks, and systems from insider risks. The Commission is proposing to exempt this system of records from certain provisions of the Privacy Act because the records are compiled to investigate actual or potential insider risks. As such, the records must be protected from disclosure to maintain the integrity of the investigative process and not provide to any individual an opportunity to access records and compromise that process, such as through the destruction of evidence, interference with witnesses, or otherwise. In addition, the Commission is proposing to exempt this system of records to keep confidential the identity of sources who provided information to the Commission during the course of investigations under an express promise that their identities would remain confidential. If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs for its insider risk investigative activities. Specifically, the Commission is proposing to exempt CFTC–59, pursuant to subsection (k)(2) of the Privacy Act [13] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a (c)(3); (d)(1), (2), (3), and (4); (e)(1); (e)(4)(G), (H), and (I); and (f).

Request for Comment

The Commission requests comment on the justification for and scope of the proposed CFTC–59 exemptions.

II. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires federal agencies to consider whether the rules they propose will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis regarding the economic impact on those entities.[14]

The proposed regulations, issued under the Privacy Act, exempt a system of records maintained by the Commission from certain provisions of the Privacy Act, primarily those provisions related to an individual's right to access and seek amendment of those records. Individuals are defined in the Privacy Act as United States citizens or aliens lawfully admitted to the United States for permanent residence.[15] Small entities, as defined in the RFA, are not individuals under the Privacy Act and are not provided rights thereunder; therefore, small entities are outside the scope of the proposed regulations. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b), that this proposed rule will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA'') imposes certain requirements on federal agencies in connection with their conducting or sponsoring any collection of information.[16] The Commission may not conduct or sponsor, and a respondent is not required to respond to, a request for collection of information unless the information collection request displays a currently valid control number issued by OMB. This proposed rule does not contain a ''collection of information,'' as defined in the PRA. Accordingly, the requirements imposed by the PRA are not applicable to this proposed rule.

C. Cost-Benefit Considerations

Section 15(a) of the Commodity Exchange Act (CEA) provides that, before promulgating a regulation under the CEA or issuing an order, the Commission shall consider the costs and benefits of the action of the Commission.[17] Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations.[18] The proposed rule is being promulgated under the Privacy Act and pertains to the rights of

[5] 5 U.S.C. 552a(j) and (k).
[6] 5 U.S.C. 553.
[7] 5 U.S.C. 552a(j) and (k).
[8] 17 CFR 146.
[9] 17 CFR 146.12.
[10] 5 U.S.C. 552a(j) and (k).
[11] OMB A–108 at page 25.
[12] OMB A–108 at page 25.
[13] 5 U.S.C. 552a(k)(2).
[14] 5 U.S.C. 601 *et seq.*
[15] 5 U.S.C. 552a(a)(2).
[16] 5 U.S.C. 3501 *et seq.*
[17] 7 U.S.C. 19(a).
[18] 7 U.S.C. 19(a)(2).

individuals with respect to records the Commission maintains about them. The proposed rules are not being promulgated under the CEA. Therefore, the Commission preliminarily finds that the considerations enumerated in Section 15(a)(2) of the CEA are not applicable here.

Request for Comment

The Commission requests comment on whether its preliminary finding is correct.

D. Antitrust Considerations

Section 15(b) of the CEA requires the Commission to ''take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the purposes of this Act, in issuing any order or adopting any Commission rule or regulation (including any exemption under section 4(c) or 4c(b)), or in requiring or approving any bylaw, rule, or regulation of a contract market or registered futures association established pursuant to section 17 of this Act.'' [19] The Commission believes that the public interest to be protected by the antitrust laws is generally to protect competition. The Commission has considered the proposed rule to determine whether it is anticompetitive and has preliminarily identified no anticompetitive effects.

Because the Commission has preliminarily determined that the proposed rule is not anticompetitive and has no anticompetitive effects, the Commission has not identified any less anticompetitive means of achieving the purposes of the Act.

Request for Comment

The Commission requests comment on whether the proposed rule is anticompetitive and, if it is, what the anticompetitive effects are and whether there are less anticompetitive means of achieving the relevant purposes of the Act that would otherwise be served by adopting the proposed rule. The Commission also requests comment on whether the proposed rule implicates any other specific public interest to be protected by the antitrust laws.

List of Subjects in 17 CFR Part 146

Privacy.

For the reasons stated in the preamble, the Commodity Futures Trading Commission proposes to amend Part 146 of Title 17, of the Code of Federal Regulations, as follows:

PART 146—RECORDS MAINTAINED ON INDIVIDUALS [AMENDED]

■ 1. The authority cited for Part 146 continues to read as follows:

Authority: 88 Stat. 1896 (5 U.S.C. 552a), as amended; 88 Stat. 1389 (7 U.S.C. 4a(j)).

■ 2. Add paragraph (h) to § 146.12 to read as follows:

§ 146.12 Exemptions

* * * * *

(h) *CFTC–59 Insider Risk Program Records.* The system of records identified as CFTC–59, Insider Risk Program Records, contains records collected to detect, deter, and mitigate the unauthorized disclosure of information by CFTC staff, including employees and contractors, and to protect individuals, facilities, information, equipment, networks, and systems from insider risks. These risks can include damage caused through espionage, terrorism, or unauthorized disclosure of privileged information or through the loss or degradation of Commission resources or capabilities. Pursuant to 5 U.S.C. 552a(k)(2) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(1); (e)(4)(G), (H), and (I); and (f), and from the following corresponding sections of these rules: 146.3; 146.5; 146.6(d); 146.11(a)(7), (8), and (9); and 146.7(a). Exemptions from these particular subsections of the Privacy Act are justified for the following reasons:

(1) From section (c)(3) (Accounting of Certain Disclosures), because release of the accounting of certain disclosures could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and the recipient entity. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to identify and investigate unlawful activities.

(2) From section (d)(1), (2), (3), and (4) (Access and Amendment), because individual access to these records could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and others. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the investigation. Allowing the subject of the investigation to amend records in this system of records could likewise interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(3) From section (e)(1) (Relevancy and Necessity of Information), because in the course of investigations, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective investigations require the retention of all information that may aid in the investigation or aid in establishing patterns of activity and provide investigative leads.

(4) From section (e)(4)(G), (H), and(I) (Agency Requirements) and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in subsection (d) of the Privacy Act.

* * * * *

Issued in Washington, DC, on May 4, 2026, by the Commission.

Robert Sidman,

Deputy Secretary of the Commission.

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

Privacy Act Regulations—Commission Voting Summary

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

[FR Doc. 2026–08979 Filed 5–5–26; 8:45 am]

BILLING CODE 6351–01–P

[19] 7 U.S.C. 19(b).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 10, 56, 106, 201, 251, 310, 312, 314, 329, 600, 803, 862, 866, 870, 882, 1114

[Docket No. FDA–2026–N–2886]

RIN 0910–AJ26

Modification of Certain Terminology in Title 21

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is issuing a proposed rule to modify certain terminology in Title 21 of the Code of Federal Regulations (CFR) to comply with Executive Order (E.O.) 14168, ''Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,'' issued on January 20, 2025. Specifically, this proposed rule, if finalized, will remove the term ''gender'' wherever it appears and either replace it with the term ''sex,'' or delete reference to gender, as applicable, along with other editorial changes to improve readability.

DATES: Submit either electronic or written comments on the proposed rule by July 6, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 6, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–N–2886 for ''Modification of Certain Terminology in Title 21.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov* . Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.gpo.gov/fdsys/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: Swati Kabaria, Office of Policy, Office of Policy, Legislation, and International Affairs, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 1–888–463–6332.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
  A. Purpose of the Proposed Rule
  B. Summary of the Major Provisions of the Proposed Rule
  C. Legal Authority
  D. Costs and Benefits
II. Table of Abbreviations
III. Background
  A. Need for the Regulation
  B. FDA's Current Regulatory Framework
IV. Legal Authority
V. Description of the Proposed Rule
VI. Proposed Effective Date
VII. Economic Analysis of Impacts
VIII. Paperwork Reduction Act of 1995
IX. Analysis of Environmental Impact
X. Federalism
XI. Consultation and Coordination With Indian Tribal Governments

I. Executive Summary

A. Purpose of the Proposed Rule

FDA is proposing to amend certain terminology in Title 21 of the CFR to remove the term ''gender'' wherever it appears, to either replace it with the term ''sex,'' or delete reference to gender, as applicable, and make other editorial changes to the relevant sections for readability. FDA is taking this action to comply with E.O. 14168, ''Defending Women From Gender Ideology Extremism and Restoring

Biological Truth to the Federal Government.'' [1]

B. Summary of the Major Provisions of the Proposed Rule

The proposed rule would remove the term ''gender'' wherever it appears, to either replace it with the term ''sex,'' or delete reference to gender, as applicable, and make other editorial changes for readability, in the following regulations in Title 21 of the CFR: 21 CFR 10.65, 56.107, 106.121, 201.57, 251.18, 310.305, 312.33, 312.42, 314.50, 314.80, 329.100, 600.80, 803.32, 803.42, 803.52, 862.1840, 866.3215, 866.5950, 870.1415, 870.2200, 870.2210, 870.2220, 870.5600, 882.1455, 882.1471, 1114.3, and 1114.41.

C. Legal Authority

FDA proposes to issue this rule under the following authorities: The Federal Food, Drug, and Cosmetic Act (FD&C Act) at 21 U.S.C. 321 *et seq.* and specifically, sections 321–397; the Public Health Service (PHS Act) at 42 U.S.C. 201, 216, 241, 242(a), 262, 263a, 263b, 264; 15 U.S.C. 1451–1461; 5 U.S.C. 551–558, 701–706; 21 U.S.C. 141–149, 467f, 679, 821, 1034; 28 U.S.C. 2112; and section 111 of the Consolidated Appropriations Act, 2022 (Pub. L. 117–103), 136 Stat. 49 at 789. FDA also has general authority to issue regulations for the efficient enforcement of the FD&C Act and the PHS Act under section 701 of the FD&C Act (21 U.S.C. 371) and section 351(j) of the PHS Act.

D. Costs and Benefits

FDA is proposing to remove the term ''gender'' wherever it appears, and either replace it with the term ''sex,'' or delete reference to gender, as applicable, and make other editorial changes for readability. This proposed rule reflects editorial changes that affect FDA and does not impact industry practices. Consequently, we do not anticipate any measurable change in industry resulting from this proposed rule. We also expect the economic impact on FDA to be minimal. This proposed rule will produce no quantifiable savings, costs, or transfers. We do not expect any loss of public health benefits as a result of this rule. We estimate that the annualized benefits over 10 years would be $0 at both 3 and 7 percent discount rate. The annualized costs would also be $0 at both 3 and 7 percent discount rate.

This proposed rule, if finalized, is not expected to be an Executive Order 14192 regulatory action. We estimate that this proposed rule would generate $0 in net cost savings.

II—TABLE OF ABBREVIATIONS/COMMONLY USED ACRONYMS IN THIS DOCUMENT

Abbreviation/ acronym	What it means
CFR	Code of Federal Regulations.
E.O.	Executive Order.
FD&C Act	Federal Food, Drug, and Cosmetic Act.
FDA or Agency	Food and Drug Administration.
IDE	Investigational Device Exemption.
IND	Investigational New Drug.
NDA	New Drug Application.
OMB	Office of Management and Budget.
PHS Act	Public Health Service Act.

III. Background

A. Need for the Regulation

On January 20, 2025, the President issued E.O. 14168, ''Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,'' which, among other things, requires executive agencies to use the term ''sex'' and not ''gender'' when administering or enforcing sex-based distinctions, in all applicable Federal policies and documents.

Accordingly, this proposed rule would, if finalized, amend certain terminology in FDA regulations, specifically by removing the word ''gender'' wherever it appears, to either replace it with the term ''sex,'' or delete reference to gender, as applicable, and make other appropriate editorial changes for readability.

B. FDA's Current Regulatory Framework

The terms ''gender'' and ''sex'' appear in various contexts in FDA regulations, including in requirements related to Institutional Review Board (IRB) membership (see 21 CFR 56.107), records and reporting requirements for product applications and approvals (see, *e.g.,* 21 CFR 312.42, 314.50, 314.80, 600.80, 803.32), and device classification regulations (see, *e.g.,* 21 CFR 862.1840, 866.3215, 866.5950). Section 2(a) of E.O. 14168 defines ''sex'' as referring to an individual's immutable biological classification as either male or female. Section 3(c) of E.O. 14168 requires, among other things, that ''[w]hen administering or enforcing sex-based distinctions, every agency and all Federal employees acting in an official capacity on behalf of their agency shall use the term ''sex'' and not ''gender'' in all applicable Federal policies and documents.'' After reviewing them, FDA is modifying regulations to remove the term ''gender'' wherever it appears, to either replace it with the term ''sex,'' or delete reference to gender, as applicable.

IV. Legal Authority

FDA is proposing this rule under the authority granted to it by the FD&C Act (21 U.S.C. 301 *et seq.*),the PHS Act (42 U.S.C. 201 *et seq.*), 15 U.S.C. 1451–1461; 5 U.S.C. 551–558, 701–706; 21 U.S.C. 141–149, 467f, 679, 821, 1034; 28 U.S.C. 2112; and section 111 of the Consolidated Appropriations Act, 2022. The statutory authorities supporting this rulemaking are those authorizing the regulations which are to be amended. Specifically, FDA is proposing this rule under the following statutes and public laws: 21 U.S.C. 321–397; 42 U.S.C. 201, 216, 241, 242(a), 262, 263a, 263b, 264; 15 U.S.C. 1451–1461; 5 U.S.C. 551–558, 701–706; 21 U.S.C. 141–149, 467f, 679, 821, 1034; 28 U.S.C. 2112; and section 111 of the Consolidated Appropriations Act of 2022. By delegation from the Secretary of the Department of Health and Human Services, FDA is authorized to issue regulations for the efficient enforcement of the FD&C Act (21 U.S.C. 371) and section 351(j) of the PHS Act (42 U.S.C. 262(j)). Any final rule upon which this proposal is based would help with the efficient enforcement of provisions relating to the following: (1) IRBs; (2) infant formula; (3) human and animal drugs, biological products, and medical devices; (4) drug, biological product, and device labeling and reporting; (5) drug importation; and (6) premarket tobacco product applications.

V. Description of the Proposed Rule

We propose to amend regulations concerning IRBs; infant formula; human and animal drugs, biological products, and medical devices; drug, biological product, and device labeling and reporting; drug importation; and premarket tobacco product applications by removing the term ''gender'' wherever it appears, to either replace it with the term ''sex,'' or delete reference to gender, as applicable, and make other appropriate editorial changes for readability in Title 21 of the CFR:

[1] *https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal.*

Chapter/subchapter	Heading
1. § 10.65(d)(3)	Meetings and correspondence.
2. § 56.107(a)	IRB membership.
3. § 56.107(b)	IRB membership.
4. § 106.121(a)(2)	Quality factor assurances for infant formulas.
5. § 201.57(c)(13)(i)(C)	Specific requirements on content and format of labeling for human prescription drug and biological products described in Sec. 201.56(b)(1).
6. § 251.18(d)(7)(i)(C)	Post-importation requirements.
7. § 310.305(d)(1)(iii)	Records and reports concerning adverse drug experiences on marketed prescription drugs for human use without approved new drug applications.
8. § 312.33 (a)(2)	Annual reports.
9. § 312.42(b)(1)(v)	Clinical holds and requests for modification.
10. § 312.42(b)(1)(v)(A)	Clinical holds and requests for modification.
11. § 312.42(b)(1)(v)(B)	Clinical holds and requests for modification.
12. § 314.50(d)(5)(v)	Content and format of an NDA.
13. § 314.50(d)(5)(vi)	Content and format of an NDA.
14. § 314.80(f)(1)(iii)	Postmarketing reporting of adverse drug experiences.
15. § 329.100(b)(1)(iii)	Postmarketing reporting of adverse drug events under section 760 of the Federal Food, Drug, and Cosmetic Act.
16. § 600.80(f)(1)(iii)	Postmarketing reporting of adverse experiences.
17. § 600.80(g)(1)(iii)	Postmarketing reporting of adverse experiences.
18. § 803.32(a)(3)	If I am a user facility, what information must I submit in my individual adverse event reports?
19. § 803.42 (a)(3)	If I am an importer, what information must I submit in my individual adverse event reports?
20. § 803.52(a)(3)	If I am a manufacturer, what information must I submit in my individual adverse event reports?
21. § 862.1840(b)(3)	Total 25-hydroxyvitamin D mass spectrometry test system.
22. § 866.3215(b)(5)	Device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis.
23. § 866.5950(b)(3)(ii)(B)	Genetic health risk assessment system.
24. § 866.5950(b)(3)(iii)(J)(1)(viii)	Genetic health risk assessment system.
25. § 870.1415(b)(6)(v)	Coronary vascular physiologic simulation software device.
26. § 870.2200(b)(5)(vii)	Adjunctive cardiovascular status indicator.
27. § 870.2210(b)(5)(viii)	Adjunctive predictive cardiovascular indicator.
28. § 870.2220(b)(5)(v)	Adjunctive hemodynamic indicator with decision point.
29. § 870.5600(b)(5)(ix)	Adjunctive open loop fluid therapy recommender.
30. § 882.1455(b)(6)(ii)(E)	Traumatic brain injury eye movement assessment aid.
31. § 882.1471(b)(3)(i)(D)(5)	Computerized cognitive assessment aid for concussion.
32. § 1114.3	Definitions.
33. § 1114.41(a)(1)(vi)(C)	Reporting requirements.
34. § 1114.41(a)(1)(xvi)	Reporting requirements.

VI. Proposed Effective Date

We propose that any final rule resulting from this rulemaking would become effective 30 days after the date of the final rule's publication in the **Federal Register**.

VII. Economic Analysis of Impacts

We have examined the impacts of the proposed rule under E.O. 12866, E.O. 13563, E.O. 14192, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct us to assess all benefits and costs of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits. Rules are economically significant under E.O. 12866 if they have an annual effect on the economy of $100 million or more; or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is not a significant regulatory action under E.O. 12866.

E.O. 14192 requires that any new incremental costs associated with certain significant regulatory actions ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.'' This proposed rule, if finalized as proposed, is not expected to be an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the proposed rule reflects editorial changes and does not add any new regulatory burden on the industry, we propose to certify that the proposed rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $193 million, using the most current (2025) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

FDA is proposing to remove the term ''gender'' wherever it appears, and either replace it with the term ''sex,'' or delete reference to gender, as applicable, and make other editorial changes for readability. This proposed rule reflects editorial changes that affect FDA and does not impact industry practices. Consequently, we do not anticipate any measurable change in industry resulting from this proposed rule. We also expect the economic impact on FDA to be minimal. This proposed rule will produce no quantifiable savings, costs, or transfers. We do not expect any loss

of public health benefits as a result of this rule.

Table 1 summarizes the estimated benefits and costs of the proposed rule. We estimate that the annualized benefits over 10 years would be $0 at both 3 and 7 percent discount rate. The annualized costs would also be $0 at both 3 and 7 percent discount rate. We request comments on our estimates of benefits, costs, and transfers of this proposed rule.

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE PROPOSED RULE

[Millions of 2024 dollars]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
Benefits:							
Annualized Monetized ($millions/year)	$0	$0	$0	.....	7 3	.....	
Annualized Quantified	.....	.....	.....	.....	7 3	.....	
Qualitative							
Costs:							
Annualized Monetized ($millions/year)	0	0	0	.....	7 3	.....	
Annualized Quantified	.....	.....	.....	.....	7 3	.....	
Qualitative							
Transfers:							
Federal Annualized Monetized ($millions/year)	.....	.....	.....	.....	7 3	.....	
	From:			To:			
Other Annualized Monetized ($millions/year)	.....	.....	.....	.....	7 3	.....	
	From:			To:			

Effects:
State, Local or Tribal Government: none.
Small Business: none.
Wages: none.
Growth: none.

In line with E.O. 14192, in Table 2 we estimate present and annualized values of costs, cost savings, and net costs over a perpetual time horizon. This proposed rule, if finalized as proposed, is not expected to be an E.O. 14192 regulatory action. We estimate that this proposed rule would generate $0 in net cost savings.

TABLE 2—EXECUTIVE ORDER 14192 SUMMARY TABLE

[Millions of 2024 dollars, discounted over a perpetual time horizon relative to year 2024 at a 7 percent discount rate]

	Primary estimate	Low estimate	High estimate
Present Value of Costs	$0	$0	$0
Present Value of Cost Savings	0	0	0
Present Value of Net Costs	0	0	0
Annualized Costs	0	0	0
Annualized Cost Savings	0	0	0
Annualized Net Costs	0	0	0

VIII. Paperwork Reduction Act of 1995

FDA tentatively concludes that this proposed rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) is not required.

IX. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

X. Federalism

We have analyzed this proposed rule in accordance with the principles set forth in E.O. 13132. We have determined that this proposed rule does not contain policies that 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. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the E.O. and,

consequently, a federalism summary impact statement is not required.

XI. Consultation and Coordination With Indian Tribal Governments

We have analyzed this proposed rule in accordance with the principles set forth in E.O. 13175. We have tentatively determined that the rule does not contain policies that would 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. The Agency solicits comments from tribal officials on any potential impact on Indian Tribes from this proposed action.

List of Subjects

21 CFR Part 10

Administrative practice and procedure; News media.

21 CFR Part 56

Human research subjects; Reporting and recordkeeping requirements; Safety.

21 CFR Part 106

Food grades and standards; Infants and children; Nutrition; Reporting and Recordkeeping Requirements.

21 CFR Part 201

Drugs; Labeling; Reporting and recordkeeping requirements.

21 CFR Part 251

Exports; Labeling; Packaging and containers; Prescription drugs; Reporting and recordkeeping requirements.

21 CFR Part 310

Administrative practice and procedure; Drugs; Labeling; Medical devices; Reporting and recordkeeping requirements.

21 CFR Part 312

Drugs; Exports; Imports; Investigations; Labeling; Medical research; Reporting and recordkeeping requirements.

21 CFR Part 314

Administrative practice and procedure; Confidential business information; Drugs; Reporting and recordkeeping requirements.

21 CFR Part 329

Alcohol and alcoholic beverages; Over-the-counter drugs; Reporting and recordkeeping requirements.

21 CFR Part 600

Biologics; Reporting and recordkeeping requirements.

21 CFR Part 803

Imports; Medical devices; Reporting and recordkeeping requirements.

21 CFR Part 862

Medical devices.

21 CFR Part 866

Biologics; Laboratories; Medical devices.

21 CFR Part 870

Medical devices.

21 CFR Part 882

Medical devices.

21 CFR Part 1114

Administrative practice and procedure; Cigars and cigarettes; Smoking; Tobacco.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, we propose that 21 CFR parts 10, 56, 106, 201, 251, 310, 312, 314, 329, 600, 803, 862, 866, 870, 882, and 1114 be amended as follows:

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURE

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

Authority: 5 U.S.C. 551–558, 701–706; 15 U.S 1451–1461; 21 U.S.C. 141–149, 321–397, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264.

■ 2. Revise § 10.65 to read as follows:

§ 10.65 Meetings and correspondence.

* * *

(d) * * *

(3) An agency representative may not knowingly participate in a meeting that is closed on the basis of sex, race, or religion.

* * *

PART 56—INSTITUTIONAL REVIEW BOARDS

■ 1. The authority citation for part 56 continues to read as follows:

Authority: 21 U.S.C. 321, 343, 346, 346a, 350a, 351, 352, 353, 355, 360, 360–360–f, 360h, 360i, 360j, 360hh–360ss, 371, 379e, 381; 42 U.S.C 216, 241, 262.

■ 2. Revise § 56.107 to read as follows:

§ 56.107 IRB membership.

(a) Each IRB shall have at least five members, with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. The IRB shall be sufficiently qualified through the experience and expertise of its members, and the diversity of the members, including consideration of race, sex, cultural backgrounds, and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review the specific research activities, the IRB shall be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice. * * * The IRB shall therefore include persons knowledgeable in these areas. If an IRB regularly reviews research that involves a vulnerable category of subjects, such as children, prisoners, pregnant women, or handicapped or mentally disabled persons, consideration shall be given to the inclusion of one or more individuals who are knowledgeable about and experienced in working with those subjects.

* * * * *

(b) Every nondiscriminatory effort will be made to ensure that no IRB consists entirely of men or entirely of women, including the institution's consideration of qualified persons of both sexes, so long as no selection is made to the IRB on the basis of sex. No IRB may consist entirely of members of one profession.

* * * * *

PART 106—INFANT FORMULA REQUIREMENTS PERTAINING TO CURRENT GOOD MANUFACTURING PRACTICE, QUALITY CONTROL PROCEDURES, QUALITY FACTORS, RECORDS AND REPORTS, AND NOTIFICATIONS

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

Authority: 21 U.S.C. 321, 342, 350a, 371.

■ 2. Revise § 106.121 to read as follows:

§ 106.121 Quality factor assurances for infant formulas.

(a) * * *

(2) Records that contain the information required by § 106.96(b) to be collected during the study for each infant enrolled in the study. The records shall be identified by subject number, age, feeding group, sex, and study day of collection.

* * * * *

PART 201—LABELING

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 343, 351, 352, 353, 355, 358, 360, 360b, 360ccc, 360ccc–1, 360ee, 360gg–360ss, 371, 374, 379e, 42 U.S.C. 216, 241, 262, 264.

■ 2. Revise § 201.57 to read as follows:

§ 201.57 Specific requirements on content and format of labeling for human prescription drug and biological products described in § 201.56(b)(1).

* * * * *

(c) * * *

(13) * * *

(i) * * *

(C) *12.3 Pharmacokinetics.* This subsection must describe the clinically significant pharmacokinetics of a drug or active metabolites, (*i.e.,* pertinent absorption, distribution, metabolism, and excretion parameters). Information regarding bioavailability, the effect of food, minimum concentration (C_{min}), maximum concentration (C_{max}), time to maximum concentration (T_{max}), area under the curve (AUC), pertinent half-lives ($t_{1/2}$), time to reach steady state, extent of accumulation, route(s) of elimination, clearance (renal, hepatic, total), mechanisms of clearance (*e.g.,* specific enzyme systems), drug/drug and drug/food (*e.g.,* dietary supplements, grapefruit juice) pharmacokinetic interactions (including inhibition, induction, and genetic characteristics), and volume of distribution (V_d) must be presented if clinically significant. Information regarding nonlinearity in pharmacokinetic parameters, changes in pharmacokinetics over time, and binding (plasma protein, erythrocyte) parameters must also be presented if clinically significant. This section must also include the results of pharmacokinetic studies (*e.g.,* of metabolism or interaction) that establish the absence of an effect, including pertinent human studies and in vitro data. Dosing recommendations based on clinically significant factors that change the product's pharmacokinetics (*e.g.,* age, sex, race, hepatic or renal dysfunction, concomitant therapy) that appear in other sections (*e.g.,* ''Warnings and Precautions,'' ''Dosage and Administration,'' or ''Use in Specific Populations'') must not be repeated in this subsection, but the location of such recommendations must be referenced.

* * * * *

PART 251—SECTION 804 IMPORTATION PROGRAM

■ 1. The authority citation for part 251 continues to read as follows:

Authority: 21 U.S.C. 351, 352, 353, 355, 360, 360b–f, 360ee–1,371, 374, 381, 384.

■ 2. Revise § 251.18 to read as follows:

§ 251.18 Post-importation requirements.

* * *

(d) * * *

(7) * * *

(i) * * *

(C) Patient sex; and

* * *

PART 310—NEW DRUGS

■ 1. The authority citation for part 310 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360b–360f, 360j, 360hh-360ss, 361(a), 371, 374, 375, 379e, 379k–1; 42 U.S.C. 216, 241, 242(a), 262.

■ 2. Revise § 310.305 to read as follows:

§ 310.305 Records and reports concerning adverse drug experiences on marketed prescription drugs for human use without approved new drug applications.

* * * * *

(d) * * *

(1) * * *

(iii) Patient sex; and

* * * * *

PART 312—INVESTIGATIONAL NEW DRUG APPLICATION

■ 1. The authority citation for part 312 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360bbb, 371; 42 U.S.C. 262.

■ 2. Revise § 312.33 to read as follows:

§ 312.33 Annual reports.

(a) * * *

(2) The total number of subjects initially planned for inclusion in the study; the number entered into the study to date, tabulated by age group, sex, and race; the number whose participation in the study was completed as planned; and the number who dropped out of the study for any reason

* * * * *

■ 3. Revise § 312.42 to read as follows:

§ 312.42 Clinical holds and requests for modification.

* * * * *

(b) * * *

(1) * * *

(v) The IND is for the study of an investigational drug intended to treat a life-threatening disease or condition that affects both sexes, and men or women with reproductive potential who have the disease or condition being studied are excluded from eligibility because of a risk or potential risk from use of the investigational drug of reproductive toxicity (*i.e.,* affecting reproductive organs) or developmental toxicity (*i.e.,* affecting potential offspring). The phrase ''women with reproductive potential'' does not include pregnant women. For purposes of this paragraph, ''life-threatening illnesses or diseases'' are defined as ''diseases or conditions where the likelihood of death is high unless the course of the disease is interrupted.'' The clinical hold would not apply under this paragraph to clinical studies conducted:

(A) Under special circumstances, such as studies pertinent only to one sex (*e.g.,* studies evaluating the excretion of a drug in semen or the effects on menstrual function);

(B) Only in men or women, as long as a study that does not exclude members of the other sex with reproductive potential is being conducted concurrently, has been conducted, or will take place within a reasonable time agreed upon by the agency; or

* * * * *

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG

■ 1. The authority citation for part 314 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 355a, 355f, 356, 356a, 356b, 356c, 356e, 360cc, 371, 374, 379e, 379k–1.

■ 2. Revise § 314.50 to read as follows:

§ 314.50 Content and format of an NDA.

* * * * *

(d) * * *

(5) * * *

(v) An integrated summary of the data demonstrating substantial evidence of effectiveness for the claimed indications. Evidence is also required to support the dosage and administration section of the labeling, including support for the dosage and dose interval recommended. The effectiveness data must be presented by sex, age, and racial subgroups and must identify any modifications of dose or dose interval needed for specific subgroups. Effectiveness data from other subgroups of the population of patients treated, when appropriate, such as patients with renal failure or patients with different levels of severity of the disease, also must be presented.

(vi) * * *

(a) The applicant must submit an integrated summary of all available information about the safety of the drug product, including pertinent animal data, demonstrated or potential adverse effects of the drug, clinically significant drug/drug interactions, and other safety considerations, such as data from epidemiological studies of related drugs.

The safety data must be presented by sex, age, and racial subgroups. When appropriate, safety data from other subgroups of the population of patients treated also must be presented, such as for patients with renal failure or patients with different levels of severity of the disease. A description of any statistical analyses performed in analyzing safety data should also be included, unless already included under paragraph (d)(5)(ii) of this section.

* * *

■ 3. Revise § 314.80 to read as follows:

§ 314.80 Postmarketing reporting of adverse drug experiences.

* * * * *

(f) * * *

(1) * * *

(iii) Patient sex; and

* * * * *

PART 329—NONPRESCRIPTION HUMAN DRUG PRODUCTS SUBJECT TO SECTION 760 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

■ 1. The authority citation for part 329 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 371, 379aa.

■ 2. Revise § 329.100 to read as follows:

§ 329.100 Postmarketing reporting of adverse drug events under section 760 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

(b) * * *

(1) * * *

(iii) Patient sex; and

* * * * *

PART 600—BIOLOGICAL PRODUCTS: GENERAL

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 21 U.S.C. 321, 351, 353, 355, 356C, 356e, 360, 360i, 371, 374, 379k–1; 42 U.S.C. 216, 262, 263, 263a, 264.

■ 2. Revise § 600.80 to read as follows:

§ 600.80 Postmarketing reporting of adverse experiences.

* * * * *

(f) * * *

(1) * * *

(iii) Patient sex; and

* * * * *

(g) * * *

(1) * * *

(iii) Patient sex; and

* * * * *

PART 803—MEDICAL DEVICE REPORTING

■ 1. The authority citation for part 803 continues to read as follows:

Authority: 21 U.S.C. 352, 360, 360i, 0360j, 371, 374.

■ 2. Revise § 803.32 to read as follows:

§ 803.32 If I am a user facility, what information must I submit in my individual adverse event reports?

* * * * *

(a) * * *

(3) Patient sex; and

* * * * *

■ 3. Revise § 803.42 to read as follows:

§ 803.42 If I am an importer, what information must I submit in my individual adverse event reports?

* * * * *

(a) * * *

(3) Patient sex; and

* * * * *

■ 4. Revise § 803.52 to read as follows:

§ 803.52 If I am a manufacturer, what information must I submit in my individual adverse event reports?

* * * * *

(a) * * *

(3) Patient sex; and

* * * * *

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Revise § 862.1840 to read as follows:

§ 862.1840 Total 25-hydroxyvitamin D mass spectrometry test system.

* * * * *

(b) * * *

(3) The 21 CFR 809.10(b) compliant labeling must be supported by a reference range study representative of the performance of the device. The study must be conducted using samples collected from apparently healthy male and female adults at least 21 years of age and older from at least 3 distinct climatic regions within the United States in different weather seasons. Demographic characteristics (*e.g.,* ethnic, racial, and sex distribution) of this study population must be representative of the U.S. population demographics.

* * * * *

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Revise § 866.3215 to read as follows:

§ 866.3215 Device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis.

* * * * *

(b) * * *

(5) Premarket notification submissions must include evaluation of the level of the non-microbial analyte in asymptomatic patients with demographic characteristics (*e.g.,* age, racial, ethnic, and sex distribution) similar to the Intended Use population.

* * * * *

■ 3. Revise § 866.5950 to read as follows:

§ 866.5950 Genetic health risk assessment system.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(B) Clear context for the user to understand the context in which the cited clinical performance data support the risk reported. This includes, but is not limited to, any risks that are influenced by ethnicity, age, sex, environment, and lifestyle choices.

* * * * *

(iii) * * *

(J) * * *

(1) * * *

(viii) Information must be reported on the Technical Positive Predictive Value (TPPV) related to the analytical (technical) performance of the device for genotypes in each relevant subpopulation (*e.g.,* ethnicity, sex, age, geographical location, etc.). TPPV is the percentage of individuals with the genotype truly present among individuals whose test reports indicate that this genotype is present. The TPPV depends on the accuracy measures of percent agreements and on the frequency of the genotypes in the subpopulation being studied. The f(DD) is the frequency of DD and f(Dd) is the frequency of Dd in the subpopulation being studied; TPPV must be calculated as described in paragraphs (b)(3)(iii)(J)(*1*)(*ix*) through (*xi*) of this section.

* * * * *

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c 360e, 360j, 360l, 371.

■ 2. Revise § 870.1415 to read as follows:

§ 870.1415 Coronary vascular physiologic simulation software device.

* * * * *

(b) * * *

(6) * * *

(v) A detailed description of the patients studied in the clinical validation (*e.g.,* age, sex, race or ethnicity, clinical stability, current treatment regimen) as well as procedural details of the clinical study (*e.g.,* scanner representation, calcium scores, use of beta-blockers or nitrates); and

* * * * *

■ 3. Revise § 870.2200 to read as follows:

§ 870.2200 Adjunctive cardiovascular status indicator.

* * * * *

(b) * * *

(5) * * *

(vii) A detailed description of the patients studied in the clinical validation (*e.g.,* age, sex, race/ethnicity, clinical stability) as well as procedural details of the clinical study.

■ 4. Revise § 870.2210 to read as follows:

§ 870.2210 Adjunctive predictive cardiovascular indicator.

* * * * *

(b) * * *

(5) * * *

(viii) Relevant characteristics of the patients studied in the clinical validation (including age, sex, race or ethnicity, and patient condition) and a summary of validation results.

■ 5. Revise § 870.2220 to read as follows:

§ 870.2220 Adjunctive hemodynamic indicator with decision point.

* * * * *

(b) * * *

(5) * * *

(v) A summary of the clinical validation data, including details of the patient population studied (*e.g.,* age, sex, race/ethnicity), clinical study protocols, and device performance with confidence intervals for all intended use populations.

■ 6. Revise § 870.5600 to read as follows:

§ 870.5600 Adjunctive open loop fluid therapy recommender.

* * * * *

(b) * * *

(5) * * *

(ix) Relevant characteristics of the patients studied in the clinical validation (such as age, sex, race or ethnicity, and patient condition) and a summary of validation results; and

* * * * *

PART 882—NEUROLOGIC DEVICES

■ 1. The authority citation for part 882 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Revise § 882.1455 to read as follows:

§ 882.1455 Traumatic brain injury eye movement assessment aid.

* * * * *

(b) * * *

(6) * * *

(ii) * * *

(E) Any adjustments for age and sex.

* * * * *

■ 3. Revise § 882.1471 to read as follows:

§ 882.1471 Computerized cognitive assessment aid for concussion.

* * * * *

(b) * * *

(3) * * *

(i) * * *

(D) * * *

(5) Whether or not the normative database was adjusted due to differences in age and sex.

* * * * *

PART 1114—PREMARKET TOBACCO PRODUCT APPLICATIONS

■ 1. The authority citation for part 1114 continues to read as follows:

Authority: 21 U.S.C. 371, 374, 387a, 387i, 387j; Public Law 117–103, 136 Stat. 49.

■ 2. Revise § 1114.3 to read as follows:

§ 1114.3 Definitions.

* * * * *

Vulnerable populations means groups that are susceptible to tobacco product risk and harm due to disproportionate rates of tobacco product initiation, use, burden of tobacco-related diseases, or decreased cessation. Vulnerable populations can be based on criteria such as age (*e.g.,* youth and young adults), socioeconomic status, race, ethnicity, rurality, pregnancy status, current or prior military service, and current or prior mental health conditions or substance use disorders.

* * * * *

■ 3. Revise § 1114.41 to read as follows:

§ 1114.41 Reporting requirements.

(a) * * *

(1) * * *

(vi) * * *

(C) Demographic characteristics of product(s) purchasers, such as age, sex, race or ethnicity, geographic region, and tobacco use status;

* * * * *

(xvi) A summary of media tracking and optimization, by channel, by product, and by audience demographics (*e.g.,* age, sex, race/ethnicity, geographic region), including a summary of any real-time digital media monitoring and including a summary of implementation of any corrective and preventive measures to identify, correct, and prevent delivery of advertising to individuals below the minimum age of sale, not previously submitted;

* * * * *

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–08826 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 447

[Docket No. ATF–2026–0232; ATF No. 2025R–04P]

RIN 1140–AA91

Update to Proscribed Countries for Import Restrictions

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is proposing to amend Department of Justice (''Department'') regulations to remove the existing, outdated list of proscribed countries from which ATF denies applications to permanently import defense articles and services and update it to reference a Department of State list of proscribed countries. The rule also proposes to remove the list of former Soviet countries from which ATF currently denies applications to permanently import most firearms and ammunition, leaving only the Russian Federation as the proscribed country of origin for these imports.

DATES: Comments must be submitted in writing on or before (or, if mailed, must be postmarked on or before) July 6, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA91, by either of the following methods—

• *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

Mail: ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226; *ATTN: RIN 1140–AA91.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA91) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 38 of the Arms Export Control Act of 1976 (''AECA'') at 22 U.S.C. 2778 authorizes the President of the United States to control importing and exporting defense articles and defense services in furtherance of world peace and the security and foreign policy of the United States. In 2013, the President delegated relevant AECA functions to the Secretary of State through Executive Order 13637, *Administration of Reformed Export Controls,* 78 FR 16129 (Mar. 8, 2013), including a broad delegation of the functions under section 38 of the AECA, except as otherwise provided in section 1(n)(ii) of Executive Order 13637.

The broad delegation of the President's AECA section 38 authorities to the Secretary of State included, in relevant part, providing foreign policy guidance to persons of the United States involved in exporting and importing defense articles. *See* 22 U.S.C. 2778(a)(1); E.O. 13637, sec. 1(n), 78 FR 16130. The Department of State promulgates regulations pursuant to its delegated AECA section 38 authorities in the International Traffic in Arms Regulations (''ITAR''), at 22 CFR parts 120–130 *et seq.* The Department of State's ITAR provisions include AECA foreign policy provisions, which in relevant part provide that ''[i]t is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services, destined for or originating in certain countries.'' *See* 22 CFR 126.1. Section 126.1 identifies those countries and the prohibitions that apply to them.

Within Executive Order 13637, the President delegated functions that relate to controlling permanently importing defense articles under section 38 of the AECA to the Attorney General. However, that delegation mandates that in carrying out such permanent import control functions, ''the Attorney General shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States.'' E.O. 13637, sec. 1(n)(ii), 78 FR 16130; 27 CFR 447.55. This important qualification in the Attorney General's permanent import control delegation is also consistent with the broader delegation of AECA section 38 authorities to the Secretary of State as to foreign policy guidance for AECA defense articles.

The Attorney General, in turn, has delegated the responsibility for administering and enforcing section 38 of the AECA (relating to importing items on the United States Munitions Imports List and importing defense articles and defense services) [1] to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 CFR 0.130(a)(6)(vi), (c).[2] ATF thus implements U.S. policies denying applications to permanently import defense articles and services from certain countries and includes a list of these countries under 27 CFR 447.52(a)–(b).

II. Proposed Rule

In making any such determinations that affect ''world peace, and the external security and foreign policy of the United States,'' as provided in Executive Order 13637, the regulation at 27 CFR 447.55 reiterates that ATF will be ''subject to the guidance'' of the Secretary of State with regard to how it administers its permanent import control authority. The Department of State is responsible for determining restrictions on imports of defense articles and services based on country or geographic region and regularly updates its policies in 22 CFR 126.1, listing proscribed countries for which it establishes a policy of denying imports and exports. Because ATF has no independent role in U.S. international affairs or foreign policy and defers to the Department of State on such matters, ATF's proscribed-country list has historically mirrored the Department of State's list. However, ATF has not kept 27 CFR 447.52(a)—which lists the countries subject to AECA import restrictions—updated since 2007. ATF believes it will be more effective and will reduce compliance burdens to align its list with 22 CFR 126.1.

Accordingly, this rule proposes to remove the current content of ATF's regulations at 27 CFR 447.52(a) and replace it with a general statement of the U.S. policy on restricting imports from certain countries that would inform the public that ATF will base its arms import decisions on the Department of State's policies and lists in 22 CFR 126.1. This change would ensure that the list of proscribed countries and conditions will remain consistent across Departments. It will also better inform importers of defense articles under the

[1] The delegation does not include enforcing ''violations relating to exportation, in transit, temporary import, or temporary export transactions.'' 28 CFR 0.130(a)(6)(vi).

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the National Firearms Act, Gun Control Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes the AECA and the Contraband Cigarette Trafficking Act.

AECA and help ensure consistent application of foreign policy.

This rule also proposes to amend 27 CFR 447.52(b), which provides a list of countries for which all applications to permanently import firearms and ammunition manufactured or located in those countries must be denied (except for certain specifically exempted firearm models). The current list, which was added to the regulation in 1997, reflects a Department of State policy adopted after the United States entered into a Voluntary Restraint Agreement (''VRA'') with the Russian Federation in 1996. The list comprises the Russian Federation and the former Soviet countries of Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, and Uzbekistan.

Thirty years later, this policy—and, by extension, the list in 447.52(b)(1)—reflects outdated trade and security concerns. Lifting these restrictions will ensure consistency with current U.S. foreign policy as directed by the Department of State, *see* 22 CFR 126.1(a), and allow ATF to transition from a policy of denying all requests to import firearms from certain countries to a policy that permits ATF to review license applications on a case-by-case basis. Additionally, as the terms of the VRA remain in effect, ATF will continue to restrict certain firearms and ammunition imports from the Russian Federation.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This rule would amend 27 CFR 447.52(a) to remove ATF's list of proscribed countries and to instead inform the public that ATF will deny applications for permanent imports from countries based on Department of State policy, which is set forth at 22 CFR 126.1. The rule would also amend 27 CFR 447.52(b) to remove the list of former Soviet countries from which ATF currently denies applications to permanently import most firearms and ammunition, leaving only the Russian Federation as a proscribed country of origin for these imports.

The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866. This rule would simply remove lists that are outdated and lift a blanket ban on importing defense articles from former Soviet countries. This rule would ensure consistency with current U.S. foreign policy as directed by the Department of State and thus inform the public of ATF's basis for denying applications for permanent imports. This proposed rule would not generate any costs for the public. ATF believes the rule would provide qualitative benefits to the public in the form of regularly updated and consistent information between Departments as well as increased flexibility in the countries from which importers can obtain firearms.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and would not impose total costs greater than zero. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined OMB Memorandum M–25–20 as a final action that imposes total costs less than zero) because it would remove an out-of-date, duplicative list, and remove outdated references to countries for which applications to permanently import firearms and ammunition must be denied.

D. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the *mens rea* standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

E. Executive Order 13132

This rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

F. Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

G. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

ATF performed an initial regulatory flexibility analysis of the potential impacts of the proposed rule on small businesses and other entities, if finalized as proposed.

Initial Regulatory Flexibility Analysis (''IRFA'')

The RFA establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the

businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to ensure that such proposals are given serious consideration.'' Public Law 96–354, section 2(b), 94 Stat. 1164 (1980).

Under the RFA, the agency is required to consider whether the proposed rule would have a significant economic impact on a substantial number of small entities. Agencies must perform a review to determine whether the proposed rule would have such an impact. If the agency determines that it would, the agency must prepare an IRFA (or a regulatory flexibility analysis for a final rule) as described in the Act. *See* 5 U.S.C 603(b).

ATF prepared the following IRFA assessing the proposed rule's impact on small entities.

1. Describing the Reasons Why the Agency Is Considering Taking Action

ATF is proposing this action to provide consistency for importers by aligning ATF's list of proscribed countries with the Department of State's list in 22 CFR 126.1. ATF's list has remained out of date for numerous years, and because ATF defers to the Department of State on matters of international affairs and foreign policy, it is reasonable to align ATF's list with the Department of State's list. ATF is also proposing to remove former Soviet countries from a proscribed list because it reflects outdated trade and security concerns. ATF does not anticipate that this rule would create significant economic costs for small entities, as it would provide beneficial deregulatory savings to federal firearms licensee (''FFL'') importers that would be able to import from previously proscribed countries.

2. Succinctly Stating the Objectives of, and Legal Basis for, the Proposed Rule

The objective of this proposed rule is to reduce regulatory confusion and align ATF regulations with those of the Department of State, which is responsible for determining restrictions on imports of defense articles and services based on country or geographic region and which regularly updates its policies in 22 CFR 126.1.

3. Describing and, Where Feasible, Estimating the Number of Small Entities to Which the Proposed Rule Would Apply

Based on ATF's Federal Firearms Licensing Center, there are an estimated 1,666 Type 08 FFL importers. If Type 08 FFL importers track the size of other FFLs, then most of these importers are likely to be small businesses, per the Small Business Administration's size standard. All importers would benefit from this proposed rule because it would align ATF's list of prohibited countries with the Department of State's list and ensure consistent application of foreign policy. Furthermore, it would allow all importers to import from formerly prohibited countries, thereby conferring a benefit in regulatory flexibility by increasing importing options. Finally, this rule would not impose any monetary costs.

However, there are approximately 21,499 domestic firearms manufacturers (Type 07 FFL manufacturers) that may be indirectly and negatively affected by this proposed rule due to increased competition from importers that would gain access to new foreign markets. ATF is unable to currently assess the significance of this negative impact and requests public comment from small entities that manufacture and/or sell domestic firearms.

4. Describing the Proposed Rule's Projected Reporting, Record-Keeping, and Other Compliance Requirements, Including an Estimate of the Classes of Small Entities Which Would Be Subject to the Requirement and the Type of Professional Skills Necessary To Prepare the Report or Record

There are no additional requirements or direct costs imposed by this proposed rule on importers. Nor are there direct costs or compliance requirements for manufacturers.

5. Identifying, to the Extent Practicable, All Relevant Federal Rules Which Might Duplicate, Overlap, or Conflict With the Proposed Rule

This proposed rule would not duplicate or conflict with other federal rules.

6. Describing any Significant Alternatives to the Proposed Rule Which Accomplishes the Stated Objectives of Applicable Statutes, and Which Minimizes any Significant Economic Impact the Proposed Rule Might Have on Small Entities

ATF has not identified other alternatives that would accomplish the stated objectives. The proposed rule is the only way to remove the outdated list and ensure consistency of foreign policy across Departments. To the extent that the rule could significantly impact small businesses, it would alleviate significant hurdles rather than impose new ones. ATF believes that the benefits of the proposed rule outweigh the potential impacts on domestic small businesses, who may or may not be indirectly affected by this proposed rule.

H. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule involves two existing information collections under the PRA. These information collections are OMB control number 1140–0005: Application/Permit to Import Firearms, Ammunition, and Defense Articles, which includes ATF Form 5330.3A (''Form 6, part I''), and OMB control number 1140–0007: Releasing/Receiving Imported Firearms, Ammunition, and Defense Articles, which includes ATF Form 5330.3C (''Form 6A''). This rule may increase the overall number of imported firearms, which would increase the frequency of responses for Form 6 and Form 6A by a corresponding amount.

ATF requests public comments regarding the anticipated overall impact this proposed rule would have on importers.

J. Congressional Review Act

The proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804(2).

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand.

All comments must reference this document's RIN 1140–AA91 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA91. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and in any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

Disclosure

Copies of this proposed rule and any comments received in response to it are available through the Federal e-rulemaking portal, at *www.regulations.gov* (search for RIN 1140–AA91), and a summary of this rule may be found at *https://www.regulations.gov.*

List of Subjects in 27 CFR Part 447

Administrative practice and procedure, Arms and munitions, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and record-keeping requirements, Scientific equipment, Seizures and forfeitures.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 447 as follows:

PART 447—IMPORTATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

■ 1. The authority citation for 27 CFR part 447 continues to read as follows:

Authority: 22 U.S.C. 2778; E.O. 13637, 78 FR 16129 (March 8, 2013).

■ 2. In § 447.52, revise paragraph (a) and (b) to read as follows:

(a) It is the policy of the United States to deny imports of defense articles originating from the following countries:

(1) Countries identified in 22 CFR 126.1(d)(1),

(2) Countries subject to a policy of denying imports of defense articles as specified in 22 CFR 126.1(d)(2), and

(3) In any case where an import would not be in furtherance of world peace and the security and foreign policy of the United States.

(b) Notwithstanding paragraph (a) of this section, the appropriate ATF officer will deny applications to import into the United States the following firearms and ammunition located or manufactured in the Russian Federation:

(1) Any firearm that is not one of the models listed below:

(i) * * *

(ii) * * *

(2) Ammunition that is 7.62 x 25mm caliber (also known as 7.63 x 25mm caliber or .30 Mauser); or

(3) * * *

* * * * *

Robert Cekada,

Director.

[FR Doc. 2026–08911 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 447

[Docket No. ATF–2026–0012; ATF No. 2025R–39P]

RIN 1140–AA77

Adding Component Definitions Under the Arms Export Control Act

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to include terms that the United States Munitions List uses to describe the composition of defense articles (''compositional terms''). Specifically, the proposed rule would amend Department regulations that implement the Arms Export Control Act (''AECA'') to define the compositional terms ''component,'' ''accessories and attachments,'' and ''part'' for purposes of permanent imports under the AECA.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) July 6, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA77, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; *ATTN: RIN 1140–AA77.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA77) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Arms Export Control Act of 1976 (''AECA'') governs importing and exporting defense articles and services. 22 U.S.C. 2751 *et seq.* Defense articles and services include firearms, firearm parts, ammunition, and certain other military equipment subject to the AECA. Section 38 of the AECA, codified at 22 U.S.C. 2778, authorizes the President of the United States to control such imports and exports in furtherance of world peace and the security and foreign policy of the United States. In 2013, through Executive Order 13637,[1] the President delegated to the Secretary of State the AECA section 38 function except as otherwise provided in section 1(n) of the order. The delegation includes, in relevant part, providing foreign policy guidance to persons of the United States involved in exporting and importing defense articles and services. *See* 22 U.S.C. 2778(a)(1); E.O. 13637, sec. 1(n), 78 FR 16130. The Department of State promulgates regulations pursuant to its delegated AECA section 38 authorities in the International Traffic in Arms Regulations (''ITAR''), at 22 CFR parts 120–130.

Within Executive Order 13637, the President also delegated to the Attorney General the AECA section 38 functions that relate to controlling permanent imports of defense articles and services. In turn, the Attorney General has delegated the responsibility for administering and enforcing section 38 of the AECA (relating to importing items on the United States Munitions Imports List and importing defense articles and services) to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 CFR 0.130(a)(6)(vi), (c).[2] [3]

In carrying out such functions, the Attorney General, and, pursuant to the Attorney General's delegated authority, the Director ''shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States.'' E.O. 13637, sec. (1)(n)(ii), 78 FR 16130; *see also* 27 CFR 447.55.

ATF enumerates defense articles and services subject to the AECA's permanent importing provisions in its regulations under the United States Munitions Imports List (''USMIL''). *See* 27 CFR 447.21. Defense articles under the USMIL also include the ''components,'' ''accessories,'' ''attachments,'' and ''parts'' of the defense article. For example, USMIL Category I–Firearms includes ''[n]onautomatic and semiautomatic firearms, to caliber .50 inclusive, combat

[1] *Administration of Reformed Export Controls,* 78 FR 16129 (Mar. 8, 2013).

[2] The delegation does not include enforcing ''violations relating to exportation, in transit, temporary import, or temporary export transactions.'' 28 CFR 0.130(a)(6)(vi).

[3] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the National Firearms Act, Gun Control Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes the AECA and the Contraband Cigarette Trafficking Act.

shotguns, and shotguns with barrels less than 18 inches in length, and all *components and parts for such firearms,*'' as well as ''[a]utomatic firearms and all *components and parts for such firearms* to caliber .50 inclusive.'' 27 CFR 447.21 (emphasis added). However, the USMIL regulation does not define these compositional terms, nor do ATF's other AECA regulations.

The Department of State's ITAR provisions regulate defense articles and services enumerated on the United States Munitions List (''USML''). 22 CFR 121.1. Like the USMIL, the USML includes ''[p]arts, components, accessories, and attachments'' of defense articles. 22 CFR 121.1. But unlike the USMIL and ATF's other implementing regulations, the ITAR defines these compositional terms. 22 CFR 120.40.

II. Proposed Rule

When ATF examines importing applications that include accessories, attachments, components, or parts, ATF uses either a determination previously made by the Department of State regarding whether a defense article is an accessory, attachment, component, or part; or ATF's Firearms and Ammunition Technology Division classifies the article relying on the ITAR definitions set forth in 22 CFR 120.40. Because ATF is guided by and largely relies on the Department of State's views on foreign policy and matters of national security for purposes of the AECA,[4] ATF proposes to add the compositional terms defined in 22 CFR 120.40—''accessories and attachments,'' ''component,'' and ''part''—to its AECA regulations so that ATF's regulations include definitions for these terms and the definitions align with those in the ITAR.

Applying the ITAR's definition of ''part'' to the USMIL, however, would require ATF to clarify the defense articles included under Category I—Firearms. 27 CFR 447.21. That category regulates ''components and parts'' but not ''accessories and attachments.'' 27 CFR 447.21. Yet the ITAR definition for ''part'' would include ''any single *unassembled* element of a major or a minor component, *accessory,* or *attachment* . . .'' 22 CFR 120.40 (emphasis added). Fully applying the ITAR definition of ''part'' to the USMIL Category I—Firearms would consequently lead to the result that unassembled accessories or attachments (falling under the definition of ''part'') would be regulated while complete accessories or attachments would not. Therefore, ATF proposes to use paragraph (e) of Category I—Firearms, which is currently reserved, to add a sentence clarifying that ''components and parts'' does not include unassembled elements of an accessory or attachment. Category I—Firearms would thus include components of regulated firearms as well as unassembled elements of a component, but it would exclude assembled or unassembled attachments and accessories.

Adding the ITAR's definitions would better inform importers of defense articles under the AECA and enable ATF to define these terms consistently when approving or denying import applications. The changes would also ensure that ATF and the Department of State align in how they use these compositional terms with respect to the USMIL and USML. And the proposed clarification within the USMIL would retain the current scope of defense articles regulated under USMIL Category I—Firearms.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rule would amend the current regulation at 27 CFR 447.11 to include the definitions of ''component,'' ''accessories and attachments,'' and ''part,'' and to track those definitions with the Department of State's ITAR provisions at 22 CFR 120.40.

The Office of Management and Budget (''OMB'') has determined that this proposed rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. This proposed rule would simply add three well-established definitions, with a minor adjustment to one term, to ATF's regulations, but it would make no additional changes to existing obligations, required by the Department of State. This rulemaking would provide qualitative benefits to the public in the form of consistency across Departments.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. It imposes no costs and is also not significant because it incorporates definitions from the ITAR for consistency between agencies without changing importer requirements.

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the *mens rea* standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

[4] *See* E.O. 13637, 78 FR 16130.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 5 U.S.C. 601(6).

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities or any entities because it utilizes definitions already used by the industry and ATF for importing and exporting defense articles.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements created by a rule or any impacts it has on existing information collections. An information collection includes any reporting, recordkeeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would not create any new information collection requirements or impact any existing ones covered by the PRA.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA77 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA77. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

• *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA77).

List of Subjects in 27 CFR Part 447

Administrative practice and procedure, Arms and munitions, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 447 as follows:

PART 447—IMPORTATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

■ 1. The authority citation for 27 CFR part 447 continues to read as follows:

Authority: 22 U.S.C. 2778; E.O. 13637, 78 FR 16129 (March 8, 2013).

■ 2. Amend § 447.11 by adding, in alphabetical order, definitions for ''Accessories and attachments'', ''Component'', and ''Part''.

The additions read as follows:

§ 447.11 Meaning of terms.

Accessories and attachments. Associated articles for any component, equipment, system, or end-item, which are not necessary for its operation, but which enhance its usefulness or effectiveness.

* * * * *

Component. An item that is useful only when used in conjunction with an end-item: (1) A *major component* includes any assembled element that forms a portion of an end-item without which the end-item is inoperable; and (2) A *minor component* includes any assembled element of a major component.

* * * * *

Part. Any single unassembled element of a major or a minor component, accessory, or attachment that is not normally subject to disassembly without destroying or impairing the designed use.

* * * * *

■ 3. Revise § 447.21, ''Category I—Firearms,'' paragraph (e), currently reserved, to read as follows:

§ 447.21 The U.S. Munitions Import List.

* * * * *

(e) For purposes of this category, the phrase ''components and parts for such firearms'' does not include any single unassembled element of an accessory or attachment that is not normally subject to disassembly without destroying or impairing the designed use.

* * * * *

Robert Cekada,

Director.

[FR Doc. 2026–08921 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0007; ATF No. 2025R–23P]

RIN 1140–AA84

Clarifying Delivery to a Common or Contract Carrier When Transporting Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to clarify that, for purposes of the Gun Control Act of 1968, a person who travels aboard a common or contract carrier while in possession of a firearm or ammunition is not considered to have ''delivered'' or ''caused to be delivered'' said firearm or ammunition to the common or contract carrier, provided that the person possesses and maintains direct control over the firearm or ammunition for the duration of the trip.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: Comments may be submitted, identified by RIN 1140–AA84, by either of the following methods—

• *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; *ATTN: RIN 1140–AA84.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA84) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading

of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in CFR part 478.

Section 922(e) of the GCA makes it ''unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition'' without providing written notice to the carrier that such firearm or ammunition is being transported or shipped. There is an exception to this requirement: any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver the firearm or ammunition into the custody of the pilot, captain, conductor, or operator of the common or contract carrier for the duration of the trip without violating any of the provisions of that chapter of the GCA. 18 U.S.C. 922(e).

Congress did not provide a definition as to what circumstances do or do not qualify as having ''delivered'' or ''caused to be delivered'' any firearm or ammunition to any common or contract carrier for purposes of the first clause of section 922(e). Thus, ATF proposes this rule to clarify what circumstances do not qualify as having ''delivered'' or ''caused to be delivered'' any firearm or ammunition to any common or contract carrier for purposes of section 922(e). Specifically, this rule would clarify that if an individual possesses a firearm that is being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce, and that individual maintains direct control and possession of the firearm or ammunition, such actual possession does not result in a ''delivery'' to the common or contract carrier under section 922(e), and would therefore not amount to a violation of that provision.

II. Proposed Rule

ATF proposes to amend 27 CFR 478.31 by adding a new paragraph (e) to explain that persons who travel aboard a common or contract carrier and who possess a firearm or ammunition on their person or in baggage under their immediate control are not to be considered to have ''delivered'' or ''caused to be delivered'' a ''package'' or ''other container'' containing a firearm or ammunition when the person maintains direct control over the firearm or ammunition for the duration of the person's trip and does not relinquish possession or custody to the common carrier. The new paragraph also explains that common or contract carriers do not include public or private for-hire vehicles (*e.g.,* taxis, limousines, rideshares etc.), or municipal or regional mass transit vehicles, including those that cross state lines, for which passengers do not deliver the firearm or ammunition into the custody of the operator of the common or contract carrier.

As explained above, this proposed change provides greater clarification as to circumstances that do not come within the ambit of 18 U.S.C. 922(e). The term ''delivery'' is defined in *Black's Law Dictionary* (12th ed. 2024) as follows: ''[t]he formal act of voluntarily transferring something.'' ATF proposes that to constitute a delivery to a common or contract carrier for purposes of violations of 18 U.S.C. 922(e), the possessor of the firearm or ammunition must have voluntarily transferred said firearm or ammunition to the common or contract carrier. Thus, if the individual maintains direct control of the firearm or ammunition (*e.g.,* by keeping it on his person), a transfer of the firearm or ammunition to the common or contract carrier does not occur.

This interpretation of the word ''deliver'' is consistent with the plain meaning of that term. Most individuals would not, when boarding a bus while carrying a firearm, believe they had ''delivered'' that firearm to the carrier operating the bus. Therefore, it is unlikely that most people, having read section 922(e), would understand it to mean that they must notify the carrier of the firearm on their hip or in their backpack to avoid violating this provision of law. The proposed regulation ensures the statute will be interpreted using the plain, ordinary meaning of the statutory text, thereby reducing the chances that an unwitting individual with no intent to violate the law will be accused of doing so. *See* E.O. 14294, 90 FR 20363 (May 14, 2025) (denouncing ''abuse and weaponization by providing Government official tools to target unwitting individuals'').

Indeed, when federal courts of appeals have affirmed convictions under 18 U.S.C. 922(e), it has been almost exclusively in circumstances where the defendants have given up direct control of the firearms or ammunition in question to the carrier without notifying them. For example, in *United States* v. *Udofot,* 711 F.2d 831 (8th Cir. 1983), the court affirmed the conviction of a passenger under 18 U.S.C. 922(e) where the evidence showed that the passenger checked luggage with an airline, relinquishing control of the luggage and its contents, and that the luggage contained firearms. In *United States* v. *Burton,* 351 F. Supp. 1372 (W.D. Mo. 1972), *aff'd,* 475 F.2d 469 (8th Cir. 1973), the court held that a passenger violated 18 U.S.C. 922(e) when the evidence showed that the passenger delivered a suitcase to an airline in Kansas City, which was to be

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

returned to him upon arrival in Minneapolis and that the suitcase was found, ''without any break in the chain of custody,'' to contain a firearm. In *United States* v. *Dunn,* 813 F.2d 1124 (11th Cir. 1987) (per curiam), the court affirmed a conviction under 18 U.S.C. 922(e) when the defendant checked luggage containing firearms onto an airline without notifying the airline orally or in writing that the luggage contained the firearms.

ATF proposes amending its regulation at 27 CFR 478.31 so that it more closely conforms to the agency's earlier interpretation of the GCA. Until 1981, ATF's position was that a passenger aboard a common or contract carrier who possesses a firearm or ammunition on his or her person would not fall within the proscriptions of 18 U.S.C. 922(e), as there would be no ''delivery'' to the common or contract carrier.[3] In support of this interpretation, ATF also noted that the legislative history of section 922(e) indicates that it was designed to make more effective the succeeding subsection (18 U.S.C. 922(f)), which prohibits a carrier from transporting or delivering a firearm or ammunition in violation of 18 U.S.C. chapter 44.[4] The possession of a firearm or ammunition by a passenger would not affect that subsection.

In 1981, the agency changed its interpretation based on *United States* v. *Williams,* 485 F.2d 1383 (4th Cir. 1973). In that case, the defendant boarded a commercial airliner and handed his luggage to the pilot who placed it in the nose cone of the airplane where it remained throughout the duration of the flight. The defendant did not, however, inform the pilot orally or in writing that a firearm was contained in the luggage. Even though the defendant relinquished control of the firearm, the court held that the exception within section 922(e) only applies where the firearms or ammunition are delivered into the carrier's custody in such a manner as to make the carrier aware of that fact. But even *Williams* did not involve a firearm carried upon the person throughout the duration of the trip.

The Fourth Circuit took the holding of *Williams* one step further in *United States* v. *Hartzog,* 983 F.2d 604 (4th Cir. 1993), which affirmed a defendant's conviction under 18 U.S.C. 922(e) when the defendant, having firearms in bags slung across his back, placed at least one foot on the steps of a train. The court rejected the defendant's argument that control of the firearms must be relinquished to the carrier for him to be in violation of 922(e), reasoning that the language of the statue contemplates, by negative inference, that retention of control of a firearm while aboard a common carrier would constitute a ''delivery'' and that to hold otherwise would be to permit arms traffickers to escape the ambit of the statute merely by retaining possession of the firearms while on board a carrier, which, the court said, could not have been the intent of Congress.

The Fourth Circuit's decision in *Hartzog* appears to conflict with the statutory text. A person who carries a firearm directly on his person does not ''deliver . . . any package or other container'' within the meaning of the statute. 18 U.S.C. 922(e). He delivers nothing to the carrier. And in many cases (*e.g.,* a firearm carried on the person), he does not deliver a ''package'' or ''other container.'' He simply has possession of the firearm.

ATF maintains that this textual interpretation does not create any regulatory loophole. Section 922(e) requires individuals to alert common carriers before they take custody or control of packages containing firearms. Section 922(f) then imposes requirements on how those common or contract carriers transport the firearms. Section 922(e) was never intended to act as a restriction against individuals carrying accessible weapons on their person.[5] Unlike the common carrier or contract transportation of inaccessible firearms contained in packages or baggage, the carriage of accessible weapons is heavily regulated by state and local law, which usually regulates firearms carried ''on'' or ''about'' the person. *See, e.g.,* 11 Del. Code 1441; N.C. Code 14–269; Va. Code 18.2–308. Federal law also governs the carrying of accessible weapons aboard certain modes of transportation, such as aircraft separately from section 922(e). *See, e.g.,* 49 U.S.C. 46505. Therefore, ATF does not presume that section 922(e) also regulates carrying accessible weapons without further specificity. Moreover, common or contract carriers are generally free to prohibit or regulate the possession or carrying of firearms on their property and on board their vehicle. Section 922(e) is most reasonably read to govern situations in which individuals relinquished firearms or ammunition to a common or contract carrier, not when individuals maintain direct, accessible control over the firearm.

It does not appear that any other federal courts of appeal have interpreted the meaning of ''delivery'' for purposes of 18 U.S.C. 922(e) as broadly and expansively as the Fourth Circuit did in *Hartzog.* Indeed, ATF has not identified any cases other than *Hartzog* in which a court determined that a person carrying a firearm or ammunition on a common or contract carrier violated section 922(e). The far more common scenario involves a passenger checking in luggage that contains firearms or ammunition. *See, e.g., United States* v. *Udofot,* 711 F.2d 831 (8th Cir. 1983); *United States* v. *Burton,* 351 F. Supp. 1372 (W.D. Mo. 1972), *aff'd,* 475 F.2d 469 (8th Cir. 1973); *United States* v. *Dunn,* 813 F.2d 1124 (11th Cir. 1987) (per curiam); *United States* v. *Fortenberry,* 914 F.2d 671 (5th Cir. 1990) (affirming conviction under 18 U.S.C. 922(e) when defendant checked in luggage containing firearm); *United States* v. *Flores,* 753 F.2d 1499 (9th Cir. 1985) (en banc) (affirming conviction under 18 U.S.C. 922(e) when defendant checked two steamer trunks containing 22 revolvers as baggage for travel on an airline without giving the notice required by that section); *United States* v. *Keuylian,* 602 F.2d 1033 (2d Cir. 1979) (affirming conviction under 18 U.S.C. 922(e) where defendant packed firearms in his luggage and gave the luggage to an airline passenger service representative to be checked in).

In short, this proposed rule seeks to return to the earlier (and most logical) interpretation of 18 U.S.C. 922(e), given that the case law, with the exception of few cases from a singular circuit, supports the agency's position that the phrase ''delivered to a contract carrier'' does not encompass continuous possession of a firearm by an individual on a contract carrier. This proposed rule is also supported by Executive Order 14206 (Protecting Second Amendment Rights). 90 FR 9503 (Feb. 7, 2025). In that Executive Order, the President set forth that the ''Second Amendment is an indispensable safeguard of security and liberty'' and ''[b]ecause it is foundational to maintaining all other rights held by Americans, the right to keep and bear arms must not be infringed.''

Further, section 922(e) clearly evidences an intent by Congress to only include those common or contract carriers to which ''written notice to the carrier'' may be provided prior to shipment or transportation or which provide their customers the ability to ''deliver'' the firearm or ammunition into the custody of the pilot, captain,

[3] Stephen Halbrook, *Firearms, The Fourth Amendment, and Air Carrier Security,* 52 J. Air L. & Com. 585, 664–672 (1987).

[4] *See* H.R. Rep. No. 90–1577, at 14 (June 21, 1968).

[5] *See* footnote 3, *supra,* Halbrook at 664.

conductor or operator of such common or contract carrier. Accordingly, ATF proposes to clarify that ''common or contract carrier'' for purposes of the GCA does not include municipal and regional mass transit vehicles, including those that cross state lines, for which a passenger cannot deliver the firearm or ammunition to the operator of the common or contract carrier nor provide effective written notice prior to the transport or shipment. Examples would include a metro train or metro bus. The statutory text of section 922(e), which presumes the ability to place items in the custody of the carrier or its employees, does not support its application to such forms of transportation where there is an inability to provide written notice or ''delivery'' of the firearm and ammunition prior to the transportation and where there is no checked baggage service. Similarly, ATF does not believe that section 922(e) was intended to apply to public or private for-hire vehicles (*e.g.,* taxis, limousines, rideshares etc.) in which customers do not customarily check baggage or provide written notice about the contents of their baggage.

Finally, it must also be noted that liability under section 922(e) is separate from any liability that may attach by reason of statutes or regulations administered by other federal agencies or by state or local government restricting possession of firearms on common or contract carriers. It may be possible for an individual to be in violation of statutes or regulations not enforced by ATF while being in compliance with section 922(e). Thus, for example, federal law will continue to restrict the carrying of accessible weapons aboard commercial aircraft. 49 U.S.C. 46505(b)(1); 14 CFR 135.119. State laws may also further restrict firearms aboard buses and trains. *See, e.g.,* N.M. Stat. 30–7–13 (restricting carrying firearms aboard buses).

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rule would clarify that for purposes of the first clause of 18 U.S.C. 922(e), a person who travels aboard a common or contract carrier while in possession of a firearm or ammunition is not considered to have ''delivered'' or ''caused to be delivered'' said firearm or ammunition to the common or contract carrier so long as the person possesses and maintains direct control over the firearm or ammunition for the duration of the trip. The rule would also make clear that common or contract carriers do not include municipal or regional transit vehicles, or public or private for-hire vehicles (*e.g.,* rideshares, taxis, or limousines), for which passengers do not deliver the firearm or ammunition into the custody of the operator.

The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866. This rulemaking provides qualitative benefits to the public by providing more flexibility with respect to complying with statutes and existing regulatory standards, but ATF does not have sufficient information to calculate quantifiable savings. Therefore, ATF requests more information from the public regarding the economic effects that this rulemaking may have on the public and the regulated industries.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero) because it provides qualitative savings. Under the rule, the public would have more options with respect to transporting their firearms without concern for violating the GCA and existing regulatory standards.

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule

would not have a significant economic impact on a substantial number of small entities because it generally affects individuals who are moving their firearms interstate and merely provides them more flexibility with respect to complying with statutes and existing regulatory standards. This proposed rule is deregulatory and would not impose any additional costs.

G. Unfunded Mandates Reform Act of 1995

This rule does not include a federal mandate that might result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would not create any new information collection requirements or impact any existing ones covered by the PRA.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA84 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA84. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after successfully uploading your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA84).

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Add § 478.31(e) to read as follows:

§ 478.31 Delivery by common or contract carrier.

* * * * *

(e) A person who travels aboard a common or contract carrier and who possesses a firearm or ammunition is not considered to have ''delivered'' or ''caused to be delivered'' a ''package'' or ''other container'' containing a firearm or ammunition when the person maintains direct control over the firearm or ammunition for the duration of the person's trip and does not relinquish possession or custody to the common or contract carrier. Common or contract carriers do not include public or private for-hire vehicles (*e.g.,* taxis, limousines, or rideshares etc.). Common or contact carriers also do not include municipal or regional mass transit vehicles, including those that cross state lines, for which passengers cannot deliver the firearm or ammunition into the custody of the operator of the common or contract carrier as provided for in paragraph (a) of this section.

Robert Cekada,

Director.

[FR Doc. 2026–08917 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0071; ATF No. 2025R–10P]

RIN 1140–AA97

Importing Training Rounds

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to clarify that certain training rounds do not meet the definition of ''ammunition'' as defined by the Gun Control Act and are not regulated by the Arms Export Control Act. Less-than-lethal ammunition, which is distinct from training rounds, will still generally be considered ammunition.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA97, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226; *ATTN: RIN 1140–AA97.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA97) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

Under section 38 of the Arms Export Control Act (''AECA''), the President is authorized, in furtherance of world peace and the security and foreign policy of the United States, to control the import, export, and brokering of defense articles and defense services. 22 U.S.C. 2778(a)(1). The AECA also authorizes the President to designate items as defense articles and defense services for the purposes of section 38, and to promulgate regulations for the import and export of such articles and services. *Id.*

Through Executive Order 13637, the President delegated to the Attorney General authority under the AECA to control the permanent import of defense articles and defense services. *See* E.O. 13637, sec. 1(n)(ii). In exercising that authority, the Attorney General ''shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States.'' *Id.* The Attorney General has delegated this AECA permanent import control authority to ATF. *See* 28 CFR 0.130(a)(6)(vi). ATF promulgated its AECA regulations at 27 CFR part 447. ATF's AECA regulations include the United States Munitions Import List (''USMIL'') at 27 CFR 447.21. The USMIL enumerates AECA defense articles and defense services that are controlled by the Attorney General for permanent import purposes pursuant to the AECA, 22 U.S.C. 2778, and Executive Order 13637.[3]

The AECA generally requires a license prior to exporting or importing defense articles or defense services, issued in accordance with the AECA and regulations promulgated thereunder. 22 U.S.C. 2778(b)(2). Additionally, when permanently importing[4] items into the United States, the item must be importable under all applicable laws and the importer must submit an ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles (''Form 6, part I''), to ATF and receive ATF approval before doing so. *See* 27 CFR 447.42, 478.112, 479.111.

The GCA at 18 U.S.C. 922(l) prohibits importing ammunition into the United States unless it meets an exception under 18 U.S.C. 925(d).[5] The GCA defines ''ammunition'' as ''ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.'' 18 U.S.C. 921(a)(17)(A). The statutory definition of ''ammunition'' includes the element that components are ''for use in any firearm.'' The GCA defines a ''firearm'' as: ''(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.'' 18 U.S.C. 921(a)(3). Congress specifically included starter guns ''which will . . . or may readily be converted to expel a projectile by the action of an explosive.'' 18 U.S.C. 921(a)(3)(A). This provision prevented circumvention of the GCA by regulating weapons that could be converted into fully functioning firearms by ''boring a hole through an obstruction in the barrel,'' ''substitution of a barrel,'' or some other ready means of ''conver[sion] to fire a projectile.'' *See* Federal Firearms Amendments of 1966, S. Rep. 89–1866, at 73 (explaining earlier congressional proposal). As mentioned above, the USMIL enumerates AECA defense articles and defense services that are controlled by the Attorney General for permanent import purposes pursuant to the AECA. Category III of the USMIL includes ammunition for arms in Category I of the USMIL. *See* 27 CFR 447.21. Category I of the USMIL includes nonautomatic and semiautomatic firearms, to caliber .50 inclusive, combat shotguns, and shotguns with barrels less than 18 inches in length, and all components and parts for such firearms. *See id.* For those AECA authorities delegated to ATF, regulations at 27 CFR 447.11 define ''firearms'' as ''a weapon, and all components and parts therefor, not over .50 caliber which will or is designed to or may be readily converted to expel a projectile by the action of an explosive . . .'' Under both the GCA and AECA, a ''firearm'' is a type of weapon. 18 U.S.C. 921(a)(3)(A); 27 CFR 447.11.

ATF's prior position was that training rounds were ''ammunition'' because the round included cartridge cases, primers, bullets, or propellent powder. As such, there has been a general prohibition on importing training rounds. However, there are a few exceptions under which ammunition may be imported, including if the ammunition is imported ''for the use of'' the federal, state, or local government (18 U.S.C. 925(a)(1); 27 CFR 478.115(b)) or if the ammunition is deemed suitable or readily adaptable for sporting purposes (18 U.S.C. 925(d)(3)). ATF has received numerous inquiries from regulated firearms industry members on the importability of training rounds that contain ammunition components such as cartridge cases, primers, or propellant powder with the only two general exceptions being importability by a licensee pursuant to the government exception under section 925(a)(1) or by a licensee should the training round come within the sporting purposes exception under 925(d)(3).

In reviewing the text of the definition, ATF has recognized that its initial analysis is flawed and that training rounds do not come within the statutory definition of ''ammunition'' because training rounds are not ''designed for use in any firearm'' which is an element of the definition under 18 U.S.C. 921(a)(17)(A). These training rounds do not function in conventional firearms. Rather, they are designed to be fired from specially adapted training guns,

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] Additionally, the President delegated authorities under the AECA to the Secretary of State, including controls for the export, temporary import, and brokering of defense articles and defense services. E.O. 13637, sec. 1(n)(i), 78 FR 16129 (Mar. 8, 2013). The International Traffic in Arms Regulations (''ITAR''), 22 CFR part 120 *et seq.,* implement the Secretary of State's delegated AECA authorities and enumerates the defense articles and defense services the Secretary of State regulates for export and temporary import purposes on the regulatory United States Munitions List (''USML'') at 22 CFR 121.1. While the defense articles and services on the USML under ITAR for export and temporary import and the defense articles and services on the USMIL for permanent import purposes are separate lists, there is some overlap of items listed on the USML and USMIL. The USML at 22 CFR 121.1 and the USMIL at 27 CFR 447.21 collectively compose the United States Munitions List described at 22 U.S.C. 2778(a)(3). All defense articles and defense services are controlled by the Department of State for purposes of brokering (*see* 22 CFR 129.1). In addition, the Department of State has delegated authority over other sections of the AECA not relevant to this rulemaking.

[4] References to imports in this preamble are to permanent imports controlled by ATF, unless specifically preceded by the word ''temporary,'' which indicates control under the ITAR by Department of State.

[5] With respect to ammunition, 18 U.S.C. 925(d) addresses a few scenarios where the Attorney General can authorize its import. For example, ammunition can be imported if it is brought in for scientific or research purposes or if it is suitable or readily adaptable for sporting purposes.

which usually consist of a conversion kit (including special slide or bolt, barrel, or assembly and other components) that is placed on the firearm frame or receiver. Therefore, ATF submits this proposal to clarify the definition of ''ammunition.''

II. Proposed Rule

ATF proposes to clarify that training rounds are not ''ammunition'' because they are not designed to be fired from a ''firearm,'' as defined by the GCA. Although training rounds consist of cartridge cases, primers, propellant powder, and projectiles, they are not ''designed for use in any firearm.''

As applicable here, the definition of ''firearm'' includes ''any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.'' 18 U.S.C. 921(a)(3)(A). Although ''weapon'' is not further defined by the GCA or AECA, the Supreme Court in *Bondi* v. *VanDerStok,* explained that the GCA's definition of ''firearm'' demonstrates congressional intent to regulate inoperable firearms and firearms capable of being readily converted to expel a projectile by the action of an explosive. 145 S. Ct. 857, 868–69 (2025). The Court highlighted that the statute indicates that a starter gun is a weapon prior to any attempted conversion.[6] *Id.* at 868–69. Additionally, the Court explained that a ''weapon,'' as it pertains to the definition of firearms, is ''an instrument of offensive or defensive combat.'' *Id.* at 868. As discussed below, training rounds are designed for use in, and are fired from, training guns, which are not ''firearms'' within the meaning of the GCA.

First, unlike starter guns, Congress did not expressly regulate training guns as weapons under 18 U.S.C. 921(a)(3). Moreover, training guns, unlike starter guns, are generally not capable of being readily converted to expel a projectile by the action of an explosive.[7] Under these two aspects of the definition, training guns do not fall within the definition of ''firearm.''

Second, training guns as assembled[8] are not weapons designed for offensive or defensive combat because they are incapable of firing conventional firearm ammunition. The conversion kits used in a training gun are specifically designed so that the gun can function only with a training round that has significantly less propellant powder than conventional firearm ammunition, which allows the training round to safely and effectively cycle the conversion kit bolt. Using conventional firearm ammunition in a training gun would be unsafe. Thus, training guns are designed with additional safety features including offset firing pins to ensure they can fire only training rounds in specific calibers. In other words, the devices that fire training rounds are not ''firearms'' within the meaning of the GCA or the AECA.

Additionally, with respect to the training round itself, the cartridges, when discharged, produce low-energy projectiles that are designed to provide immediate feedback to a trainee during a military or law enforcement training exercise. The projectiles provide impact awareness for the shooter by providing imprint markings on the target or provide immediate non-lethal feedback to a user in close-range reality-based training scenarios often leaving bruising or welts on a person. These projectiles are not intended to cause death or serious bodily injury, nor will they likely cause such injury when used with proper safety equipment. Because they are low-energy, the projectiles are also ineffective as ''less-than-lethal'' ammunition in riot control situations, unlike bean bag rounds and rubber pellets that are used in weapons for nonlethal riot control. Given that these training rounds are not useful for offensive or defensive combat, they are not designed for use in instruments of offensive or defensive combat.

Moreover, based on the design of the cartridge, the training rounds themselves typically have design features consistent with use in a training device and not for use in unmodified firearms. For example, a training round for a 9mm training pistol or AR-type training rifle (or device with a conversion kit) has insufficient propellant powder to cycle a firearm's slide or bolt. The training rounds are also not reloadable, *i.e.,* they cannot be altered to be lethal or less-than-lethal ammunition. The cartridge case of each training round contains a plastic piston that, when removed, weakens and damages the casing so the training round cannot be reloaded without being destroyed. Nevertheless, if a manufacturer makes a ''training round'' that is designed for use only in a firearm, then the round may be ammunition. ATF notes that an item marketed or advertised as a ''training round'' would not by itself make it exempt from regulation as ''ammunition.'' Rather, ATF must make a determination based on an examination of the item that the round is not designed for use in offensive or defensive combat and in a firearm.

Accordingly, ATF proposes to amend the definition of ''ammunition'' by adding a new paragraph (c) under the existing exemptions to clarify that the term would not include ''any fully assembled training round that is not designed (1) for offensive or defensive combat and (2) to be used in a device that constitutes a weapon.'' Consequently, importers would not need to complete a Form 6, part I under 27 CFR parts 447 and 478 to bring training rounds into the United States.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

The Office of Management and Budget (''OMB'') has determined that this proposed rule would be a ''significant regulatory action'' under section 3(f) of Executive Order 12866, although it would not be economically significant under section 3(f)(1). OMB has therefore reviewed this rule. ATF provides the following analysis to comply with Executive Orders 12866 and 13563. By clarifying that training rounds do not meet the definition of ''ammunition,'' the effect of this proposed rule would be to codify a June 2025 Open Letter so that training rounds can continue to be imported without any future restrictions. ATF has laid out the impacts of this proposed rulemaking in

[6] A starter gun is a firearm that normally fires blanks and is usually found at sporting events, not in combat. *United States* v. *Hall,* 396 F.2d 841, 842, n. 2 (CA4 1968); *United States* v. *Mullins,* 446 F.3d 750, 755 (CA8 2006).

[7] Should a training gun be designed or be able to incorporate components that make it readily convertible to expel a projectile by the action of an explosive, a separate analysis would be necessary to determine if it a weapon and thus a ''firearm'' under 18 U.S.C. 921(a)(3)(A).

[8] Training guns are generally assembled by placing a conversion kit on the frame or receiver of the gun, which limits the type of caliber and rounds the gun can expel. The GCA definition of ''firearm'' includes ''frame or receiver'' of a weapon. 18 U.S.C. 921(a)(3)(B). The mere fact that a training gun includes a component (*i.e.,* frame or receiver) regulated as a statutory ''firearm'' does not transform the training gun into a weapon capable of using ammunition as set out in section 921(a)(17)(A). The GCA does this because the frame or receiver are the essential component parts of completed weapons, not because they are independently capable of expelling projectiles.

OMB's A–4 accounting statement here, in Table 1. Table 1 also illustrates the range of future estimates in a low, primary, and high range as part of ATF's Circular A–4 sensitivity analysis. ATF then provides its normal regulatory cost-benefit analysis.

TABLE 1—OMB CIRCULAR A–4 ACCOUNTING STATEMENT ($ MILLIONS) AND SENSITIVITY ANALYSIS

Category	Primary estimate	Minimum estimate	Maximum estimate	Units		
				Dollar year	Percent discount	Period covered (years)
Benefits						
Annualized monetized benefits	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Annualized quantified benefits	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Annualized non-monetized benefits	Benefits to consumers who would see lower prices and importers who would see higher profits. Disbenefits (i.e., adverse impacts) to the domestic training rounds industry.					
Costs						
Annualized monetized costs	$0.00	$0.00	$0.00	2025	7	10
	0.00	0.00	0.00	2025	3	10
Annualized quantified costs	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Annualized non-monetized costs	n/a					
Transfers						
Federal annualized monetized transfers	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
	From: federal government			To: individuals		
Other annualized monetized transfers	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Effects						
State, local, and/or tribal governments	The rule would not impose an intergovernmental mandate or have significant or unique effects on small governments, or have federalism or tribal implications.					
Small businesses	This rule will increase competition to domestic producers of training rounds or high-end, realistic CO2 cartridges.					
Wages	n/a					
Growth	n/a					
Alternatives	Defining training rounds as ammunition. $0 cost and $0 benefits. This was rejected as more stringent without any incremental benefit. Proposed alternative: $4,522 in cost savings. This alternative was selected because the benefits exceed the costs. Issuing Guidance Documentation. This alternative has already been implemented, but this alternative was deemed not to have the same force and effect of a regulation; therefore, this alternative was rejected.					
Net benefits						
Annualized monetized net benefits	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10

1. Need Statement

This proposed rule reduces a regulatory burden on the public and responds to their request to reduce administrative burdens by providing more flexibility for importing of non-lethal ammunition types. As these cartridges are non-lethal and are not used in firearms, ATF has determined that the need identified by the public request is valid and has identified an area where ATF's regulations impose unwarranted burdens that are not statutorily required.

2. Benefits

This proposed rule would now clarify that training rounds do not meet the definition of ammunition under the GCA. As ammunition, their import into the United States is restricted except for the use of the United States, any

department or agency thereof, any state or any department, agency, or political subdivision thereof, or unless excepted under 18 U.S.C. 925(d) (*e.g.,* if the ammunition is considered sporting). By stipulating that training rounds are not ammunition, these training rounds would no longer fall under ATF purview or be subject to ATF regulations. Currently, importers import training rounds only for governmental or law enforcement purposes under the government exception 18 U.S.C. 925(a)(1). In other words, this proposed rule would allow FFL importers to import training rounds and import them without needing to complete and submit an ATF import forms (including the Form 6, part I application).[9] This rule would also allow importers to sell training rounds for retail or commercial use as well as law enforcement purposes.

ATF does not have information on the wholesale costs or value of imported training rounds and thus does not incorporate the difference between wholesale costs versus retail costs, nor does ATF have any data on the current domestic market for training rounds. As a result, ATF is unable to make any quantitative assessments of the benefits of this rulemaking. It is highly likely that there will be benefits to consumers who face a lower price for training rounds and for importers who will have more flexibility to import foreign training rounds. Accordingly, ATF requests any information from the public regarding the economic effects that this rulemaking may have on the public and the regulated entities.

Additionally, there are an estimated two domestic entities that may be affected by this proposed regulation. One entity is a domestic subsidiary of a large business that produces their training rounds abroad. The other is a small entity that produces their training rounds domestically. Of these two entities, the business that produces domestically is likely to experience disbenefits (*i.e.,* adverse impacts) in the form of lower prices and demand from foreign competition. The other business may indirectly benefit because while they are a domestic company, they appear to manufacture overseas and subsequently import into the United States, thus they would be able to import more without restrictions and reduced burdens. Because this proposed rule may have an impact on domestic manufacturers, ATF requests public comments regarding the overall estimated revenue impact that this proposed rule would have on domestic manufacturers.

3. Cost Savings

In addition to the additional potential revenue this proposed rule would add to an FFL importer's business, ATF anticipates that there would be some cost savings to importers because they no longer must complete a Form 6, part I to receive approval for the items they wish to import and then subsequently complete an ATF Form 5330.3C, Releasing/Receiving Imported Firearms, Ammunition, and Defense Articles (''Form 6A'') to confirm the items imported. As mentioned above, ATF estimates that importers brought in the equivalent of one import per year, thus completing one Form 6, part I. ATF estimates for purposes of this analysis that not completing a Form 6, part I would save a retail salesperson, who works for an FFL, an estimated 30 minutes in hourly burden. To determine the monetized value of the hourly burden, ATF uses the unloaded wage rate of $17.64 for a retail salesperson based on the Bureau of Labor Statistics (''BLS'').[10] To account for fringe employment benefits such as insurance, ATF determined the average load rate based on BLS's calculated national hourly compensation (salaries/wages plus paid benefits) for all private-sector occupations (average of $44.20 for 2024) [11] divided by the national average hourly wages and salaries without benefits (average of $31.10 for 2024),[12] making a load rate of 1.42.[13] ATF then applied this load rate to the $17.64 to calculate their total compensation. Multiplying BLS's estimated hourly wage rate for a retail salesperson ($17.64) by the load rate of 1.42, ATF estimates that a rounded, loaded wage rate for a retail salesperson would be $25 and that an FFL would save $12.50 in loaded monetized time per hour under this rule for submitting an ATF Form 6, part I.

For imports received, the importing FFL would subsequently submit a Form 6A, which is estimated to take 35 minutes (0.583 hours). Using the same loaded wage rate of $25 per hour, an FFL would save an hourly burden of $14.58 per Form 6A submittal, with a combined total of $27.08 per import.

With a population of 167 importers, and assuming one less Form 6, part I application and one less Form 6A submittal, ATF estimates that the cost savings for this rule from no longer applying and submitting a Form 6, part I or Form 6A would be $4,522 annually.[14]

ATF notes that this would be the minimum cost savings from this rule. There may be additional cost savings with importers not needing to obtain and submit the government or law enforcement agency contract and letter to show the import comes under the government exception pursuant to 18 U.S.C. 925(a)(1). However, as government and law enforcement agency procedures may vary, ATF seeks additional comment on whether there are any additional steps, time, and burden that importers may save by not having to submit additional documentation with the Form 6, part I. Overall, this rule would provide an annual cost savings of $4,522 per year, or $45,215 over the course of ten years.

4. Regulatory Alternatives

Alternative 1. Maintaining the Status Quo (No Action Alternative)

ATF considered determining that these training rounds are considered ammunition, which would prohibit importation of these training rounds unless an exception applied under 18 U.S.C 925(d) or unless imported for governmental use under 18 U.S.C. 925(a). While government and law enforcement are the primary users of these training rounds, the ability for importers to import only pursuant to a government contract severely limits the importer's ability to retain sufficient stock in the event that state or local law enforcement unexpectedly need more than requested. As a result, ATF currently believes that retaining the status quo is not the best alternative as this does not provide the most qualitative flexibility for importation.

Alternative 2. Issuing Guidance.

Another alternative ATF considered was only issuing guidance. Currently, this is the status quo, and guidance has been in effect in the recent year. However, guidance does not have the same force and effect of a regulation, so

[9] OMB–1140–0005, Application/Permit to Import Firearms, Ammunition, and Defense Articles (''ATF Form 6, part I''), *https://www.atf.gov/media/22521/download* [*https://perma.cc/5XCC-8G23?type=image*].

[10] 41–2031 Retail Salespersons *https://www.bls.gov/oes/2023/may/oes412031.htm* [*https://perma.cc/V5T8-T455*].

[11] U.S. Bureau of Labor Statistics, *Total compensation cost per hour worked for private industry workers (2023–2025), https://data.bls.gov/dataViewer/view/timeseries/CMU2010000000000D* [*https://perma.cc/T2ZL-2UUB*].

[12] U.S. Bureau of Labor Statistics, *Wages and salaries cost per hour worked for private industry workers (2023–2025), https://data.bls.gov/dataViewer/view/timeseries/CMU2020000000000D* [*https://perma.cc/8WEJ-2TRW*].

[13] 1.4 load rate = $44.20 total hourly compensation/31.95 hourly wages and salaries.

[14] $4,522 = 167 importers * $25 loaded wage * (0.5 hours Form 6 part I application + 0.583 Form 6A application).

ATF is choosing to undertake a regulation to solidify in regulation the interpretation it has provided in guidance.

Alternative 3: Rulemaking (Proposed Alternative)

Finally, an alternative that ATF considered is the proposed alternative. This is to publish a regulation amending the definition of ammunition to make clear the term does not include any fully assembled training round that is not designed for (1) offensive or defensive combat; and (2) use in a device that constitutes a weapon. Items that meet this description would no longer be restricted from import and thus importers would not need to complete a Form 6, part I. This alternative is estimated to have qualitative benefits for consumers who will face lower prices for training rounds and for importers who will have more flexibility to import foreign training rounds. There are also estimated cost savings of $4,552 per year from removing the need for importers to complete a Form 6, part I and Form 6A to import these types of items. ATF believes this alternative provides the most flexibility to importers or any business that deals or otherwise retails in training rounds and reduces regulatory and administrative burdens.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. Although this proposed rule would be a significant regulatory action as defined by Executive Order 12866, it would not count as an Executive Order 14192 regulatory action because it has total costs less than zero. The rule would add an exception to the definition of ammunition for training rounds, which would allow persons to import training rounds without having to comply with the restrictions and requirements on importing ammunition. ATF therefore expects this proposed rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined in OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

ATF performed an initial regulatory flexibility analysis of the potential impacts on small businesses and other entities that would occur due to this proposed rule, if finalized as proposed.

Initial Regulatory Flexibility Analysis (''IRFA'')

The RFA establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to ensure that such proposals are given serious consideration.'' Public Law 96–354, sec. 2(b), 94 Stat. 1164 (1980).

Under the RFA, the agency is required to consider whether the proposed rule would have a significant economic impact on a substantial number of small entities. Agencies must perform a review to determine whether the proposed rule would have such an impact. If the agency determines that it would, the agency must prepare an IRFA (or a regulatory flexibility analysis for a final rule) as described in the Act. *See* 5 U.S.C. 603(b).

1. Describing the reasons why the agency is considering taking action.

ATF is proposing this action to allow persons to import training rounds as an exemption from general restrictions on importing ammunition, thereby increasing the opportunities for importers and permitting more selection among consumers.

2. Succinctly stating the objectives of, and legal basis for, the proposed rule.

The objective of this proposed rulemaking is to reduce the regulatory burden on importers and the public by streamlining requirements to allow training rounds to be imported for use in training guns. Additionally, the goal of this rule is to avoid unnecessary delays in the sale and transfer of non-lethal ammunition types from abroad. For example, the existing framework, under which importers can generally import only limited circumstances, severely limits importers' ability to retain sufficient stock in the event state and local law enforcement unexpectedly need more than requested.

3. Describing and, where feasible, estimating the number of small entities to which the proposed rule would apply.

Based on ATF's Federal Firearm Licensing Center, there are 1,666 FFLs that import firearms that may benefit from this proposed rule from no longer needing to complete a Form 6, part I or

Form 6A to import training rounds as they would no longer be considered ammunition. The majority of these FFLs are likely to be small.

However, there are an estimated two domestic entities that may be indirectly affected by this proposed regulation. One entity is a domestic subsidiary of a large business that produces their training rounds abroad. The other is a small entity that produces their training rounds domestically. Of these two entities, the business that produces domestically is likely to experience disbenefits (*i.e.,* adverse impacts) in the form of lower prices and demand from foreign competition. The other business may indirectly benefit because while they are a domestic company they appear to manufacture overseas and subsequently import into the United States, thus they would be able to import more without restrictions and reduced burdens.

Furthermore, there may be other small entities that may be indirectly affected due to ATF's decision to classify training rounds as not meeting the definition of ammunition. These companies manufacture high-end air rifles and CO_2 cartridges that also mimic realistic firing. While training rounds might be considered to provide more realistic firearm feedback than their CO_2 counterparts, these CO_2 cartridges sell for less than training rounds.[15] [16] [17] While training rounds retail for approximately $0.57 per cartridge, CO_2 cartridges are less expensive, selling for an average at retail of $0.37 per cartridge. Furthermore, rifles that use CO_2 cartridges retail for less than a firearm that needs a conversion kit in order to use training rounds.

Entities indirectly affected by this proposed rule fall under Small Business Administration (''SBA'') industry NAICs standard: 332992 for Small Arms Ammunition Manufacturing. The SBA size standard for this industry is less than 1,300. These entities have employee sizes of less than 1,000.

4. Describing the proposed rule's projected reporting, record-keeping, and other compliance requirements, including an estimate of the classes of small entities which would be subject to the requirement and the type of professional skills necessary to prepare the report or record.

This rule would remove the reporting requirement that FFL importers file a Form 6, part I prior to importing training rounds pursuant to a government contract and remove the subsequent need to complete a Form 6A upon importation of the goods. This rule would provide cost savings of $27.08 per importer and would remove a restriction on the public, with an added benefit of $174.6 million in increase retail sales. There are no additional requirements or costs imposed by this proposed rule.

5. Identifying, to the extent practicable, all relevant Federal rules which might duplicate, overlap, or conflict with the proposed rule.

This proposed rule would not duplicate or conflict with other federal rules.

6. Describing any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize and significant economic impact the proposed rule might have on small entities.

ATF has considered the alternative of maintaining the status quo and continuing to restrict the import of training rounds. Compared to the status quo, the proposed approach would benefit firearms importers, individuals would have more options on places from where they could obtain training ammunition, and small entities would benefit from being able to run their enhanced self-defense training courses with sufficient quantities of training rounds. ATF notes, however, that this alternative will increase competition for one or two domestic manufacturers of training rounds.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule involves two existing information collections under the PRA. These information collections, as currently approved by OMB, are OMB control number 1140–0005, ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles (''Form 6, part I''), and OMB control number 1140–0007, ATF Form 5330.3C, Releasing/Receiving Imported Firearms, Ammunition, and Defense Articles (''Form 6A''). The title and description of the information collection impacted by this rule, a description of those who provide the information, and an estimate of the total annual burden follow.

Impacted ICR 1

Title: ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles (''Form 6, part I'').

OMB control number: 1140–0005.

Summary of the information collection: Importation of firearms, ammunition, and defense articles into the United States is subject to the provision of 18 U.S.C. 925(d) and (e), 22 U.S.C. 2778, and 26 U.S.C. 5844. Except as provided, or specifically authorized by the Attorney General, the importation of articles coming within the purview of these statutes is restricted or prohibited. In general, the importation of firearms is permitted only if the firearms meet certain criteria and the Attorney General authorizes the importation.

Need for information and proposed use: Data provided on the Application and Permit for Importation of Firearms, Ammunition, and Defense Articles—ATF Form 6, part I allows ATF to determine if the article(s) described on the application qualifies for importation by the importer. It also serves as authorization for the importer. The approved form also serves as authorization for U.S. Customs and Border Protection to allow the listed articles entry into the United States. Many importers use the form for internal accounting purposes. Information may be disclosed to other federal, state, foreign, and local law enforcement and regulatory agency personnel, to verify information on the application. Disclosure also aids them in the performance of their duties regarding the enforcement and regulation of firearms and/or ammunition, where such disclosure is not prohibited by law. The licensee is

[15] T4E guns, *https://training.t4eguns.com/t4e-paintballs-43-blue-430-ct-2292119* [*https://perma.cc/2VRX-CK8Z*].

[16] Unit 4 Solutions, *https://unitsolutions.com/products/marking-round-value-packs?variant=45703050625177* [*https://perma.cc/S283-TPFG*].

[17] Byrna, *https://byrna.com/collections/less-lethal-training-ammo* [*https://perma.cc/T8NM-SUAN*].

required to retain this form permanently.

Description of the respondents affected by this proposed rule: Importer FFLs.

Number of current respondents: 1,666.

Frequency of response: as needed.

Number of responses: this proposed rule would decrease the number of responses by 1,666.

Response time estimate: 0.5 hours.

Burden of response: this proposed rule would decrease hourly burden by 833 hours.

Impacted ICR 2

Title: ATF Form 5330.3C, Release/Receipt of Imported Firearms, Ammunition, and Defense Articles (''Form 6A'').

OMB control number: 1140–0007.

Summary of the information collection: Under 18 U.S.C. 925(a), 22 U.S.C. 2778, and 26 U.S.C. 5844, the import of firearms, ammunition and defense articles coming within the purview of these statutes is prohibited. The statutes also require that persons engaged in the business of importing such articles be licensed and/or registered. Implementing regulations in 27 CFR parts 447, 478, and 479, prescribe the forms and procedures necessary to fulfill the import permit requirements. Through these requirements, the law and regulations establish a comprehensive system for regulating the importation of firearms, ammunition, and defense articles.

Need for information and proposed use: The data provided by this information collection request are used by ATF to determine if articles imported meet the statutory and regulatory criteria for importation and if the articles shown on the permit application have actually been imported. Form 6A serves as the certification of release and receipt of the articles described on the permit application. The form is used by FFLs (registered importers, Federal firearms licensees other than importers), members of the U.S. Armed Forces, and persons not licensed by or registered with ATF.

Description of the respondents affected by this proposed rule: Importer FFLs.

Number of current respondents: 1,666.

Frequency of response: as needed.

Number of responses: this proposed rule would decrease the current inventory by 1,666 responses.

Response time estimate: 0.583 hours.

Burden of response: this proposed rule would decrease hourly burden by 971 hours.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA97 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov* by ATF. However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA97. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

• *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA97).

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Revise the definition of ''Ammunition'' in § 478.11 to read as follows:

§ 478.11 Meaning of terms.

* * * * *

Ammunition. Ammunition or cartridge cases, primers, bullets, or propellent powder designed for use in any firearm other than an antique firearm. The term does not include—

(a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing;

(b) any unloaded, non-metallic shotgun hull or casing not having a primer; or

(c) any fully assembled training round that is not designed:

(1) for offensive or defensive combat; and

(2) to be used in a device that is a weapon.

* * * * *

Robert Cekada,

Director.

[FR Doc. 2026–08914 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR part 478

[Docket No. ATF–2026–0011; ATF No. 2025R–36P]

RIN 1140–AA69

Definition of Business Premises

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to clarify that the term ''business premises'' includes properties that adjoin each other; or that are adjacent to each other and adjoin the same parking lot, sidewalk, or road.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA69, by either of the following methods—

• *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226; *ATTN: RIN 1140–AA69.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA69) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to

enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

Under 18 U.S.C. 923(a), persons cannot engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, unless they have first filed an application with and received a license to do so from the Attorney General. Further, 18 U.S.C. 923(d) provides that an application submitted under section 923(a) shall be approved if, among other things, ''the applicant has in a State . . . premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time.'' Additionally, the law requires that each applicant pay a fee for obtaining a license and that a separate fee be paid for each place in which the applicant is to do business. *See* 18 U.S.C. 923(a). As early as 1968, when the GCA was enacted and initial rules were promulgated, the term ''business premises'' has been defined to implement the provisions of the GCA. Pursuant to 27 CFR 478.11, a ''business premises'' is defined as ''[t]he property on which the manufacturing or importing of firearms or ammunition or the dealing in firearms is or will be conducted. A private dwelling, no part of which is open to the public, shall not be recognized as coming within the meaning of the term.'' [3] *Id.* In addition, 27 CFR 478.50 sets forth a number of exceptions to the general rule that a separate license must be obtained for each location at which a firearms or ammunition business or activity requiring a license is conducted. The term ''business premises'' is used throughout the GCA. However, Congress did not define ''business premises.'' Although the Department promulgated a definition of ''business premises'' in 27 CFR 478.11, as described above, ATF has become aware of situations in which a federal firearms licensee (''FFL'') owns or leases properties adjoining (*i.e.,* touching) each other or properties that are adjacent (*i.e.,* lying near or close) to each other and adjoin a common parking lot, sidewalk, or road. Currently, in those situations, FFLs have been required to apply for separate licenses for each property or otherwise seek a variance.

II. Proposed Rule

Because these situations can arise, ATF is proposing to amend 27 CFR 478.11 and 27 CFR 478.50 to clarify that ''business premises'' includes properties that adjoin (*i.e.,* touch) each other or properties that are adjacent (*i.e.,* lying near or close) to each other and adjoin the same parking lot, sidewalk, or road. The proposed amendments to these sections would allow FFLs to apply for and maintain one license for their business if they own or lease more than one property or location that (i) adjoin (*i.e.,* touch) each other; or (ii) are adjacent (*i.e.,* lying near or close) to each other and adjoin the same parking lot, sidewalk, or road.

As explained above, this rule will provide greater clarification as to circumstances that qualify as ''business premises'' under the GCA. For purposes of this proposed rule, ATF is relying on the plain meaning of the terms ''adjoin'' and ''adjacent'' as defined in Black's Law Dictionary (12th ed. 2024). There, the term ''adjoin'' is defined as ''touching; sharing a common boundary.'' [4] Thus, if an FFL owns or leases two properties and their boundary lines touch each other at any point, such properties would adjoin each other for purposes of this proposed rule and would constitute a single ''business premises.''

Moreover, ''adjacent'' is defined in Black's Law Dictionary as ''lying near or close to, but not necessarily touching.'' [5] Thus, if properties are non-contiguous (*i.e.,* the property lines do not touch each other) but are ''near or close to'' each other and adjoin the same parking lot, sidewalk, or road, these properties would also qualify as a single ''business premises.'' As an example, if an FFL owns or leases two locations that are directly across the street from each other — in other words, the properties would be adjoining but for a bisecting road — ATF's proposed rule would treat those two locations as adjacent and as a single ''business premise.'' Another example is where an FFL owns or leases more than one location in a shopping outlet where the stores are separated by other business entities, but they both share the same parking lot; in this example, ATF's proposed amendments would treat the multiple locations as adjacent and as a single ''business premise.''

If, however, the FFL's ''adjacent'' properties are not sufficiently close to each other, those locations would not qualify as a single ''business premise.'' For example, if an FFL owns or leases two locations on a major highway, and the locations are located miles apart from each other, the locations would not qualify as a single ''business premise'' because they would not be ''lying near or close to'' each other. These are general scenarios and each situation would need to be evaluated based on its circumstances.

These proposed parameters align with Supreme Court interpretations of ''adjoin'' and ''adjacent.'' *See, e.g., United States* v. *St. Anthony R. Co.,* 192 U.S. 524 (1904). In *St. Anthony R. Co.,* the Court evaluated whether lands were ''adjacent'' for purposes of a federal statute granting railroads the right to cut timber from ''public lands adjacent'' to a railroad right of way. *Id.* at 526 n.†, 530. In discussing relevant case law, the Court held that the word ''adjacent'' had been used ''in connection with the words 'contiguous' and 'adjoining,' so as to give an impression that it is almost, though not entirely, synonymous with those words.'' *Id.* at 533. The Court agreed that ''adjacent'' need not be

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the National Firearms Act, GCA and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] This definition is nearly identical to the original definition of ''business premises'' in the initial rules promulgated in 1968. As provided in the 1968 rule, ''business premises'' was defined as ''[t]he property on which firearms or ammunition importing, manufacturing, or dealing in business is or will be conducted. A private dwelling, no part of which is open to the public, shall not be recognized as coming within the meaning of the term.'' 33 FR 18557 (Dec. 14, 1968).

[4] This is also consistent with *Black's Law Dictionary* (4th ed. 1968), published the same year in which 18 U.S.C. 923 was enacted, in which ''adjoining'' is defined as follows: ''The word in its etymological sense, means touching or contiguous, as distinguished from lying near to or adjacent.''

[5] This is also consistent with *Black's Law Dictionary* (4th ed. 1968), which defined ''adjacent'' as follows: ''Lying near or close to; sometimes contiguous; neighboring.'' Further, ''*[a]djacent* implies that the two objects are not widely separated, though they may not actually touch . . . , while *adjoining* imports that they are so joined or united to each other that no third object intervenes.''

''adjoining or actually contiguous, but it must be, as said, near or close at hand.'' *Id.*

More recently, in *Sackett* v. *Environmental Protection Agency,* 598 U.S. 651, 676 (2023), the Court recognized that ''[d]ictionaries tell us that the term 'adjacent' may mean either 'contiguous' or 'near.' '' Although statutory context required a narrow reading of ''adjacent'' as used in the Clean Water Act for it to be ''compatible with the rest of the law,'' the Court acknowledged that the term could have broader definitional scope. *See id.* at 676–78 (internal quotation and citation omitted); *see also id.* at 711 (Kagan, J., concurring) (''[i]n ordinary language, one thing is adjacent to another not only when it is touching, but also when it is nearby.''); *id.* at 716 (Kavanaugh, J., concurring) (' 'adjacent' and 'adjoining' have distinct meanings.''). Again, ATF's proposed change here aligns with the Supreme Court's general understanding of ''adjoin'' and ''adjacent.''

The proposed change is also consistent with other GCA amendments and ATF guidance concerning ''business premises.'' The Firearms Owners' Protection Act of 1986 (''FOPA''), Public Law 99–308 (1986), amended the GCA to allow FFLs to conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, state, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the state which is specified on the license. ATF's proposed regulatory amendment does not change the fact that the location must be licensed but merely clarifies that an FFL does not need multiple licenses for multiple locations if the locations (i) adjoin each other; or (ii) are adjacent to each other and adjoin the same parking lot, sidewalk, or road.

The proposed change is also consistent with guidance ATF issued on April 10, 2020, in which ATF clarified that under the GCA, an FFL could, in qualifying circumstances, carry out certain activities on any part of the business premises, including the exterior of the brick-and-mortar structure, provided that the activity otherwise complied with applicable laws and regulations.[6] The specific requested activities in that guidance were (i) verifying customer identity and permitting the completion of paperwork, including for purposes of the National Instant Criminal Background Check System; (ii) accepting payment; and (iii) delivering firearms to customers. For these requested activities, ATF indicated that FFLs could do so (i) through a drive-up or walk-up window or doorway where the customer is on the licensee's property on the exterior of the brick-and-mortar structure at the address listed on the license; and (ii) from a temporary table or booth located in a parking lot or other exterior location on the licensee's property at the address listed on the license, but any such activities must occur in a location where the licensee has the authority to permit ATF's entry for inspection purposes.[7] FFLs were not permitted to carry out the requested activities from nearby spaces that were not located on the licensee's property. Again, this proposed rule does not change the fact that properties must be licensed; it merely clarifies the limited situations in which one license is sufficient.

ATF's proposed rule also aligns with certain variances that the agency has provided to FFLs. For example, variances have been given to allow one license to cover an additional location if it was adjoining with the FFL's other licensed locations. This has been true even in circumstances where the addresses are separated by a public road. In these variance scenarios, ATF concluded that allowing one license to cover an adjacent property owned by the FFL would not hinder the administration of the GCA; nor does it impede ATF's ability to trace firearms or interfere with ATF's Industry Operations Investigators' ability to conduct inspections to ensure regulatory compliance with the GCA. ATF submits that this is also true for properties that are adjacent to each other and adjoin the same parking lot, sidewalk, or road. Further, it reduces burden on the industry and saves the costs of having to maintain two separate licenses.

ATF's proposed rule also aligns with the President's Executive Order 14206, *Protecting Second Amendment Rights,* issued on February 7, 2025. In that Executive Order, the President set forth that ''[t]he Second Amendment is an indispensable safeguard of security and liberty.'' E.O. 14206, sec. 1, 90 FR 9503 (Feb. 7, 2025). Further, ''[b]ecause it is foundational to maintaining all other rights held by Americans, the right to keep and bear arms must not be infringed.'' *Id.*

Finally, ATF notes that each FFL application will continue to be evaluated on the specific facts underlying each application. If an FFL application is denied on the grounds that an FFL's premises does not meet the amended definition of ''business premises'' under 27 CFR 478.11 or 27 CFR 478.50, ATF reminds the public that licensees can ask ATF for an alternate method or procedure (known as a variance request) to fulfill their regulatory obligations. This process is set forth in 27 CFR 478.22.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rule would amend ATF regulations at 27 CFR 478.11 and 27 CFR 478.50 to clarify that the term ''business premises'' includes properties that (i) adjoin each other; or (ii) are adjacent to each other and adjoin the same parking lot, sidewalk, or road. This rulemaking would provide qualitative benefits to the industry by providing more flexibility in complying with statutes and existing regulatory standards.

The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. ATF provides the following analysis to comply with Executive Order 12866 and 13563. Although an overall industry savings was not calculated, ATF estimates that a per-entity savings, which may range from $150 to $300, could occur from an FFL not having to apply and pay for more than one license.[8] Furthermore, ATF estimates an hourly time-burden savings of 1 hour.

For illustrative purposes, ATF estimates that an FFL manager may be paid an hourly wage rate of $53.42 per

[6] ATF, *Guidance on Business Premises,* (Apr. 10, 2020), *https://www.atf.gov/firearms/docs/open-letter/atf-business-premises-guidance-letter-4-10-2020/download* [*https://perma.cc/4B76-52YW*].

[7] *Id. at 2–3.*

[8] ATF.gov, *Federal Firearms Licenses, https://www.atf.gov/firearms/federal-firearms-licenses* [*https://perma.cc/QWX8-R3MK*].

hour.[9] To account for fringe benefits such as insurance, ATF calculated a load rate based on total hourly compensation (average $44.20 for 2024)[10] and divided the average total compensation by the average hourly wages and salaries (average $31.95 for 2024)[11] making a load rate of 1.42.[12] Multiplying the estimated hourly wage rate for an FFL ($53.42) by the load rate of 1.42, ATF estimates that a loaded monetized hour that an FFL would save in monetized time per hour would be of $74.79. In total, an FFL may be able to save between $225[13] to $375[14] (rounded) per adjoining or adjacent location. However, ATF requests more information from the public regarding economic effects that this rulemaking may have on the public and the regulated industries.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action as defined in section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866, and it would not impose total costs greater than zero. This rule would save FFLs from having to apply and pay for two licenses if the FFL's business premises is adjacent or adjoining to each other. Therefore, ATF expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. As discussed above, while an overall industry savings was not calculated, ATF estimates that a per-entity savings, which may range from $150 to $300, may occur from not having to apply and pay for more than one license. Furthermore, ATF estimates an hourly time-burden savings of 1 hour or a loaded monetized hour of $74.79.[15] In total, an FFL may be able to save $225 to $375 (rounded) per adjoining or adjacent location. This proposed rule is deregulatory and would not impose any additional costs.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, the ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would impact two existing information collections under the PRA: OMB control number 1140–0018: Application for Federal Firearms License, which includes ATF Form 5310.12 (''Form 7''); OMB control number 1140–0019: Federal Firearms Licensee Renewal Application-Part II, which includes ATF Form 5310.11 (''Form 8''). This proposed rule would likely reduce the number of respondents applying for a firearms license on a Form 7 and the number of respondents renewing their license Form 8. This would occur because this proposed rule would allow licensees to maintain one license instead of two to cover business premises that either adjoin each other or are adjacent to each other and adjoin the

[9] U.S. Bureau of Labor Statistics, *Occupational Employment and Wages, May 2023,* for 11–3013 Facilities Managers, *https://www.bls.gov/oes/2023/may/oes113013.htm* [*https://perma.cc/M4G8-6YJL*].

[10] U.S. Bureau of Labor Statistics, *Total compensation cost per hour worked for private industry workers (2023–2025), https://data.bls.gov/dataViewer/view/timeseries/CMU2010000000000D* [*https://perma.cc/T2ZL-2UUB*].

[11] U.S. Bureau of Labor Statistics, *Wages and salaries cost per hour worked for private industry workers (2023–2025), https://data.bls.gov/dataViewer/view/timeseries/CMU2020000000000D* [*https://perma.cc/FF2D-7VRA*].

[12] 1.4 load rate = $44.20 total hourly compensation/31.95 hourly wages and salaries.

[13] $225 per location time savings = $75 loaded wage rate (rounded) * 3 hours of time savings.

[14] $375 per location time savings = $75 loaded wage rate (rounded) * 5 hours of time savings.

[15] *See* footnotes 9–12, *supra,* for wage rate information.

same parking lot, sidewalk or road. As a result of this change, the number of respondents would likely decrease if this proposed rule becomes final. The proposed rule would not otherwise change these information collections. ATF will provide more details about the information collections in any final rule.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA69 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA69. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it received but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal processes.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal E-Rulemaking Portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA69).

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and record-keeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. In § 478.11, revise the definition of ''Business premises'' to read as follows:

§ 478.11 Meaning of terms.

* * * * *

Business premises. The property on which a licensee will manufacture, import, or deal in firearms or ammunition. A business premises includes the following:

(i) Properties that adjoin each other; or

(ii) Properties that are adjacent to each other and adjoin the same parking lot, sidewalk, or road. A private dwelling does not fall within the meaning of the term if it has no part open to the public.

* * * * *

■ 3. Amend § 478.50 by:

■ a. Revising paragraphs (c) and (d); and

■ b. Adding a new paragraph (e).

The revisions and addition read as follows:

§ 478.50 Locations covered by license.

* * * * *

(c) A licensee may conduct business at a gun show pursuant to provisions in § 478.100;

(d) A licensed importer, manufacturer, or dealer may engage in the business of dealing in curio or relic firearms with another licensee at any location pursuant to provisions in § 478.100; or

(e) A licensee may conduct business at a separate property parcel the licensee owns or uses, without obtaining another license for the separate property, if that property adjoins the FFL's other licensed location(s) or the location is adjacent to the FFL's other licensed location(s) and adjoins the same parking lot, sidewalk, or road as the other licensed location(s).

Robert Cekada,

Director.

[FR Doc. 2026–08925 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0003; ATF 2025R–08P]

RIN 1140–AA95

Firearm Records Retention Periods

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes to amend Department of Justice (''Department'') regulations establishing records retention periods for federal firearms licensees' (''FFLs'' or ''licensees'') acquisition and disposition (''A&D'') records, and the retention period for records the National Tracing Center (''NTC'') receives. Specifically, ATF is proposing these records be retained for a specific period rather than indefinitely, and is considering either 20 or 30 years for the specified period. ATF is also proposing a brief retention period for forms used to facilitate private-party transfers or to conduct voluntary firearm handlers checks.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by docket number RIN 1140–AA95, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; *ATTN: RIN 1140–AA95*.

Instructions: All submissions must include the agency name and number (RIN 1140–AA95) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov*. This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov*. Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this

Continued

direction of the ≤Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

Since its enactment, the GCA has required FFLs to maintain, at their place of business, importing, producing, shipping, receiving, selling, and other disposition records for firearms (''A&D records''), in accordance with prescribed regulations. Section 923(g)(1)(A) of the GCA requires licensed importers, manufacturers, and dealers to maintain these records for ''such period'' and in such form as prescribed by regulation. Licensed collectors, pursuant to 18 U.S.C. 923(g)(2), are required to maintain the records in a bound volume, the nature of which may be prescribed by regulation. Section 923(g)(4) of the GCA requires licensees, upon absolutely discontinuing a business,[3] to deliver required records to the Attorney General within 30 days after discontinuing business. Regulations implementing the record-keeping requirements of sections 923(g)(1)(A), 923(g)(2), and 923(g)(4) are contained primarily in 27 CFR part 478, subpart H. Requirements for retaining records and for handling a discontinued business's records are in 27 CFR 478.129 and 478.127, respectively.

With certain exceptions, an FFL may not sell or otherwise dispose of, temporarily or permanently, any firearm to any unlicensed person unless the FFL records the transaction on ATF Form 5300.9, Firearms Transaction Record (''Form 4473''). *See* 27 CFR 478.124. Forms 4473 are therefore one of the records licensees are required to retain under 18 U.S.C. 923(g)(1). Specifically, § 478.129(b) currently requires licensees to retain each Form 4473 until they discontinue the business or licensed activity.

Prior to July 29, 1985, the GCA's implementing regulations required FFLs to permanently retain records of firearms transactions and deliver those records, with limited exception, to ATF when they discontinued a firearms business. *See* 26 CFR 178.121(a), 178.127 (1969). On June 28, 1985, ATF published a final rule,[4] effective July 29, 1985, amending the record retention requirements codified at 27 CFR 478.129 to eliminate the permanent retention requirement for licensed dealers and collectors and to reduce the retention period to not more than 20 years, dating back to December 16, 1968. The 1985 final rule also authorized licensed manufacturers and importers to destroy their disposition records after retaining such records for 20 years beginning December 16, 1968. The final rule provided that ''[b]ecause of the diminished frequency in utilizing records over 20 years of age in tracing firearms used in crimes, the requirement to maintain permanent records of all firearms transactions is not justifiable based on the cost and administrative burden to both the firearms industry and the Government.'' [5]

Manufacturers and importers, however, were required to retain, on a permanent basis, their manufacturing, importing, and other firearms acquisition records, including those from prior to 1968. These records proved helpful for a variety of purposes. They were relevant for criminal prosecutions because they helped prove that a firearm moved in or affected interstate or foreign commerce. The records could also be used to establish the age of a firearm and, thus, its classification as an antique or curio and relic. The records also lacked the privacy concerns raised by dealer records because they did not record the ultimate owner of most manufactured or imported firearms.

In 2022, ATF published a final rule,[6] effective on August 24, 2022, that amended the record retention requirements in 27 CFR 478.129. Specifically, it amended § 478.129(b) to require that licensees retain each ATF Form 4473 until they discontinue the business or licensed activity. Section 478.129(d) continued to require licensees to retain manufacturing, importing, or other acquisition records for firearms until they discontinue the business or licensed activity, but it imposed the same records retention requirement on licensed importers' and licensed manufacturers' sale or other disposition records. Section 478.129(e) was also amended to require licensed dealers and collectors to retain their sale or other disposition records for firearms and the corresponding receipt record for such firearm until they discontinue the business or licensed activity. These amendments remain in effect today. When FFLs absolutely discontinue a business, 18 U.S.C. 923(g)(4) and 27 CFR 478.127 continue to require them to deliver the required records within 30 days after they discontinue business to the ATF Out-of-Business Records Center. The GCA and its regulations do not address how long ATF retains out-of-business records (''OOB records''). Currently, ATF maintains all OOB records indefinitely.

Table 1 summarizes the records retention requirements for each type of licensee over time.

TABLE 1—SUMMARY OF RECORDS RETENTION PERIODS OVER TIME, BY LICENSEE TYPE *

	1969	1985	Current (since 2022)	Proposed
Manufacturers Importers	Retain all records until business or licensed activity is discontinued	• Retain acquisition records permanently. • Retain Forms 4473 for 20 years. • Retain other disposition records for 20 years.	• Discard disposition records 1968 or older. • Retain all A&D records 1969 on until FFL discontinues business. • Can store closed records over 20 years old off site.	• Retain all acquisition records permanently, including records prior to 1968 • Retain all other records for 20 (or 30) years • Can store closed records over 20 years old off site

proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the GCA, National Firearms Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] Section 923(g)(4) differentiates between licensed businesses succeeded by a new licensee, and a licensed business that discontinues absolutely—having no successor licensee. In the case of a licensed business with a successor, the discontinuing licensee must reflect that in the ATF-required A&D records and deliver them to the successor.

[4] ATF final rule, ''Commerce in Firearms and Ammunition,'' 50 FR 26702 (June 28, 1985).

[5] *Id.*

[6] ATF final rule, ''Definition of 'Frame or Receiver' and Identification of Firearms,'' 87 FR 24652 (April 26, 2022).

TABLE 1—SUMMARY OF RECORDS RETENTION PERIODS OVER TIME, BY LICENSEE TYPE *—Continued

	1969	1985	Current (since 2022)	Proposed
Dealers Collectors		• Discard all records 1968 or older. • Retain Forms 4473 from 1969 onward for 20 years. • Retain other transaction records for 20 years.	• Discard all records 1968 or older. • Retain all A&D records 1969 on until FFL discontinues business. • Can store closed records over 20 years old off site.	• Retain all records for 20 (or 30) years • Retain all records at business premises
Manufacturers, importers, and dealers		.....	• Retain Forms 3310.4 (multiple sales reports, pistols/revolvers) for five years. • Retain Forms 3310.11 (theft/loss reports) for five years.	• Retain Forms 3310.4 and 3310.12 (multiple sales reports, pistols/revolvers and certain rifles) for five years • Retain Forms 3310.11 (theft/loss reports) for five years • Retain Forms 4473 initiated, but not completed, for five years

* Acquisition records in this table include all methods of acquisition pertinent to the type of licensee, including manufacturing and importing records. Similarly, disposition records include all methods of disposition pertinent to the type of licensee, including sales. Acquisition records from 1985 onward also include Forms 4473 unless specifically mentioned in a bullet point.

The record retention requirements imposed on most licensee records have been based on two principles. For investigating criminal activity, records retained by FFLs allow ATF to trace, by firearm serial number and firearm identifying information, ownership of firearms recovered at or used in crimes, a function particularly important in support of federal, state, and local law enforcement. Retained records also help enforce federal regulatory requirements. When prosecuting criminal cases for violations of the GCA, the government may also rely on licensee records to establish through record-keeping that the firearm has moved between FFLs of different states or countries. More importantly, licensed importer and manufacturer acquisition (''I&M acquisition'') records identify the location from which the firearm was manufactured or imported to demonstrate the firearm's introduction and movement in commerce and the firearm's age.

Likewise, ATF uses OOB records submitted to ATF and maintained by NTC to respond to crime gun trace requests. NTC converts OOB records into digital images after it receives them and stores them in the Enterprise Content Management (''ECM'') Image Repository for use in the tracing process. All images that are electronically stored in the ECM repository are retrievable in accordance with law, regulation, and policy, but are not searchable by an individual's name or other personal identifiers or through character recognition. For fiscal year (''FY'') 2024, NTC conducted 614,995 traces and as of June 11, 2025 when this proposed rule was first drafted, had conducted 420,762 traces for FY 2025. At that same time, NTC held approximately 1.3 billion images of records and as of June 11, 2025, NTC received approximately 6.8 million OOB records per month in FY 2025. The NTC estimates that 500 million images in the OOB records are older than 20 years.

II. Proposed Rule

ATF is proposing revisions to §§ 478.127 and 478.129 to adjust the records retention periods for licensee A&D records, Forms 4473, other licensee records, and NTC's out-of-business records, as discussed in detail below. In addition, ATF is proposing some structural changes to the sections to better clarify the different record provisions, and is proposing some minor technical edits to conform with plain writing requirements and updates to ATF forms, numbers, and titles.

A. Reducing Licensee A&D Records Retention Periods

As of FY 2024, there were 128,960 active FFLs faced with the costs of retaining, on a permanent basis, A&D records for firearms. Electronic record-keeping systems compliant with ATF's past requirements often require a financial investment in computer hardware, software, and training. The older the firearm, the more likely it has been transferred on the secondary market. As a result, the ability to trace crime guns to a purchaser or determine their movement in interstate or foreign commerce decreases with time because licensee records do not cover transfers on the secondary market. As a result, the utility of older records for tracing firearms does not outweigh the increased cost of permanently retaining electronic or paper records.

Statistical data maintained by NTC establishes that there has been a steady increase since FY 2014 in the percentage of completed traces to a purchaser using records up through 20 years old. In FY 2014, approximately 73 percent (153,629 of 210,312) of completed traces identified a purchaser using records up through 20 years old. Tables 2, 3, and 4 below show the remaining total number of traces completed using records over 20 years old in FY 2014, FY 2019, and FY 2024 and 2025, respectively. Column two in each table contains the subset of column 1's traces that use records over 25 years old, and column three contains the subset of column 2's traces that use records over 30 years old, illustrating the diminishing number of records used in traces as firearms get older.

TABLE 2—FY 2014

Over 20 years FY 2014	Over 25 years FY 2014	Over 30 years FY 2014
56,620	35,162	23,758

In FY 2019, approximately 82 percent (253,239 of 308,660) of traces identified a purchaser using records less than 20 years old.

TABLE 3—FY 2019

Over 20 years FY 2019	Over 25 years FY 2019	Over 30 years FY 2019
55,421	40,871	25,710

More recent data, for FY 2024 and FY 2025, shows a further decline in records over 20 years old used in traces, as approximately 89 percent (414,405 of 464,325) of successful traces in FY 2024 identified a purchaser using records less than 20 years old, and the same in FY 2025 (426,429 of 477,401).

TABLE 4—FY 2024 AND FY 2025

FY	Over 20 years	Over 25 years	Over 30 years
2024	49,920	39,229	29,377
2025	24,885	19,374	14,880

Thus far, NTC's most recent data indicates that this trend has continued in FY 2026, with approximately 89 percent (203,927 of 228,812) of successful traces in the first half of FY 2026, as of March 31, 2026, requiring records less than 20 years old.

Similarly, prior to implementing 2022's expanded permanent retention period, the small percentage of traces that could not be completed due to lack of records over 20-years old showed an overall decline. ATF uses a specific closure designation for traces when a licensee informs ATF that it does not have records for that firearm because the records were more than 20 years old and had been destroyed. In FY 2014, ATF conducted 350,063 traces. Of these, 0.34 percent, or 1,175, were closed for this reason. Of 469,842 total traces in FY 2020, only 0.31 percent, or 1,463, traces were closed for the above reason, and FY 2021 saw another decline in traces closed with this designation to 0.26 percent, or 1,349, out of 528,058 traces.

The declines in both the percentage of traces using records over 20 years old and those closed because the dealer did not maintain records beyond the 20-year requirement indicate a diminishing need to access records older than 20 years. This is attributable, in part, to an increase in the share of traced firearms with a time-to-crime interval (''TTC'') less than 20 years. A firearm's TTC is the length of time between the date of a firearm's last known purchase to the date law enforcement recovers it as a crime gun. ATF calculated the TTC for nearly all (1,479,046) of the 1,482,861 firearms traced to a purchaser between 2017 and 2021. For the entire period, over 87 percent of the traced crime guns had a TTC of 20 years or less. The median TTC for all firearms was 1,293 days or slightly more than three years, meaning that half of the traced crime guns were purchased within this time period. And approximately 24 percent of all firearms were purchased within one year of their recovery. Between 2017 and 2021, the percentage of firearms with a TTC of less than one year and less than three years steadily increased. In 2017, 19.3 percent of recovered firearms had a TTC of less than one year and 40 percent had a TTC of less than three years. By 2021, those percentages increased to 32.3 percent of recovered firearms with a TTC of less than one year and 53.9 percent with a TTC of less than three years.[7]

The decreasing need to utilize records over 20 years old, and the even greater decrease in utility of records more than 30 years old, to trace a firearm to a purchaser—caused in part by shorter TTC periods and lower median age of recovered firearms—demonstrate that a 20-year or 30-year records retention period and reducing the volume of older records maintained by NTC would not have a significant impact on ATF's capability to trace crime guns. As a result of these facts and the administrative burdens on the firearms industry and the government from retaining records indefinitely, ATF is proposing to reduce the records retention periods in § 478.129 for all firearms acquisition and disposition records except I&M acquisition records[8] to 20 or 30 years. ATF is considering whether to establish the retention period at 20 years or 30 years as an appropriate balance between the cost of maintaining records for longer periods and the public safety interest in being able to trace more crime guns and to more quickly apprehend perpetrators of crimes involving firearms. Although fewer records 26–30 years old or over 30 years old have been necessary to trace crime guns in recent years, there are still

[7] ATF, *National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Gun Intelligence and Analysis—Volume Two,* part III (March. 27, 2024), *https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recovered-and-traced-us/download* [*https://perma.cc/5TJX-3P5W*].

[8] As noted above, because these records are needed for prosecutions and collectible classifications, I&M acquisition records have had a permanent retention period since the GCA was passed in 1968, and FFLs were also required to retain such records from before 1968. The need for these older records still exists, so they would remain under a permanent retention period. These records also do not identify the ultimate owner of the firearm in most cases.

traces that involve these older records. For example, the data in Table 4 shows that in 2024, roughly 39,229 traces involved records over 25 years old and 29,377 traces involved records over 30 years old. This means that, in 2024, the percentage of successful crime gun traces increased from 89 to 94 percent when records up to 30 years old were available, resulting in almost 10,000 additional successful traces.

ATF seeks comments on whether the costs of retaining these records for an extra ten years (30 years instead of 20) would be sufficiently offset by the public safety benefit of maintaining this traceability. See further discussion in this section (above) and in section III.A of this preamble for more information on the age distribution of records used for firearms tracing over the past ten years.

1. Paragraph 478.129(b), Forms 4473

This rule proposes to remove the requirement in § 478.129(b) that FFLs must retain Forms 4473 permanently and replace it with a requirement that FFLs retain Forms 4473 for either 20 or 30 years. Currently, § 478.129(b) states that ''Licensees shall retain each Form 4473 until business or licensed activity is discontinued, either on paper, or in an electronic alternate method approved by the Director, at the business premises readily accessible for inspection under this part.'' ATF proposes to replace this provision with ''FFLs must retain each Firearms Transaction Record (ATF Form 4473) for no less than 20 [or 30] years from the date on which they sell or otherwise dispose of a firearm.''

Paragraph § 478.129(b) also states that the records must be maintained in either paper or an electronic alternate method approved by the Director, at the business premises, and readily accessible for inspection under this part. These requirements would remain but in separate sentences that include some minor plain writing edits for readability.

In addition, ATF is proposing to separate into two sub-paragraphs the general requirements for retaining the Forms 4473 mentioned above and the existing records provisions for retaining Forms 4473 associated with non-completed transactions, including headings to help distinguish them. The requirements for retaining forms associated with non-completed transactions would remain the same but would have minor plain writing edits to make them easier to read.

In another rulemaking, ATF is proposing to incorporate into its regulations the ability for licensees to use Forms 4473 when they conduct background checks for private parties transferring a firearm between themselves, and when licensees conduct voluntary firearm handler background checks (''FHCs'') of certain current or prospective employees. Although licensees may use Forms 4473 when they facilitate private-party transfers, that has not been in ATF's regulations, and the FHC use is new. ATF proposes to clarify, as part of incorporating these uses into the regulations, that these records are not part of a licensee's required A&D records and are thus not subject to other regulatory and enforcement requirements. This has been a source of confusion for licensees using Forms 4473 for private-party transfers.

As a result, ATF also proposes adding two new sub-paragraphs that would specify the minimum length of time FFLs must retain Forms 4473 used to facilitate a private-party transfer process or to conduct a voluntary FHC. In both cases, ATF proposes that licensees would retain those Forms 4473 for no less than 90 days (three months) from the date on which they initiate the associated background check. Three months corresponds with the time until the Federal Bureau of Investigation's National Instant Criminal Background Check System (''NICS'') purges transaction information. During that period, NICS can research a ''delayed'' response and has that period to research and resolve the check, so retaining the forms for that period would be consistent with the time to resolve open FHC or private party checks. ATF would also be able to research issues in other contexts, for example, an FBI NICS audit log that shows an extra background check the licensee conducted but for which there is no Form 4473 in the licensee's records; ATF would be able to use these temporary forms to clarify that the licensee conducted the background check to facilitate a private-party transfer. Similarly, ATF would be able to clarify that a transaction involving a missing firearm from licensee inventory was incorrectly checked as a private-party transfer on the form and verify that the licensee did indeed complete the required form and background check for that transaction. However, ATF would not inspect these forms as records in their own right (unless they happen to be erroneously marked as private-party transfers when they are not) because they do not involve FFL transactions, and licensees therefore do not need to retain them longer than three months.

ATF believes that allowing licensees to destroy these records after 90 days would best provide for public safety. A short retention period would encourage more individuals to perform voluntary background checks before transferring firearms on the secondary market. A longer, or permanent, sales record retention period could raise privacy concerns among private party sellers and purchasers. This privacy interest could cause private parties to choose to sell their firearms without a background check if licensees were required to retain them for longer periods. These transactions have also not historically been subject to any records retention period under federal law, so a short retention period does not materially change the status quo when it comes to tracing.

However, the paragraph on private-party transfers would also include a five-year retention period for Forms 4473 associated with NICS background checks that receive a ''denied'' response from NICS because the prospective transferee would be a prohibited person under law. This five-year retention period for transactions with a ''denied'' response is consistent with the relevant statute of limitations under federal law, 18 U.S.C. 3282, and would facilitate investigations and prosecutions for unlawful possession, disposition, or attempted unlawful purchase or possession under applicable federal, state, and local laws.

2. Paragraphs 478.129(d) and (e), Licensee A&D Records (Importers, Manufacturers, Dealers, and Collectors)

Paragraph (d) of § 478.129 addresses I&M acquisition records, which, as discussed above, would continue to have an indefinite, or permanent, retention period under this proposed rule for the legal process reasons discussed in the preamble. ATF would retain this paragraph essentially as is but would incorporate into it the requirement implicit in § 478.129(a) that such records include those from prior to 1968, because ATF is proposing to remove § 478.129(a). These sentences would include some minor plain writing edits to make them easier to read, and to remove old language.

Similarly, to Forms 4473, ATF is proposing to remove the requirement in § 478.129(e) that licensees must retain firearms A&D records permanently and is instead proposing that FFLs would retain all such records (other than those covered under § 478.129(d)) for either 20 or 30 years. Currently, § 478.129(e) requires licensed dealers and collectors to retain firearm sales or disposition records and corresponding acquisition records until the business or licensed activity is discontinued. ATF proposes to replace this provision with

''Licensees must retain records required by this part for no less than 20 [or 30] years from the date on which they sell or otherwise dispose of a firearm.'' ATF also proposes to add a second sentence with language that helps better clarify the types of records covered by this provision, but that does not substantively change the content currently in this paragraph: ''For each firearm, retained records include the firearm's acquisition records (purchase, receipt, or other acquisition), and corresponding disposition records (sale or other disposition).'' The paragraph would also continue to require that ''Licensees must maintain the records in either paper or an electronic alternate method approved by the Director, at the business premises, and readily accessible for inspection under this part.'' These sentences also include some minor plain writing edits to make them easier to read, and to remove old language.

Along with these changes, ATF also proposes removing the off-site storage provision from § 478.129(d) if ATF changes the records retention period for these records to 20 years but would revise it if ATF changes the records retention period to 30 years. The provision currently allows FFLs to store paper records at a separate location provided the records have no open dispositions and do not have a disposition recorded within 20 years. If ATF changes the retention period to 20 years, this provision would no longer be necessary because FFLs would no longer retain these records longer than 20 years. If ATF elects to establish a 30-year retention period instead, ATF would revise the sentence to read, ''Licensees may store paper records that do not contain any open entries and with no acquisitions recorded within 20 years at a separate warehouse, which ATF will consider as part of the business premises for this purpose and which will be subject to inspection under this part.''

However, because licensees expressed confusion in the past—when records were previously retained for 20 years—about how to determine the 20-year point for a record containing multiple transactions, which often span years, ATF is proposing a replacement provision to address this subject, which would apply to either retention period. ATF therefore proposes adding a sentence clarifying that the 20-year-point [or 30-year-point] for such records would be 20 years [or 30 years] after the most recent disposition date in the record.

B. Removing Obsolete Provisions and Adding an Existing Form in § 478.129

1. Paragraph 478.129(c), Reports of Multiple Sales or Other Disposition and Theft/Loss

Although § 478.129(c) is not undergoing a change to the records retention period for these reports, ATF is proposing to add ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles, and to remove references to ATF Form 5300.35, Statement of Intent to Obtain a Handgun. Form 3310.12 already has a five-year retention period, as do the other forms in this paragraph, but it has not been specifically listed with the other multiple sale report for pistols and handguns, ATF Form 3310.4, because it was not in place when the regulatory provision was last drafted. ATF proposes rectifying this for clarity. In § 478.129(c), ATF therefore proposes to amend the paragraph by adding ''and Form 3310.12 (Report of Multiple Sale or Other Disposition of Certain Rifles)'' to the sentence ''Licensees must retain each copy of Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) for no less than five years after the date they sell or otherwise dispose of the firearms.'' In addition, ATF proposes to amend the paragraph heading to remove the clause ''of pistols and revolvers'' to reflect that it would include both kinds of multi-sale reports.

With regard to removing references to Form 5300.35, ATF proposes to further amend the heading of § 478.129(c) by removing the clause ''Statement of intent to obtain a handgun'' and proposes to remove from the paragraph the sentence, ''Licensees shall retain each Form 5300.35 (Statement of Intent to Obtain a Handgun(s)) for a period of not less than 5 years after notice of the intent to obtain the handgun was forwarded to the chief law enforcement officer, as defined in § 478.150(c).'' ATF is proposing these changes because Form 5300.35 was a predecessor form to Form 4473 and is obsolete.

2. Paragraphs 478.129(a) and (f), Records Prior to GCA and Records of Semiautomatic Assault Weapon Transactions

ATF is also proposing to remove § 478.129(a) and (f) because they are obsolete. Paragraph (a) was included in the regulation to clarify which A&D records generated prior to 1968 were subject to the provisions of the GCA passed that year. It has been almost 60 years since this paragraph was added, and this provision is no longer necessary for most records, especially because ATF is also proposing to reduce the retention period for most records to 20 [or 30] years. ATF proposes to remove paragraph (a) and to move the portion of paragraph (a) that pertains to I&M acquisition records to paragraph (c), which covers such records. Along with removing § 478.129(a), this proposed change would include redesignating the subsequent paragraphs from (b) through (e) to (a) through (d).

Paragraph (f), on semiautomatic assault weapon records, was added in 1994, to reflect the assault weapons ban incorporated in subtitle A of title XI of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322, 110101, 108 Stat. 1796, 2011 (1994)). However, the assault weapons ban expired ten years later, in 2004, at which time the statutory requirements ceased. As a result, this corresponding regulatory provision is obsolete, and ATF proposes removing it.

C. Reducing Retention Period for NTC's Out-of-Business Records in § 478.127

The GCA's requirement that licensees provide their records to ATF when they discontinue business has historically been subject to considerable scrutiny and legislative activity. For 33 years, FY 1979 to FY 2011, ATF's annual appropriations included a proviso prohibiting ATF to expend appropriated funds in connection with consolidating or centralizing firearms records maintained by FFLs. In FY 2012, the restriction was made permanent.[9] In 1986, the Firearms Owners' Protection Act amended the GCA to prohibit a registry of firearms, firearms owners, or firearms traffic.[10] Public Law 99–308, 100 Stat. 449, 459 (1986). A 2016 Government Accountability Office (''GAO'') audit examined ATF's compliance with these, and other, registry prohibitions. The audit was initiated due to perceptions that ATF's Out-of-Business Record Imaging System (''OBRIS'') was not in compliance with the laws and prohibitions, though GAO found otherwise.[11] Despite this finding, recent bills, such as the Shall Not Be Infringed Act of 2023 [12] (preventing registry expansion through eTrace modernization efforts) and the No Retaining Every Gun In a System That

[9] Consolidated and Further Continuing Appropriations Act, 2012, Public Law 112–55 (November 18, 2011), 125 Stat. 552, 609.

[10] Public Law 99–308 (May 19, 1986), 100 Stat. 449, 459.

[11] U.S. Gov't Accountability Office, *GAO–16–552, Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies* (2016), *https://www.gao.gov/assets/gao-16-552.pdf* [*https://perma.cc/XX3V-VAD4*].

[12] H.R. 3212, 118th Cong. (2023).

Restricts Your Rights Act [13] (requiring destruction of all OOB records) highlight ongoing concerns with ATF retaining OOB records and trace information. Changing the current retention period would significantly reduce the volume of records retained by ATF and alleviate concerns that ATF might have established or will establish a registry of firearms, firearms owners, or firearms transactions.

ATF records indicate that the number of OOB traces that use OOB records over 20 years old has decreased steadily since 2011. In 2011, approximately 39 percent (41,652) of OOB traces used records over 20 years old. In 2024, approximately 21 percent (48,319) of OOB traces used records over 20 years old, and approximately 12 percent (29,060) of OOB traces used records over 30 years old. In 2025, approximately 20 percent (50,869) of OOB traces used records over 20 years old and approximately 12 percent (30,934) of OOB traces used records over 30 years old. The trend since 2011 has been a decrease in the percentage of OOB records used that are more than 20 or 30 years old.

ATF is therefore proposing to limit the period NTC retains OOB records to no longer than 20 years [or 30 years] from the date it receives the records. Specifically, ATF proposes revising § 478.127 to include this retention period for OOB records and to update the existing language to be more streamlined and in plain writing. This proposed section would continue to state that licensees that discontinue operations do not have to transfer records to ATF when a successor assumes the business, but it would maintain the requirement that FFLs that discontinue business absolutely must transfer their records. It would also continue to include the location to which the business must transfer the records and specify that the chief of ATF's Federal Firearms Licensing Center may arrange for the records to instead be delivered to another authority when required by state law or local ordinance. This information is not changing in substance from current requirements. However, the 20[or 30]-year retention period would not apply to I&M acquisition records, for the legal reasons described above. These records also lack the concerns raised by some parts of the public about gun owner privacy and having a de facto sales registry. This is because I&M acquisition records in general reflect disposition to a wholesaler or retail dealer, but rarely to a consumer, and I&M acquisition records in particular reflect acquisition from or manufacture by another FFL or company, not a consumer. These records, thus, have no utility for determining which citizens own particular firearms. In addition, ATF would include the provision discussed above on retaining such records at ATF: ''ATF will retain records delivered to and maintained at ATF's Out-of-Business Records Center for no longer than 20 [or 30] years from the date they receive the records.'' ATF seeks comments on the length of the proposed records retention period, whether 20 or 30 years, for licensee records.

[13] H.R. 563, 119th Cong. (2025).

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rule amends 27 CFR 478 to reduce the current requirement for licensees to retain firearms A&D records permanently down to retaining such records for 20 [or 30] years. A similar 20-year retention period existed before 2022, and this change represents a cost savings to industry. The proposed rule also establishes a similar retention period for out-of-business records transferred to ATF, which does not have a cost on regulated industry but may have a cost impact on the public in the form of marginally greater public safety risk.

The Office of Management and Budget (''OMB'') has determined that this proposed rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. ATF provides the following analysis to comply with Executive Orders 12866 and 13563.

1. Need Statement

While existing federal regulations (§ 478.129(b), (c), and (d)) require licensees to retain manufacturing, importing, or other acquisition records, and sale or other disposition records, for firearms until they discontinue the business or licensed activity, the requirements were term-limited to 20 years for all records—except importer and manufacturer acquisition records, which were indefinite—from 1985 until ATF's 2022 rulemaking that began requiring indefinite periods for other A&D records as well.

Records retained by licensees allow ATF to trace ownership of firearms recovered at or used in crimes, a function particularly important in support of federal, state, and local law enforcement. However, statistical data maintained by NTC establishes that there has been a steady increase since FY 2014 in the percentage of completed traces to a purchaser using records less than 20 years old, and a corresponding decrease in the need to utilize records over 20 years old to trace a firearm to a purchaser—caused in part by short TTC periods and lower median age of recovered firearms. Since 2022, however, approximately 128,960 active FFLs have been facing costs of retaining, on a permanent basis, A&D records for firearms. The older the firearm, the more likely it has entered the secondary market and may have been transferred multiple times. As a result, the ability to trace crime guns through licensee records decreases over time because licensee records do not cover transfers on the secondary market. As a result, the utility of older records does not outweigh the increased cost of permanently retaining electronic or paper records.

2. Benefits

Reducing the records retention period for licensee A&D records and Forms 4473 from permanent to 20 or 30 years would benefit FFLs. Based on current ATF data on active FFLs, out of 79,378 licensees, only 13,729 had their license originally issued prior to December 31, 2005 (20 years ago). Accordingly, only 17 percent of all FFLs have been licensed for 20 years or more. This minority of licensees were also offered several accommodations when regulations were finalized in 2022 requiring a permanent records retention period, including an accommodation for electronic storage of records older than 20 years, and allowance for off-site storage to accommodate the printed records that they would start to retain. These accommodations make it less likely that this proposed rule would help licensees recover sunk costs, such as those for expanding storage facilities or converting to digitized retention or electronic records, of compliance with the current rule. Further, ATF estimates only a de minimis number of FFLs incurred these costs because it is likely that large dealers maintain established record-keeping systems capable of complying with the current or proposed regime equally. On the other hand,

smaller dealers—though having faced less than three years of new records (which would not be impacted by the proposed rule because they are still younger than 20 years)—would have facilitated their compliance by using digital or off-site accommodations based on their level of operations and storage needs. The cost savings are thus difficult to quantify precisely as many costs associated with increased storage would have been incurred going forward under the current rule but may not have yet accrued. Therefore, ATF expects a qualitative benefit to accrue to the industry, yet of unknown magnitude and number of beneficiaries.

3. Costs

ATF expects that reducing the required record retention period from permanent to the 20-year [or 30-year] limit that was in effect prior to 2022 would have a limited number of costs and potential risks to public safety.

The primary source of any potential risk would be the possibility that ATF is unable to complete a small portion of firearm trace requests from federal, state, and local law enforcement if they pertain to a firearm sold over 20 [or 30] years ago. These failed trace requests may include high-profile urgent traces. However, firearms of that age may be more commonly involved in inheritance transfers and secondhand sales, for which ATF has no data, and thus a lesser ability to trace.

To better determine this potential risk, ATF must first examine the frequency of such traces that stem from firearms over 20 [or 30] years old.

Based on data from ATF's National Tracing Center, Table 4 shows the distribution of firearm tracing requests based on the age of the firearm records utilized to identify a purchaser.

TABLE 4—AGE OF FIREARM RECORDS REQUIRED TO IDENTIFY A PURCHASER

Fiscal year	<5 Yrs	5–10 Yrs	10–15 Yrs	15–20 Yrs	20–25 Yrs	25–30 Yrs	30–35 Yrs	35–40 Yrs	40–45 Yrs	45–50 Yrs	50–55 Yrs	55+ Yrs
2015	82,919	41,958	20,981	17,912	20,605	11,296	9,032	6,980	5,372	1,529	105	117
2016	100,167	45,388	22,559	17,908	20,196	11,920	8,500	7,509	5,714	2,226	226	189
2017	116,408	52,635	24,244	17,244	18,772	13,068	8,288	7,510	5,531	2,848	315	247
2018	127,692	64,411	27,232	17,473	17,230	15,497	8,737	7,720	5,559	3,699	546	339
2019	137,627	69,977	29,768	15,867	14,550	15,161	8,268	7,034	5,379	4,045	715	269
2020	162,273	74,082	30,464	15,476	13,077	14,394	7,861	6,106	4,959	3,783	804	46
2021	217,873	84,446	30,465	14,834	11,480	12,897	7,510	5,309	4,824	3,687	1,256	77
2022	253,062	93,476	36,075	15,979	11,346	12,550	8,707	5,451	5,285	3,797	2,060	149
2023	259,614	100,002	43,215	17,741	11,334	11,353	10,144	5,833	5,540	4,102	2,620	416
2024	246,592	101,391	46,370	20,052	10,691	9,852	10,686	5,911	5,172	4,036	2,983	589

Based on the above distribution, the age of the firearms being traced is predominantly less than five years old, followed by those aged between five and ten years, 10 to 15 years, and 15 to 20 years. After 20 years, firearms are generally traced less frequently, but inconsistently so, and the reduction is not always linear. For example, in 2024 more traces involved firearms between 30 and 35 years old than those aged 25 to 30 years, and in 2022 there were more traces for firearms aged 25 to 30 years old than for those aged 20 to 25 years, while in 2019 there were more aged 25 to 30 years old than aged 20 to 25 years. Generally, however, the older the gun, the fewer the traces received for it. Presented as a percentage, Table 5 includes this distribution in more aggregate terms.

TABLE 5—AGE OF FIREARM RECORDS REQUIRED TO IDENTIFY A PURCHASER BY AGGREGATES

Fiscal year	Total traces to purchaser	0–20 Y total traces	Percentage using 0–20 Y	0–25 Y total traces	Percentage using 0–25 Y	0–30 Y total traces	Percentage using 0–30 Y
2015	218,806	163,770	75	184,375	84	195,671	89
2016	242,502	186,022	77	206,218	85	218,138	90
2017	267,110	210,531	79	229,303	86	242,371	91
2018	296,135	236,808	80	254,038	86	269,535	91
2019	308,660	253,239	82	267,789	87	282,950	92
2020	333,325	282,295	85	295,372	89	309,766	93
2021	394,658	347,618	88	359,098	91	371,995	94
2022	447,937	398,592	89	409,938	92	422,488	94
2023	471,914	420,572	89	431,906	92	443,259	94
2024	464,325	414,405	89	425,096	92	434,948	94

As shown in Table 5, the vast majority of traces requested used records within the 20-year-old age group. In 2024, 89 percent of traces requested used records under 20 years old, 92 percent used records under 25 years old, and 94 percent used records under 30 years old. The percentage of successful crime gun traces increased from 89 to 94 percent when records up to 29 years old were available, resulting in almost 10,000 additional successful traces.

TABLE 6—AGE OF FIREARM RECORDS REQUIRED TO IDENTIFY A PURCHASER BY PERCENTAGE

Fiscal year	Traces beyond 0–20 Y	Traces beyond 0–25 Y	Traces beyond 0–30 Y	Percentage of traces beyond 0–20 Y	Percentage of traces beyond 0–25 Y	Percentage of traces beyond 30 Y
2015	55,036	34,431	23,135	25	16	11
2016	56,480	36,284	24,364	23	15	10
2017	56,579	37,807	24,739	21	14	9
2018	59,327	42,097	26,600	20	14	9
2019	55,421	40,871	25,710	18	13	8
2020	51,030	37,953	23,559	15	11	7

TABLE 6—AGE OF FIREARM RECORDS REQUIRED TO IDENTIFY A PURCHASER BY PERCENTAGE—Continued

Fiscal year	Traces beyond 0–20 Y	Traces beyond 0–25 Y	Traces beyond 0–30 Y	Percentage of traces beyond 0–20 Y	Percentage of traces beyond 0–25 Y	Percentage of traces beyond 30 Y
2021	47,040	35,560	22,663	12	9	6
2022	49,345	37,999	25,449	11	8	6
2023	51,342	40,008	28,655	11	8	6
2024	49,920	39,229	29,377	11	8	6

Table 6 calculates the inverse, with the numbers and percentage of firearm traces that were received that used records older than 20 years, 25 years, and 30 years, which in 2024 amounted to 11 percent, 8 percent, and 6 percent, respectively. Therefore, based on volume from the most recent 2024 fiscal year, under a 20-year retention limit, 49,920 additional traces would be unsuccessful because they would need records over 20 years old (Table 6). If there was a 25-year retention period, then the additional unsuccessful traces would be reduced from 49,920 to 39,229. And finally, if there was a 30-year retention period, the number would be 29,377 unsuccessful traces. While inference on risks to public safety are difficult to make definitively, and most traces occur within the first 20 years as shown above, the remaining traces that would be unsuccessful as a result of the proposed rule could delay or hinder federal, state, and local law enforcement efforts to track and stop violent offenders.

4. Regulatory Alternatives

Alternatives 1 and 2: Guidance or No Action (Keeping Indefinite Retention Period)

ATF considered issuing guidance on records retention periods, as well as not issuing a rulemaking on the issue, also known as the no-action alternative. The decreasing need to utilize records over 20 years old—caused in part by short TTC periods and lower median age of recovered firearms—demonstrate that a 20-year or 30-year records retention period and reducing the volume of older records maintained by NTC would not have a significant impact on ATF's capability to trace crime guns. Accordingly, the requirement to maintain permanent records of all firearms transactions is not justifiable based on the cost and administrative burden to both the firearms industry and the government. ATF also considered the alternative of affecting the proposed change through guidance instead of rulemaking. However, because the requirement is already in a regulation, revising the requirement must also be accomplished via rulemaking.

Alternative 3: 20-Year Retention Period Versus 30-Year Retention Period

ATF considered reducing the records retention period to 20 years, as it was prior to 2022, or to 30 years. Considerations in favor of 20 years were predominantly based on the longstanding practice and precedent that had been in place prior to 2022, except for I&M acquisition records. Returning to this retention period would offer familiarity and thus greater ease of compliance to industry. Alternatively, proposing a 30-year retention requirement would similarly reduce storage burdens compared to the current post-2022 baseline of indefinite records, but would secure an additional ten years of records to facilitate possible traces for ATF and federal, state, and local law enforcement. The difference in estimated benefits and costs between the 20- and 30-year retention periods appears to be marginal, according to ATF tracing data presented above. ATF invites public comment on these two possible retention periods to further inform ATF's decision between these options. ATF will decide on one of these periods for the final rule.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the

agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule is deregulatory in nature and would provide savings to the regulated industry. It reduces the length of time persons would have to store records, which reduces costs to small entities, and it imposes no additional burdens or costs.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). If this proposed rule is finalized, ATF would create an information collection request associated with 27 CFR 478.127 because the requirement contained in § 478.127 requires FFLs to transfer acquisition and disposition records to ATF's Out-of-Business Records Center when the FFL discontinues business absolutely, and would constitute an information collection under the PRA.

In addition, if this rule is finalized as proposed, ATF would revise four existing information collections. The information collection requirements in § 478.129 are the FFL record-keeping retention requirements in current paragraphs (b) through (e) of that section (which would be redesignated as paragraphs (a) through (d) under this proposed rule). These record retention requirements are subject to the PRA and would need to be updated to reflect the new retention period. They were previously established as an information collection under OMB control numbers 1512–0544, 1512–0520, 1512–0006, 1512–0524, and 1512–0129, from prior to when ATF transferred to the Department of Justice from the Treasury Department. But it appears they were not continued under a Department of Justice information collection action after the transfer and remain cited in the regulation under the old Treasury number. As a result, ATF would also update these information collections to reflect ATF OMB control numbers as part of the same process. ATF expects to combine these § 478.129 records-retention period requirements into existing information collection requests for the corresponding records: 1140–0020, Firearms Transaction Record (ATF Form 4473); 1140–0031, Records of Acquisition and Disposition, Registered Importers of Arms, Ammunition, and Defense Articles on the US Munitions Import List; 1140–0032, Records of Acquisition and Disposition, Dealers of Type 01/02 Firearms, and Collectors of Type 03 Firearms; and 1140–0067, Licensed Firearms Manufacturers' Records of Production, Disposition, and Supporting Data. Although this rule involves the existing ICRs, the proposed changes would not add to the burdens imposed on the respondent beyond existing, OMB-approved requirements because ATF is proposing to reduce the retention periods.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA95 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifiable information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA95. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not

be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA95).

Severability

Consistent with the Administrative Procedure Act, the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received. ATF has determined that this proposed rule implements and is fully consistent with governing law. However, in the event this proposed rule is finalized, if any provision of that final rule, an amendment or revision made by that rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of that final rule, the amendments or revisions made by that rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and record-keeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Revise § 478.127, including the section heading, to read as follows:

§ 478.127 Discontinued business records.

(a) When a licensed business is discontinued but is succeeded by a new licensee, the records prescribed by this subpart must appropriately reflect these facts and be delivered to the successor. The successor licensee may retain them or deliver them within 30 days following the date the business was discontinued, to one of the locations described in paragraph (b) of this section.

(b) When a licensed business is discontinued with no successor licensee, the records must be delivered within 30 days after the date the business is discontinued to the ATF Out-of-Business Records Center; 244 Needy Road; Martinsburg, West Virginia 25405, or to any ATF office in the area in which the business was located. However, if state law or local ordinance requires the licensee to deliver records to another responsible authority, the Chief, Federal Firearms Licensing Center, may permit records required by this subpart to be delivered to such authority.

(c) ATF will retain records delivered to and maintained at its Out-of-Business Records Center for no longer than 20 [or 30] years from the date they receive the records.

(d) The retention periods in paragraph (c) of this section do not apply to importer and manufacturer acquisition records, which ATF retains indefinitely.

■ 3. Amend § 478.129 by:
■ a. Revising the section heading;
■ b. Removing paragraphs (a) and (f) and redesignating paragraphs (b) through (e) as paragraphs (a) through (d);
■ c. Revising newly designated paragraphs (a) through (d); and
■ d. Revising the OMB approval statement at the end of the section.

The revisions read as follows:

§ 478.129 Records retention requirements.

(a) *Firearms Transaction Record.* Licensees must retain each Firearms Transaction Record, ATF Form 5300.9 (''Form 4473''), for no less than 20 [or 30] years from the date on which they sell or otherwise dispose of a firearm. FFLs must maintain Forms 4473 as either paper forms or e-Forms 4473, at the business premises, readily accessible for inspection under this part, and as provided in § 478.124(h) and (i), except:

(1) *Not-completed transactions.* If a Form 4473 is initiated but a sale, delivery, or transfer does not take place, the FFL must retain the associated Form 4473 separately in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order for no less than five years after the

potential transferee initially signs the form to initiate the NICS check.

(2) *Private-party transfers.* FFLs must retain Forms 4473 used for private-party transfers for no less than 90 days from the date on which they initiate the associated background check. They must retain them alphabetically (by name of transferee) or chronologically (by date of transferee's certification). However, licensees must retain Forms 4473 used for this purpose that receive a ''denied'' response from NICS for no less than five years and may then dispose of them. These records do not constitute licensee firearms records, and the licensee therefore does not send them to ATF's Out-of-Business records center when the FFL absolutely discontinues its business.

(3) *Voluntary firearms handler checks.* FFLs must retain Forms 4473 used for voluntary firearms handler checks for no less than 90 days from the date on which they initiate the associated background check. They must retain them alphabetically (by name of employee) or chronologically (by date of employee's certification). These records do not constitute licensee firearms records, and the licensee therefore does not send them to ATF's Out-of-Business records center when the FFL absolutely discontinues its business.

(b) *Reports of multiple sales or other disposition and theft/loss reports.* Licensees must retain each copy of Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers) and Form 3310.12 (Report of Multiple Sale or Other Disposition of Certain Rifles) for no less than five years after the date they sell or otherwise dispose of the firearms. Licensees must retain each copy of Form 3310.11 (Federal Firearms Licensee Theft/Loss Report) for no less than five years after the date they report the theft or loss to ATF.

(c) *Importer and manufacturer acquisition records.* Licensed importers and manufacturers must retain acquisition records required by this part until they discontinue business, including those from prior to 1968. These acquisition records include documents on importing, manufacturing, or other acquisition methods, including ATF Forms 6 and any corresponding ATF Forms 6A as required by subpart G of this part. These licensees must maintain the records in either paper or an authorized electronic method, at the business premises, and readily accessible for inspection under this part. Licensees may store paper records that do not contain any open entries and with no acquisitions recorded within 20 years at a separate warehouse, which ATF will consider as part of the business premises for this purpose and which will be subject to inspection under this part.

(d) *All other acquisition and disposition records.* Except for records described in paragraph (c) of this section, licensees must retain records required by this part for no less than 20 [or 30] years from the date on which they sell or otherwise dispose of a firearm. This includes importer and manufacturer disposition records. For each firearm, licensees must retain the acquisition records (purchase, other receipt, or other acquisition), and the corresponding disposition records (sale or other disposition), for the firearm. Licensees must maintain the records in either paper or an authorized electronic method, at the business premises, and readily accessible for inspection under this part. Licensees must retain a record containing multiple sale or other disposition dates in its entirety for no less than 20 [or 30] years after the date of the most recent sale or other disposition contained in that record.

* * * * *

(Paragraph (a) is approved by the Office of Management and Budget under control number1140–0020; paragraph (c) is approved under control numbers 1140–0031 and 1140–0067; 1140–0032, and paragraph (d) is approved under control number 1140–0032.)

Robert Cekada,

Director.

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0074; ATF 2025R–27P]

RIN 1140–AB01

Revising Regulations Defining ''Engaged in the Business'' as a Dealer in Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is proposing to revise regulations implementing the ''engaged in the business'' definition from the Bipartisan Safer Communities Act (''BSCA''). Although Congress defined that term in BSCA, the Department of Justice (''Department'') provided additional definitions in its implementing regulations to further define terms within the statutory definition and to include examples of covered activities that established rebuttable presumptions of being engaged in the business of dealing in firearms. This rule proposes to remove those changes. ATF has determined that the changes have not shown the expected impact on federal firearms licensee applications, administrative licensing actions, civil forfeitures, or other anticipated effects.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AB01, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; *ATTN: RIN 1140–AB01.*

Instructions: All submissions must include the agency name and number (RIN 1140–AB01) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only,

marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (''Director'') subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

The GCA, at 18 U.S.C. 922(a)(1)(A) and as implemented at 27 CFR 478.41(a), makes it unlawful for any person, except a federal firearms licensee (''FFL'' or ''licensee'')—that is a licensed dealer, manufacturer, or importer—to ''engage in the business'' of dealing in, manufacturing, or importing firearms. A person may file an application with and receive such a license from ATF, to which the Attorney General has delegated the licensing function. *See* 18 U.S.C. 923(a); 27 CFR 478.41(b). Licensees are generally required to conduct background checks on prospective firearm recipients through the Federal Bureau of Investigation's National Instant Criminal Background Check System (''NICS'') to prevent prohibited persons from receiving firearms. *See* 18 U.S.C. 922(t). Licensees also must maintain firearms transaction records for crime-gun tracing purposes. *See* 18 U.S.C. 923(g)(1)(A).

In 1986, Congress passed the Firearms Owners' Protection Act (''FOPA''), Public Law 99–308 (1986), in which it defined the term ''engaged in the business'' for purposes of the GCA as applied to a dealer.[3] The statute defined a dealer engaged in the business as ''a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.'' 18 U.S.C. 921(a)(21)(C) (2020). FOPA also defined the phrase ''with the principal objective of livelihood and profit'' to mean ''that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.'' FOPA, Public Law 99–308, sec. 101 (adding paragraphs (21)(C) and (22) to 18 U.S.C. 921(a)); *see also* 18 U.S.C. 921(a)(22) (2020). FOPA's definition of ''engaged in the business'' as a dealer was incorporated into ATF's implementing regulations at 27 CFR 178.11[4] (now § 478.11) as ''Dealer in firearms other than a gunsmith or a pawnbroker.'' 27 CFR 478.11.

On June 25, 2022, Congress passed the Bipartisan Safer Communities Act (''BSCA''), Public Law 117–159. Among other provisions, section 12002 of BSCA broadened the statutory definition of ''engaged in the business'' by eliminating the requirement that a person's ''principal objective'' of purchasing and reselling firearms must include both ''livelihood and profit'' and replacing it with a requirement that the person must intend ''to predominantly earn a profit.'' The statute now provides that, as applied to a dealer in firearms, the term ''engaged in the business'' means ''a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business *to predominantly earn a profit* through the repetitive purchase and resale of firearms.'' 18 U.S.C. 921(a)(21)(C) (emphasis added). BSCA defined the term ''predominantly earn a profit'' to mean that the intent underlying the sale or disposition of a firearm is for pecuniary gain rather than for other purposes, such as selling a personal firearms collection. 18 U.S.C. 921(a)(22). Prior to BSCA, this term required the principal objective of selling or disposing firearms to be both for profit and, in addition, maintaining a livelihood. BSCA's statutory amendment to the term ''predominantly earn a profit'' shifts the primary focus to the intended pecuniary gain from selling or disposing firearms even when such activity is not the person's main source of income.

When drafting regulations to implement BSCA, the Biden Administration directed the Department to further clarify, through rulemaking, the meaning of the term ''engaged in the business.'' Specifically, President Biden issued Executive Order 14092, which required the Attorney General to develop and implement a plan to, in relevant part, ''clarify the definition of who is engaged in the business of dealing in firearms, and thus required to become [FFLs], in order to increase compliance with the federal background check requirement for firearm sales, including by considering a rulemaking, as appropriate and consistent with applicable law; [and] prevent former FFLs whose licenses have been revoked or surrendered from continuing to engage in the business of dealing in

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of section 38 of the Arms Export Control Act pertaining to the permanent import of defense articles and defense services and the Contraband Cigarette Trafficking Act.

[3] ATF notes that there is there is some overlap in statutory control of firearms for purposes of the GCA and for purposes of section 38 of the Arms Export Control Act. Any person (1) who ''engages in the business of'' manufacturing, exporting, or temporarily importing defense articles and defense services related to certain firearms on the United States Munitions List and designated in the International Traffic in Arms Regulations (''ITAR''), 22 CFR parts 120–130, at 22 CFR 121.1, or (2) who engages in the brokering of firearms designated at that section and those firearms designated as defense articles on the U.S. Munitions Import List at 22 CFR 447.21, is required to register with the Department of State and pay a fee. These requirements are prescribed at sections 122.1 and 129.3 of the ITAR and are distinct from the requirements discussed in this proposed rule and the definition of ''engaged in the business'' at 18 U.S.C. 921(a)(21).

[4] Commerce in Firearms and Ammunition, 53 FR 10480, 10491 (Mar. 31, 1988).

firearms.'' [5] The Biden Administration attempted to implement policy changes that went far beyond the regulatory changes necessary to implement BSCA.

The Department published a final rule, titled ''Definition of 'Engaged in the Business' as a Firearms Dealer,'' 89 FR 28968 (Apr. 19, 2024) (''EIB rule''), which became effective on May 20, 2024. The EIB rule amended the regulations in 27 CFR part 478 to (1) incorporate BSCA's definition of the term ''engaged in the business,'' (2) provide clarification and guidance on what it means to be ''engaged in the business'' and to have the requisite intent to ''predominantly earn a profit,'' and (3) identify conduct that was presumed to constitute ''dealing'' and to show relevant intent. *See* 89 FR 28968. The EIB rule also defined the term ''responsible person'' and addressed the procedures former licensees must follow when they liquidate business inventory when their license is terminated. *Id.*

Although the EIB rule purported to provide clarification and guidance, many provisions of the rule were—and are—at odds with the statutory text. By broadly defining the concept of unlawful dealing, for instance, the Biden Administration began to approach a system of universal background checks through administrative regulation. For example, one definition narrowed the range of firearms that could permissibly be deemed part of a ''personal collection,'' and thus, that may be liquidated by unlicensed persons. The Department also adopted fact-pattern presumptions that many objectors believed, in practice, would relieve the Government of its burden of proof to demonstrate unlawful dealing.

The EIB rule was immediately the subject of litigation. On June 12, 2024, the United States District Court for the Northern District of Texas enjoined ATF from enforcing the rule as to the plaintiffs—one individual, four advocacy groups, and the States of Texas, Mississippi, Louisiana and Utah—for the pendency of the litigation.[6] In addition, the district court found that several regulatory presumptions in the EIB rule conflict with the statute.[7] In particular, it found that ATF had no authority to use administrative regulations to expand the zone of firearms-dealing subject to regulation beyond that which Congress statutorily created. In subsequent litigation, the United States District Court for the District of Kansas denied a motion for preliminary injunction, on both standing and the merits,[8] as did the United States District Court for the Northern District of Alabama with respect to standing.[9] However, on September 30, 2025, the Northern District of Alabama granted the plaintiff's motion for summary judgment. The Northern District of Alabama found that the plaintiffs had established standing. On the merits, the court determined that ATF exceeded its statutory authority in issuing the final rule and that the rule improperly expanded the statutory definition of ''engaged in the business.'' [10]

II. Proposed Rule

On further review, ATF agrees that the EIB rule is replete with procedural and substantive problems. Consequently, ATF proposes repealing those sections of the EIB rule that do not correctly implement the GCA and BSCA. ATF does not propose, however, to repeal the EIB rule in its entirety. Some sections of the EIB rule will be retained—for example, those providing for the discontinuance of business operations—although this rule proposes to amend some of those provisions.

A. Presumptions

The EIB rule created fact-pattern presumptions that a person was engaged in the business. These presumptions were intended to be used to determine whether a person was engaged in the business as a dealer and whether a person had the intent to predominantly earn a profit. *See* 89 FR 28975–80. For example, a person would be presumed to be engaged in the business when a person repetitively resells or offers for resale firearms—

(i) within 30 days after the person purchased the firearms; or

(ii) within one year after the person purchased the firearms if they are—

(A) new, or like new in their original packaging; or

(B) the same make and model, or variants thereof.

27 CFR 478.13(c). Additionally, 27 CFR 478.13(d)(2) identified seven circumstances that create a presumption of intent to predominantly earn a profit, which included, for example, when a person ''[p]urchases or otherwise secures merchant services as a business (*e.g.,* credit card transaction services, digital wallet for business) through which the person intends to repetitively accept payments for firearms transactions.''

The EIB rule's stated intent was to (1) license more persons; (2) deter others from engaging in the business without a license; (3) increase the number of background checks by increasing the licensed population; and (4) expand the reach of crime-gun trace requests by increasing the licensed population. *See* 89 FR 28968.

With respect to the first two purposes, ATF's position is the presumptions created by the EIB rule were largely unnecessary because the statutory definition is readily comprehensible. For dealers, the core of being engaged in the business requires the intent to profit from the repeated buying and selling of firearms. In other words, a person must be a wholesaler or retailer of new or used goods. For example, a person who buys ten models of the same handgun, with the predominant intent to resell for a profit, and then proceeds to sell any number of them repetitively three days later at a flea market is engaged in the business within the statutory definition. *See* 18 U.S.C. 921(a)(21)(C) (applying the definition of ''engaged in the business'' as a dealer). That person would be engaged in the business from the moment he made repetitive sales with the intent to profit. Even if the individual sold only two firearms, the individual intended to engage in a course of business dealings and then began doing so. Courts have held that such activity requires a license because the statute reaches those who hold themselves out as retail sources of firearms.[11] In contrast, selling two firearms from a personal collection in two isolated transactions does not rise to the level of engaging in the business because there is no intent to engage in repetitive buying and selling for profit.

More importantly, the existence of these presumptions created a serious

[5] Reducing Gun Violence and Making Our Communities Safer, E.O. 14092, sec. 3(a)(i), 88 FR 16527, 16527–28 (Mar. 14, 2023).

[6] *See Texas.* v. *ATF,* 737 F. Supp. 3d 426 (N.D. Tex. 2024).

[7] *See id.* at 442 (stating that ''several presumptions conflict with the statutory text. Two of them, for example, provide that a person is presumptively 'engaged in the business' if the person 'demonstrates a willingness and ability to purchase and resell' firearms or 'purchases. . . or . . . resells' firearms'').

[8] *See Kansas* v. *Garland,* 2024 WL 3360533, at *9 (D. Kan. July 10, 2024) (finding ''serious issues appear in Plaintiffs' standing and merits arguments that prevent them from making the strong showing necessary to obtain injunctive relief'').

[9] *Butler* v. *Garland,* 2024 WL 5424418 (N.D. Ala. Nov. 4, 2024).

[10] *Butler* v. *Bondi,* 805 F. Supp. 3d 1175 (N.D. Ala. 2025).

[11] *See United States* v. *King,* 735 F.3d 1098, 1107 (9th Cir. 2013) (upholding conviction of defendant who attempted to sell one firearm and represented to buyer that he could purchase more for resale, and noting that ''Section 922(a)(1)(A) does not require an actual sale of firearms''); *United States* v. *Zheng Jian Shan,* 90 F. App'x 31 (9th Cir. 2003) (holding that evidence of sale of weapons in one transaction where defendant demonstrated willingness and ability to resell more weapons was enough to affirm conviction).

risk of abuse in civil and administrative proceedings. The court of appeals cases relied upon by the EIB rule used the strong form of rebuttable presumptions: the fact will be presumed to exist until the defendant offers enough evidence to disprove it. *See* 89 FR 29007. The citations in the EIB rule indicate—or at the very least, raise the risk that courts might erroneously conclude—that the EIB rule was intended to do more than simply shift the burden of production. Potentially shifting the burden of proof to the defendant raised concerns among the regulated public, Members of Congress, and others that ATF illegitimately attempted to relieve the Government of its burden of proof in civil and administrative proceedings. Indeed, in *Texas* v. *ATF,* the district court found the presumptions to be highly problematic because ''they flip the statute on its head by requiring that firearm owners prove innocence rather than the government prove guilt.'' [12] It further stated that ''[p]resumptions, especially in administrative proceedings that may generate institution-destroying liability, cannot be a matter of Department *ipse dixit.*'' [13] Thus, on further review, ATF agrees that the risk that the presumptions could have been used erroneously to relieve the Government of its burden of proof justifies discarding the presumptions.

While the Department disclaimed that the presumptions were designed to relieve the Government of its burden of proof (and the EIB rule stated that ''the rebuttable presumptions apply only to shift the burden of production,'' 89 FR 29007), that disclaimer rests on a questionable foundation. The presumptions all involved fact patterns from which a fact finder could find that a person was engaged in the business. Given that the presumptions already involved facts sufficient to create a *prima facie* case, the defendant would already be exposed to a legal judgment unless he came forward with sufficient facts to explain the plaintiff's case. Switching only the burden of production would have had no further effect. In light of the foregoing, the rule could be reasonably perceived as shifting the burden to the individual to disprove the presumption. At minimum, even if the EIB rule truly meant to shift only the burden of production—and nothing else—then the presumptions were unnecessary.

To be clear, discarding the presumptions does not mean that a person who engages in behavior identified by the presumptions will not be found to be engaged in the business. The actions identified by the presumptions in EIB provide circumstantial evidence from which a fact finder could potentially find that a person was engaged in the business. Removing the EIB rule's legal presumptions simply prevents this evidence from being given dispositive effect unless the firearm seller can carry the burden of disproving that he was engaged in the business.

Furthermore, ATF has not used the EIB rule's presumptions in civil proceedings, showing they were in fact unnecessary in practice. An anecdotal survey of ATF's field divisions uncovered no instances in which the presumptions were cited in civil proceedings in the time since the EIB rule became effective. ATF may revoke a license or deny a renewal application in a civil administrative proceeding if the licensee willfully violated 18 U.S.C. 922(a)(1)(A), which prohibits a person from engaging in the business as a dealer without a license, or aided and abetted others in willfully engaging in the business of dealing in firearms without a license. Since publishing the EIB rule in April 2024, ATF has brought two such proceedings against licensees. A review of these proceedings reflects that none of the presumptions set forth in 27 CFR 478.13 were cited or referenced by ATF in support of these actions. Given that the presumptions have not actually proven to be significant to or applied in ATF proceedings, and likewise do not appear to have had the expected effect of increasing the number of licensees, *see infra,* rescinding the presumptions is warranted to preserve public confidence in ATF proceedings and avoid a perception that such proceedings are or may be biased.

Moreover, mandatory presumptions have little role in the enforcement of the GCA's provisions against dealing without a license. The EIB rule suggested that the presumptions could be used ''to determine whether to deny or revoke a federal firearms license.'' 89 FR 28969. But ATF's administrative adjudications, which usually involve license revocations, operate only on those who are already licensed. The EIB rule also suggested that they might have application ''in civil asset forfeiture proceedings,'' 89 FR 28969, but ATF has no anecdotal or statistical information that indicates it has used any of the presumptions in a civil forfeiture matter involving dealing without a license since the EIB rule was published. As a matter of policy, ATF has concerns about seizing property through the use of regulatory presumptions.

Individuals who engage in dealing without a license are primarily subject to criminal sanction. In criminal proceedings, the presumptions were intended to be useful to courts to the extent that jury instructions could incorporate permissible inferences if the case involved a fact pattern that matched one of the presumptions. 89 FR 28976, 28982, 29014. But ATF is not aware of the presumptions facilitating criminal enforcement. As the EIB rule recognized, *see* 27 CFR 478.13(h), mandatory presumptions cannot be employed in criminal proceedings. *See Sandstrom* v. *Montana,* 442 U.S. 510 (1979). Further, as with the civil revocation proceedings mentioned above, ATF is not aware of any criminal proceedings where presumptions have been invoked as permissible inferences since the EIB rule was published. Instead of presumptions or permissive inferences, judges may simply instruct jurors on the factors relevant to determining whether someone is engaged in the business—an instruction that judges already give. *See, e.g.,* Pattern Jury Instruction, 5th Circuit, 2024 922(a)(1)(A) ''engaged in the business''; [14] Pattern Jury Instructions, 9th Circuit, 14.3—922(a)(1)(A).[15]

Definition's Scope

Other aspects of the EIB rule may create confusion around conduct that falls outside the GCA's definition of being engaged in the business. For example, as discussed in the EIB rule, courts have stated that an isolated firearm transaction would not require a license when other factors were not present.[16] Nor are persons engaged in

[12] *Texas* v. *ATF,* 737 F. Supp. 3d at 442.

[13] *Id.*

[14] A number of factors may be considered in determining whether a defendant was ''engaged in the business'' of dealing in firearms, including: (1) the quantity and frequency of sales; (2) the location of the sales; (3) conditions under which the sales occurred; (4) the defendant's behavior before, during, and after the sales; (5) the price charged; (6) the characteristics of the firearms sold; and (7) the intent of the seller at the time of the sales. *United States* v. *Brenner,* 481 F. App'x 124, 127 (5th Cir. 2012) (explaining that ''the jury must examine all circumstances'' in determining whether the defendant was ''engaged in the business'' of dealing in firearms); *see also United States* v. *Garcia,* No. 21–51065, 2023 WL 116727, *1 (5th Cir. Jan. 5, 2023) (for recent application).

[15] The Government must prove beyond a reasonable doubt that a defendant ''engaged in a greater degree of activity than the occasional sale of a hobbyist or collector, and that [the defendant] devoted time, attention, and labor to selling firearms'' as a trade or business with the intent of making profits through the repeated purchase and sale of firearms. *See United States* v. *King,* 735 F.3d 1098, 1106 (9th Cir. 2013) (quoting 18 U.S.C. 921(a)(21)(C)). For a person to engage in the business of dealing in firearms, it is not necessary to prove an actual sale of firearms.

[16] 89 FR 28976 (*citing United States* v. *Carter,* 203 F.3d 187, 191 (2d Cir. 2000) (''A conviction under

Continued

the business when they engage in repeated sales of firearms if the predominant intent is something other than earning a profit; for example, collectors who buy and sell repeatedly to enhance their personal collections. *See* 18 U.S.C. 921(a)(21)(C). In these circumstances, the GCA does not require persons to obtain a license. Congress made a considered judgment that it did not intend federal law to extend to the noncommercial, intrastate market. *See* GCA, Public Law 90–618, sec. 101, 82 Stat. 1213, 1213–14 (1968) (reenacted chapter analysis without change) (declaring that the GCA was enacted to ''provide for better control of the interstate traffic of firearms'' and that Congress' purpose in creating the GCA was ''not . . . to place any undue or unnecessary federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms'').

ATF has been diligent in providing guidance to the licensed and unlicensed communities to ensure they consistently apply the legal standards associated with licensing requirements.[17] Similarly, as the EIB rule explained, there is an established set of case law that clarifies the factors courts consider regarding whether an individual needs to be licensed. *See, e.g.,* 89 FR 28976–77, 28978–79, & nn.67–68, 72, 75–77, 82.

ATF recognizes that there is no bright line at which a person may cross the threshold from engaging in personal sales to being engaged in the business of dealing firearms. The GCA's definition of ''engaged in the business'' is a standard, not a rule. The standard must be applied to the factual scenario of each case. And as with any standard, there are paradigm cases on either side, but no perfectly defined line between them. Nor is there any magic number of sales that can make a person ''engaged in the business.'' 89 FR 29016. Persons who sell two firearms can be engaged in the business, if they couple that sale with labor and intent to engage in repeated commercial transactions for profit.[18] Persons who sell 50 firearms may not be engaged in the business if they are liquidating their personal collections, at least in the absence of facts militating in the opposite direction.[19] As the Supreme Court has recognized, Congress may legislate ''us[ing] imprecise terms,'' *Sessions* v. *Dimaya,* 548 U.S. 148, 159 (2018), or a ''qualitative standard,'' *Johnson* v. *United States,* 576 U.S. 591, 604 (2015).

The core concept of being engaged in the business is clear: the intent to engage in a course of repeated buying and selling predominantly motivated by profit. 18 U.S.C. 921(a)(21)(C). Individuals often meet this standard without question, particularly in cases that lead to criminal prosecutions. In addition, criminal prosecutions under the GCA require a showing of a willfulness mens rea, 18 U.S.C. 924(a)(1)(D), which requires showing that an individual acted with knowledge that the individual's conduct was unlawful. *See Bryan* v. *United States,* 524 U.S. 184, 189 (1998) (maintaining that ''the willfulness requirement of § 924(a)(1)(D) requires knowledge that the conduct is unlawful''). With respect to EIB, Congress's preference for an effort- and intent-based definition, over a bright numerical threshold, does not merit retaining these presumptions as part of the definition or other supposed clarifications in the EIB rule.

Increasing Licensees and Background Checks

Some critics incorrectly suggested that the prior Administration used the EIB rule to try to establish ''universal background checks'' by expanding the statutory definition to capture additional transactions as retail sales requiring a license.[20] But, the GCA allows a non-licensee to transfer a firearm to another non-licensee within the same state without conducting a background check.[21] Both the GCA and FOPA left the noncommercial, intrastate market primarily regulated by state law. BSCA did not change that basic decision. BSCA was designed to provide clarification by changing the wording of the statutory definition about when a person should be licensed. According to BSCA's sponsors, the Act's change to the definition was driven by ''confusion about the GCA's definition of 'engaged in the business,' as it pertained to individuals who bought and resold firearms repetitively for profit, but

18 U.S.C. 922(a) ordinarily contemplates more than one isolated gun sale.'')); *United States* v. *Swinton,* 521 F.2d 1255, 1259 (10th Cir. 1975) (''Swinton's sale [of one firearm] to Agent Knopp, standing alone, without more, would not have been sufficient to establish a violation of Section 922(a)(1). That sale, however, when considered in conjunction with other facts and circumstances related herein, established that Swinton was engaged in the business of dealing in firearms.'' (internal citation omitted)).

[17] *See* ATF, *FFL Newsletter* at 9 (July 2017), *https://www.atf.gov/media/28911/download* [*https://perma.cc/34FE-F9TP*] (gun show guidelines); ATF, *Important Notice to FFLs and Other Participants at Gun Shows,* ATF Information 5300.23A (Rev. June. 2021), *https://www.atf.gov/firearms/docs/guide/important-notice-dealers-and-other-participants-gun-shows-atf-i-530023a/download* [*https://perma.cc/4PSR-VVD8*]; ATF Revised Ruling 69–59, *Sales of firearms and ammunition at gun shows* (1969), *https://www.atf.gov/firearms/docs/ruling/1969-59-gunshow-sales-non-licensed-premises/download* [*https://perma.cc/A9D4-5RKZ*]; ATF, *How may a licensee participate in the raffling of firearms by an unlicensed organization?, https://www.atf.gov/firearms/questions-and-answers?page=10* (last reviewed May 22, 2020); ATF, *FFL Newsletter* at 8–9 (June 2021), *https://www.atf.gov/firearms/docs/newsletter/federal-firearms-licensee-ffl-newsletter-june-2021/download* (addressing conduct of business at firearm raffles); Letter for Pheasants Forever, from Acting Chief, Firearms Programs Division, ATF, at 1–2 (July 9, 1999) (addressing nonprofit fundraising banquets); ATF, *FFL Newsletter* at 4–5 (Feb. 1999), *https://www.atf.gov/media/28801/download* [*https://perma.cc/36R3-RCB9*] (addressing gun shows and events). *See* ATF, *FFL Newsletter* at 5–6 (June 2010), *https://www.atf.gov/media/28856/download* [*https://perma.cc/LKC9-46BK*] (flea market guidelines). *See* ATF, *FFL Newsletter* at 8 (June 2021), *https://www.atf.gov/firearms/docs/newsletter/federal-firearms-licensee-ffl-newsletter-june-2021/download* [*https://perma.cc/H5KY-5G9T*] (addressing internet sales of firearms); ATF, *FFL Newsletter* at 3 (Sept. 2016), *https://www.atf.gov/media/28906/download* [*https://perma.cc/KY89-FRMZ*] (addressing brokering firearms for exportation); ATF, *FFL Newsletter* at 6–7 (Mar. 2023); ATF, *FFL Newsletter* at 9 (June 2021), *https://www.atf.gov/firearms/docs/newsletter/federal-firearms-licensee-ffl-newsletter-june-2021/download* (discussing social media gun raffles) [*https://perma.cc/H5KY-5G9T*]; Letter for Outside Counsel to National Association of Arms Shows, from Chief, Firearms and Explosives Division, ATF, *Re: Request for Advisory Opinion on Licensing for Certain Gun Show Sellers* at 1 (Feb. 17, 2017); ATF, *ATF Federal Firearms Regulations Reference Guide,* ATF Publication 5300.4, Q&A L1, at 207–08 (2014), *https://www.atf.gov/firearms/docs/guide/federal-firearms-regulations-reference-guide-2014-edition-atf-p-53004/download* [*https://perma.cc/KD35-AEXU*]; ATF, *FFL Newsletter* at 3 (May 2001), *https://www.atf.gov/media/28811/download* [*https://perma.cc/46KY-3VUM*] [(addressing auctioning firearms); ATF, *FFL Newsletter* at 7 (1990), *https://www.atf.gov/media/28756/download* [*https://perma.cc/L8QT-VTX6*] (addressing auctioning firearms); and Letter for Editor, CarPac Publishing Company, from Acting Assistant Director (Regulatory Enforcement), ATF, at 1–2 (July 26, 1979).

[18] *See King,* 735 F.3d at 1107.

[19] *See* 18 U.S.C. 921(a)(22); *see also, e.g., United States* v. *Mulholland,* 702 F. App'x 7, 12 (2d Cir. 2017) (''The definition does not extend to a person who makes occasional sales for a personal collection or hobby, *id.,* and the government need only prove that a person was 'ready and able to procure [firearms] for the purpose of selling them from time to time.' '' (quoting *United States* v. *Nadirashvili,* 655 F.3d 114, 199 (2d Cir. 2011)). *But see United States* v. *Brenner,* 481 F. App'x 124, 127 (5th Cir. 2012) (defendant argued he was liquidating personal collection, but court held engaged in the business due to facts on sales frequency, location, profit margins, secretive sales and payments, and references to firearms ''coming in'' or as ''brand new.'').

[20] *See* Devan Cole & Hannah Rabinowitz, *Biden administration finalizes rule to close 'gun show loophole' in effort to combat gun violence,* CNN Politics (Apr. 11, 2024), *https://www.cnn.com/2024/04/11/politics/gun-show-loophole-rule-finalized-biden-admin; see also* Martha Minow, *Not Born a Democracy: Constitutional Preconditions,* 67 Wm. & Mary L. Rev. 135, 172 n.176 (2025) (explaining that the Biden Administration intended the executive order ''to move the United States as close to universal background checks as possible without additional legislation'').

[21] 18 U.S.C. 922(a)(3), (5) (requiring license to sell out of State); 922(t) (requiring licensees to conduct a background check).

possibly not as the principal source of their livelihood.'' [22] The sponsors ''maintain[ed] that these changes clarif[ied] who should be licensed, eliminating a 'gray' area in the law, ensuring that one aspect of firearms commerce is more adequately regulated.'' [23]

The EIB rule thus could not, and did not, impose universal background check requirements. And, as discussed, in light of Congress' changes to carefully crafted clarifications of the statutory language through BSCA's amendments, it is unnecessary to supplement or confuse the statutory language with further regulatory language.

Additionally, ATF has determined that the rule proved ineffective in its attempt to increase the number of dealer licenses. In the time since the EIB rule went into effect, ATF has not seen an increase in licenses and background checks. ATF has reviewed the number of new applications the Federal Firearms Licensing Center received for Type 01 licenses (Dealer in Firearms Other Than Destructive Devices) for fiscal years (''FYs'') 2021 through 2025, the four years preceding the EIB rule, and the one year since the rule was published. *See* Table 1. Once issued, a federal firearms license is valid for a three-year period unless terminated sooner, so there are more total Type 01 licensees in each year than the number of applications persons submit to ATF in the same year. 18 U.S.C. 923(c), 27 CFR 478.49.

TABLE 1—NUMBER OF TYPE 01 DEALER APPLICATIONS 2021–2025

Fiscal year	Type 01 applications	Total type 01 licensees
2021	7,445	52,993
2022	5,619	52,173
2023	4,544	50,314
2024	4,350	47,776
2025	4,160	46,072

As Table 1 indicates, since FY 2021, there has been a decrease in both applications for Type 01 licenses and the total number of Type 01 licensees in each fiscal year. The EIB rule was intended to facilitate the recognition by more people that they must acquire a license, which ATF expected would increase the number of persons becoming licensed as dealers. However, that expected outcome has not occurred since the EIB rule became effective. Instead, the number of Type 01 applications filed after the EIB rule continued to decline, as did the number of Type 01 licensees. In FY 2024, ATF received 4,350 Type 01 applications and listed 47,776 Type 01 licensees. In FY 2025, ATF received a total of 4,160 Type 01 applications and listed 46,072 Type 01 licensees. As a result, contrary to ATF's intended expectation from the EIB rule, the EIB rule did not result in an increase in Type 01 licensees.

Personal Collection

The EIB rule created a general definition of ''personal collection'' in 27 CFR 478.11 to identify the kinds of firearms that fall into the statutory exception to the definition of engaged in the business. Section 478.13(a) states that the term ''engaged in the business'' does not ''include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of the person's personal collection of firearms.'' This exception mirrors the statutory text, which created this narrow, predetermined exception to the general rule that applies to all firearms (and which still only requires a license if a person devotes time, attention, and labor to repetitively purchasing and reselling firearms in the regular course of business with predominant intent to profit). This narrow statutory exception to the general rule was created by Congress to recognize that persons who collect firearms or own them for hobby purposes might occasionally purchase and resell those firearms to enhance or liquidate their collection and would be unlikely to be doing so as a profit-making course of business.

The general rule in the statute sets out a test for determining when firearms are being sold in such a manner as to qualify as being engaged in the business. That test includes, as a key element, intending predominantly to earn a profit from purchasing and reselling firearms—without distinguishing what kind of firearm, who owns the firearm, or listing all the other reasons persons might own the firearms. It is only in the exception that Congress specified a particular set of firearms owned for particular purposes—personal collecting or hobbies—which, if resold only occasionally, would automatically be treated as not being engaged in the business.

The EIB rule added two parts to the definition of ''personal collection'' in § 478.11. First, the rule defined ''personal collection'' to mean ''[p]ersonal firearms that a person accumulates for study, comparison, exhibition (*e.g.,* collecting curios or relics, or collecting unique firearms to exhibit at gun club events), or for a hobby (*e.g.,* noncommercial, recreational activities for personal enjoyment, such as hunting, skeet, target, or competition shooting, historical re-enactment, or noncommercial firearms safety instruction).'' Second, the rule provided: ''In addition, the term shall not include firearms accumulated primarily for personal protection: *Provided,* that nothing in this definition shall be construed as precluding a person from lawfully acquiring firearms for self-protection or other lawful personal use.'' There are strong arguments that the rule improperly attempted to narrow the categories of accumulated firearms that would constitute a collection.

The EIB rule adopted a narrower conception of what purposes in gathering firearms might qualify for a ''personal collection'' by reading ''personal collection'' in 18 U.S.C. 921(a)(21)(C) with reference to the definition of ''collector'' in section 921(a)(13). On reflection, ATF believes that that interpretation overreads section 921(a)(13). Although the words have the same root (''collect''), the definition of ''personal collection'' in section 921(a)(21)(C) materially differs from the definition of ''collector'' in section 921(a)(13) because of the separate functions that each provision serves. The function of ''collector'' and ''licensed collector'' in paragraph (a)(13) is to designate a person who collects a limited class of historical firearms (those defined as ''curios or relics''), for which the GCA establishes special licensing rules to facilitate

[22] William J. Krouse, Cong. Rsch. Serv., IF12197, *Firearms Dealers ''Engaged in the Business''* 2 (2022).

[23] *Id.;* 168 Cong. Rec. H5906 (daily ed. June 24, 2022) (Statement of Rep. Jackson Lee) (''[O]ur bill would . . . further strengthen the background check process by clarifying who is engaged in the business of selling firearms and, as a result, is required to run background checks.''); 168 Cong. Rec. S3055 (daily ed. June 22, 2022) (Statement of Sen. Murphy) (''We clarify in this bill the definition of a federally licensed gun dealer to make sure that everybody who should be licensed as a gun owner is. . . . [The definition] is admittedly confusing. So we simplified that definition and hope that will result—and I believe it will result—in more of these frequent online gun sellers registering, as they should, as federally licensed gun dealers which then requires them to perform background checks.''); *see also* Letter for Director, ATF, *et al.,* from Sens. John Cornyn and Thom Tillis at 2–3 (Nov. 1, 2022) (''BSCA provides more clarity to the industry for when someone must obtain a federal firearms dealers license. In Midland and Odessa, Texas, for example, the shooter—who at the time was prohibited form possessing or owning a firearm under federal law—purchased a firearm from an unlicensed firearms dealer.'').

noncommercial interstate buying and selling. In contrast, the function of ''personal collection'' in section 921(a)(21)(C) is to create a safe harbor for when an individual sells multiple firearms that he had previously accumulated for personal, noncommercial use—with for personal, noncommercial use being the key distinction. Consequently, there is no inconsistency between understanding ''personal collection'' to mean firearms held by a person for private, noncommercial purposes, while recognizing that certain types of collectors do not qualify as statutory ''collectors'' and, thus, cannot utilize the special licensing provisions for those who collect curio and relic firearms. This definition also harmonizes the GCA provision for licensees to have a ''personal collection of firearms,'' 18 U.S.C. 923(c)—that is, firearms the licensee maintains for personal, noncommercial use.

The EIB rule rested its amendments, in part, on narrow definitions of ''collection.'' *See* 89 FR 28980 and n.88 (relying on Merriam-Webster's definition to restrict a personal collection to only those objects ''gathered for study, comparison, or exhibition or as a hobby''); 89 FR 29038, n.216 (relying on Encyclopedia Britannica's definition, ''a group of interesting or beautiful objects brought together in order to show or study them or as a hobby''). Given these narrow definitions, the Department previously concluded that a personal collection is limited to firearms ''that a person accumulates for study, comparison, exhibition . . . , or for a hobby.'' 27 CFR 478.11. Indeed, the Department specifically excluded ''firearms accumulated primarily for personal protection'' as not part of a personal collection. *Id.*

ATF now believes that the definitions identified by the EIB rule are too restrictive. Individuals are engaged in the business when their relationship with the firearms is primarily commercial—they are buying and selling for profit rather than for personal, noncommercial use for self-defense, target shooting, gun collecting, hunting, and other lawful uses. To avoid any contrary suggestion, ATF proposes rescinding subsection (1) of the definition.

Although ATF proposes rescinding subsection (1) of the definition of ''personal collection,'' ATF believes subsection (2) of the definition, which defines licensee personal collections, clearly and informatively sets out the actions licensees can take to distinguish a personal firearm from a business one and comply with 18 U.S.C. 921(a)(21)(C). This aspect of the definition provides greater clarity that aids the public in complying with the statute, and ATF is therefore proposing to retain this portion of the definition.

Former Licensee Inventory

In conjunction with the licensee personal collection definition, the EIB rule also added a definition in § 478.11 for ''former licensee inventory'' and set out guidelines a licensee must follow to dispose of its firearms inventory when it is discontinuing business, particularly if its license is revoked. The regulation treats all firearms purchased as part of a licensee's business inventory while licensed as retaining that classification indefinitely because ''they were purchased repetitively before the license was terminated as part of a licensee's business inventory with the predominant intent to earn a profit.'' This definition, together with §§ 478.57 (discontinuance of business) and 478.78 (operations by licensee after notice), limits a former licensee to disposing of the inventory within 30 days after it discontinues business and effectively prevents former licensees from reclassifying inventory purchased repetitively with the intent to resell for profit while licensed as personal firearms in a ''personal collection'' after they become unlicensed. *See* 27 CFR 478.57(b)(2) (providing that a licensee may ''[t]ransfer the former licensee inventory to a responsible person of the former licensee to whom the receipt, possession, sale, or other disposition is not prohibited by law,'' but that any such transfer ''does not negate the fact that the firearms were repetitively purchased, and were purchased with the predominant intent to earn a profit by repetitive purchase and resale''). The EIB rule explicitly authorized former licensees to sell firearms only (1) ''within 30 days [of termination of a license], or such additional period approved by the Director for good cause,'' or (2) on an ''occasional'' basis ''thereafter to a licensee.'' 27 CFR 478.78(b)–(c). In other words, outside the 30-day window (and barring an extension for good cause), former licensees were restricted from selling business inventory to anyone, except for occasional sales to current FFLs.

Although some process for addressing the inventory of former licensees is appropriate, the effectively permanent restraint on firearms sales after the 30-day period is arguably unlawful. For example, upon winding down operations, a former licensee could absorb twenty firearms from his business inventory into his personal collection in good faith. A former licensee who sold one or two such firearms years later to a non-licensee would not be engaged in the business under the statutory definition, and the GCA does not by its terms restrict occasional sales of such firearms only to other FFLs. Such conduct stands in contrast to a former licensee who immediately continues selling firearms acquired as business inventory in repeated transactions after his license is discontinued. ATF recognizes concerns about former licensees attempting to hold ''fire sales'' of large swathes of inventory without adhering to recordkeeping and background check requirements. However, such scenarios are clearly covered by statutory language, which prohibits engaging in the business without a license.[24] By contrast, a situation where a former licensee sells an occasional firearm in a private sale years later does not constitute the repetitive purchasing and selling that the GCA was intended to cover. The GCA does not authorize former licensees to engage in the business. But it also does not impose encumbrances on all firearms that were previously part of a business's inventory.

For all these reasons, this rule proposes to amend regulations in 27 CFR part 478 that were created or changed by the EIB rule as described below.

B. Proposed Revisions

For the reasons discussed above, ATF is proposing the following regulatory changes related to the definition of engaged in the business as a dealer as implemented in §§ 478.11 and 478.13 via the EIB rule. ATF proposes to (1) move the current definition of ''engaged in the business as a dealer in firearms other than a gunsmith or pawnbroker,'' set forth in §§ 478.13(a) to 478.11, and (2) rescind § 478.13(b)–(h). Paragraphs (b) through (h) of § 478.13 include: (b) a statement that whether a person is engaged in the business as a dealer in firearms other than a gunsmith or a pawnbroker is a fact-specific inquiry, (c) specific fact-patterns establishing presumption that a person is engaged in the business as a dealer, (d) the definition of ''predominantly earn a profit,'' (e) a list of conduct that does not support a presumption, (f) evidence that may be used to rebut a presumption, (g) clarification that itemized presumptions, conduct, and rebuttal evidence are not exhaustive

[24] *See Gilbert* v. *Bangs,* 481 F. App'x 52 (4th Cir. 2012); *United States* v. *Kish,* 424 F. App'x 398 (6th Cir. 2011).

lists, and (h) clarification that the rebuttable presumptions do not apply to criminal proceedings.

ATF also proposes to retain the definition of ''predominantly earn a profit'' from § 478.13, with some revisions, and move it to § 478.11. The rest of § 478.13 would be removed, except as provided in the following paragraph. ATF is also proposing to change the definition of ''personal collection'' and remove the definition of ''former licensee inventory,'' both in § 478.11. These proposed changes are described in detail below.

ATF proposes removing all of § 478.13 except: (1) the portion of the definition of ''engaged in the business as dealer in firearms other than gunsmith or pawnbroker'' that duplicates statutory language in 18 U.S.C. 921(a)(21)(C); (2) the added exception for auctioneers who provide only auction services on a commission by assisting persons to liquidate firearms in an estate-type sale; [25] and (3) a revised version of the definition of ''predominantly earn a profit.'' Because these remaining portions of § 478.13 would no longer be long enough to warrant a separate definition section, ATF proposes moving all three of these remaining portions from § 478.13 to § 478.11 (meaning of terms), where other relatively short definitions are located.

ATF would place the definition of engaged in the business as a dealer under paragraph (3) in the definition of ''engaged in the business,'' and the existing language in paragraph (3), which references § 478.13, would be removed. The paragraph would retain the same heading and would read, ''A person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms. The term does not include a person who makes occasional sales, exchanges, or purchases of firearms to enhance a personal collection or for a hobby, or who sells all or part of the person's personal collection of firearms.''

ATF would also move the auctioneer exception to paragraph (3) within the definition of ''engaged in the business'' under § 478.11, at the end of the new paragraph described above. Historically, licensees and non-licensees seeking guidance on the proper and lawful way to liquidate firearms, both in the regular course of their business or as an isolated occurrence, have commonly raised questions about auctioneers. Because ATF has regularly provided consistent guidance on what type of auction activity crosses the threshold to constitute engaging in the business of dealing in firearms, the portion of the definition that incorporates that exception into the regulation provides definitional clarity to the public and licensed community. Therefore, ATF proposes retaining the portion of § 478.13 that codifies ATF's historical position, thus ensuring consistency for industry members. Modifying or removing this part of the definition would likely cause undue and unnecessary confusion. This proposed change would therefore add the following text to the end of paragraph (3): ''In addition, the term does not include an auctioneer who provides only auction services on commission to assist in liquidating firearms at an estate-type auction, as long as the auctioneer does not purchase the firearms or take possession of the firearms for sale or consignment.''

ATF would move the text of the definition in § 478.13 of ''predominantly earn a profit'' to a location under the same definitional heading in § 478.11, and it would remove the text currently under that heading, which references § 478.13. It is necessary to retain this definition to distinguish between, on the one hand, what constitutes engaging in the business as a dealer in firearms other than a gunsmith or pawnbroker; and, on the other hand, engaging in the business as a gunsmith, pawnbroker, manufacturer, or importer—all of which continue to require the ''principal objective of livelihood and profit'' that applied to dealers prior to BSCA. The definition of ''predominantly earn a profit'' tracks the statutory definition; however, ATF proposes making a minor change to one sentence of the definition, so it is easier to read, without changing the meaning. Specifically, ATF proposes changing the sentence, ''*Provided,* that proof of profit, including the intent to profit, shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism,'' to ''However, proof of profit, including the intent to profit, is not required in cases in which the person engaged in regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.'' This change is in line with one of the purposes for ATF's implementing regulations, which is to aid the public in understanding and complying with statutory provisions, and it is consistent with laws requiring plain writing. It does not modify or expand on the statutory meaning.

In addition, ATF proposes to remove the last sentence of the definition as it currently exists in § 478.13, which reads, ''For purposes of this section, a person may have the intent to profit even if the person does not actually obtain the intended pecuniary gain from the sale or disposition of firearms,'' because this sentence is not in the statutory definition. The proposed new definition of ''predominantly earn a profit'' would thus be ''The intent underlying the sale or disposition of firearms is predominantly one of obtaining pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection. However, proof of profit, including the intent to profit, is not required in cases in which the person engaged in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.''

In addition to the above changes to § 478.13, ATF proposes two changes directly to § 478.11. Specifically, for the reasons discussed in section II.A of this preamble, ATF proposes removing paragraph (1) of the definition of ''personal collection (or personal collection of firearms, or personal firearms collection),'' moving paragraph (2) up to replace paragraph (1) with changes necessary to conform it to regulatory paragraph designations, changing the definition's title to reflect the remaining content, and removing the definition ''former licensee inventory'' entirely. The proposed heading for the definition of ''personal collection (or personal collection of firearms, or personal firearms collection)'' would instead be ''licensee personal collection (or personal collection of licensee).'' The rest of the definitional text would remain the same as currently in § 478.13, but the paragraph designation would change because it would no longer be paragraph (2).

In addition, the rule proposes to make changes to § 478.57 (Discontinuance of business). The proposed rule would

[25] *See* ATF, *Does an Auctioneer Who Is Involved in Firearms Sales Need a Dealer's License?, https://www.atf.gov/firearms/questions-and-answers?page=2* (last reviewed July 10, 2020); ATF, *ATF Federal Firearms Regulations Reference Guide,* ATF Publication 5300.4, Q&A L1, at 207–08 (2014), *https://www.atf.gov/firearms/docs/guide/federal-firearms-regulations-reference-guide-2014-edition-atf-p-53004/download* [*https://perma.cc/KD35-AEXU*]; ATF, *FFL Newsletter* at 3 (May 2001), *https://www.atf.gov/media/28811/download* [*https://perma.cc/46KY-3VUM*] ; ATF Ruling 96–2, *Engaging in the Business of Dealing in Firearms (Auctioneers)* (Sept. 1996), *https://www.atf.gov/file/55456/download* [*https://perma.cc/RCJ2-QA9H*]; ATF, *FFL Newsletter* at 7 (1990), *https://www.atf.gov/media/28756/download* [*https://perma.cc/L8QT-VTX6*]; Letter for Editor, CarPac Publishing Company, from Acting Assistant Director (Regulatory Enforcement), ATF, at 1–2 (July 26, 1979).

remove from paragraphs § 478.57(b)(2) and (c) the relevant sentences that effectively restrict former licensees from reselling their firearms without being presumed to be engaged in the business. Specifically, it would remove from § 478.57(b)(2) the sentence that reads: ''Any such transfer, however, does not negate the fact that the firearms were repetitively purchased, and were purchased with the predominant intent to earn a profit by repetitive purchase and resale.'' And it would remove from § 478.57(c) the second sentence that provides that a former FFL who resells any of its former business inventory is subject to the provisions of § 478.13. Because this rule proposes to remove § 478.13, the provisions in these paragraphs would no longer be relevant. And because these provisions are also found in § 478.78 (Operations by licensee after notice), this rule proposes to remove from § 478.78(b)(2) and (c) the same sentences.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rule would retain the definition of ''engaged in the business'' as specifically revised and defined in BSCA. In addition, this proposed rule would revise 27 CFR 478.13 to rescind paragraphs (b)–(h), which includes rebuttable presumption fact patterns as to whether a person is engaged in the business as a dealer and whether a person has predominant intent to profit, a list of conduct that does not support a presumption, evidence that may be used to rebut a presumption, and other provisions related to applying the presumptions. In addition, the rule also proposes to retain the definition of ''predominantly earn a profit'' with some revisions, to change the definition of ''personal collection'' to apply only to licensee personal collections and remove the definition of ''former licensee inventory.'' These provisions were included in the EIB rule to aid persons in understanding and applying the statutory change from BSCA. In addition, the EIB rule did not result in the anticipated increase in the number of licensees. As a result, removing or revising these additional provisions does not generate a cost to the public.

The Office of Management and Budget (''OMB'') has determined that, although this rule would not be economically significant under section (3)(f)(1) of Executive Order 12866, it would be a ''significant regulatory action'' under the Order. OMB has therefore reviewed this rule. ATF provides the following analysis to comply with Executive Orders 12866 and 13563. This proposed rule would revert the definition of ''engaged in the business'' to the one outlined specifically by statute, without the additional provisions added by the previous rule. As a result, this proposed rule would provide qualitative benefits to the public in the form of reduced confusion and reduced concerns about perceived risk of over-enforcement, as well as qualitative costs in the form of potential increase in persons who should be licensed remaining unlicensed. This rule would not create quantifiable costs or burdens for the public.

1. Need Statement

The EIB rule included provisions in addition to the statutory definitional change from BSCA, and those provisions did not result in the projected increase in licensees. As illustrated in Table 2, the number of all FFL applications has been decreasing since 2021. Between the time the NPRM for the EIB rule was published in 2023 and was later finalized in 2024, the number of applications for all FFLs decreased overall.

TABLE 2—NUMBER OF FFL APPLICATIONS BY YEAR

Year	FFL applications
2020	12,537
2021	13,879
2022	10,811
2023	9,237
2024	8,679
2025	8,648

The intended clarifying provisions instead created confusion and raised concerns by commenters on the rule that the provisions could be misapplied and misunderstood in ways that would constitute violations of law. As a result, ATF has determined that these provisions should be removed or revised and that the definition of engaged in the business as a dealer should be primarily limited to the statutory definition. The only way to make these regulatory adjustments is through a rulemaking.

2. Cost Savings

This proposed rule would align with the definition of ''engaged in the business'' as defined in the statute. As discussed in section II.A of this preamble, many firearms sales fall outside the GCA's definition of being engaged in the business. Nor are persons engaged in the business if they repeatedly buy and sell primarily in order to maintain and enhance their personal firearms collection rather than for profit. One of the qualitative cost savings of the proposed rule is that it would reduce confusion and reduce the perceived risk of over-enforcement. ATF, however, lacks the data necessary to quantify such savings.

Based on the historical data in Table 1 above, there were no incremental increases in FFL dealer applications in the year and a half since the EIB rule was published; therefore, the projected costs of that original rule, *see* 89 FR 29072–73 (analyzing expected costs for unlicensed persons to become licenses), were not incurred. Furthermore, this rule would maintain the minimum definitions as required by the statute. Costs arising from these statutory definitions were already accounted for in the EIB rule. As a result, this proposed rule would not have any quantifiable monetary cost savings.

3. Disbenefits

Potential qualitative disbenefits (*i.e.,* adverse impacts) to this proposed rule may include a de minimis increase in risk to public safety. In the EIB rule, ATF described conditions in which an individual might be considered ''engaged in the business'' of selling firearms. Some individuals who might have been active firearms sellers prior to the EIB rule might have refrained from selling firearms after the EIB rule out of concern that their conduct rose to the level of being ''engaged in the business'' because it would subject them to the GCA's requirements (*e.g.,* record-keeping, conducting background checks, inspections). If parts of the regulations implemented by the EIB rule are rescinded, these persons might resume selling firearms actively without becoming licensed, just as they had prior to publication of the EIB rule. This could mean that any risks regarding unlicensed sellers that Congress perceived when initially enacting the GCA would not be addressed through regulations clarifying the GCA's requirements.

4. Regulatory Alternatives

Alternative 1. Maintaining the Status Quo (the No-Action Alternative)

During the previous Administration, ATF published the EIB rule, in which ATF included the statutorily revised definition of engaged in the business as a dealer and additional regulatory provisions to further define and clarify the term and how persons could determine its application. Upon further consideration, ATF has determined that the ensuing confusion from these additional provisions may impose additional risks on members of the public, who might interpret the rule as prohibiting them from purchasing firearms for self-defense or protection and might make them feel chilled in purchasing and reselling personal firearms occasionally without predominant intent to profit, as intended by Congress. Because these provisions were added to ATF's regulations, they would remain in effect unless ATF were to engage in rulemaking to revise them. Therefore, ATF rejects maintaining the status quo as an alternative due to the risk of chilling lawful firearms activities.

Alternative 2. Rulemaking (the Proposed Alternative)

ATF considered the alternative of rulemaking to revise or remove non-statutorily required provisions in the current regulatory definition of engaged in the business as a dealer. This would cause the regulatory definition to consist primarily of the statutory definition as revised by Congress in BSCA. Based on historical data, there would be no additional quantifiable costs or benefits incurred to the public from this proposed alternative. Revising these regulatory provisions may reduce confusion that the added regulatory provisions may have caused; however, it could conversely increase risk from active sellers, who are not licensed, who resume sales and thus do not conduct background checks to ensure that prohibited persons do not acquire firearms on the secondary market. Nevertheless, ATF believes that the potential impact on public safety is de minimis. A solution, such as guidance, would not have the same effect on existing regulatory provisions, as guidance cannot contradict the regulations. As a result, ATF has determined that rulemaking is the best alternative and the only way to remove the provisions that were causing confusion.

Alternative 3. Issuing Guidance

This alternative was considered but rejected. While this alternative would not impose any additional costs, it would not rescind the presumptions currently published in regulation or correct the other issues with the regulatory supplement to the ''engaged in the business'' definition. As mentioned above, maintaining the legal presumptions in regulations would continue to create concerns among the regulated public that ATF is illegitimately attempting to relieve the Government of its burden of proof in civil and administrative proceedings. One court has already opined that the presumptions are highly problematic because ''they flip the statute on its head by requiring that firearm owners prove innocence rather than the government prove guilt.'' [26] Thus, ATF has determined that removing presumptions from the regulations avoids the risk that, in real-world practice, the presumptions could have been used to relieve the Government of its burden of proof. Leaving the presumptions in the regulations while issuing guidance alone would not remedy the problems as discussed. Therefore, issuing guidance as an alternative in lieu of removing the regulatory language at issue was rejected.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action. Although it would be a significant regulatory action as defined by Executive Order 12866, it would not impose total costs greater than zero. This proposed rule would provide qualitative benefits by reducing confusion and concerns about perceived over-enforcement, specifically entailing qualitative benefits to current and future firearm owners. Although it is possible that removing the proposed provisions would result in some risk to public safety from persons who would no longer feel constrained in dealing in firearms without a license, such a risk is qualitative and speculative, imposing no quantifiable costs. Therefore, as discussed above, this rule would not impose any additional quantifiable monetized costs, and total costs would be less than zero. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal Government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a

[26] *Texas* v. *ATF,* 737 F. Supp. 3d at 442.

statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule is deregulatory and would not impose any additional costs, including on small entities. The proposed rule would remove or amend certain provisions related to the definition of engaged in the business as a dealer, the provisions of which expanded the scope of the definition beyond the statute. The confusion and perceptions about these provisions have caused many individuals to believe they might have to obtain a license in order to sell personal firearms from their personal collections, for example. Although the EIB rule anticipated that the rule would cause some persons operating unlicensed small businesses to become licensed as dealers of firearms, ATF—as explained above in section II.A of this preamble—has not observed an actual increase in the rate of licensure since the issuance of the EIB rule. In light of the EIB rule's apparent lack of effect on the operation of small businesses, ATF does not believe that repealing certain provisions of EIB rule as proposed in this rule would affect such businesses. Therefore, ATF does not believe that this proposed rule, if finalized, would have a significant economic impact on a substantial number of small entities. ATF nonetheless welcomes comments on any potential effects of this proposed rule on small entities.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, recordkeeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would impact four existing information collections covered under the PRA. Although this rule involves the existing information collections, the proposed changes to the rule would not add to or change the burden imposed on the information collection respondent as compared to existing, OMB-approved requirements.

Licensing Information Collection Requirements (''ICRs'')

Numbers and titles: OMB control number 1140–0018, Application for a Federal Firearms License, ATF Form 5310.12/5310.16 (''Form 7/7CR''), and OMB control number 1140–0019, Application for a Federal Firearms License—Renewal Application, ATF Form 5310.11 (''Form 8'').

Abstract: 18 U.S.C. chapter 44 prohibits any person from engaging in the business of importing, manufacturing, or dealing in either firearms or ammunition without first obtaining a license to do so. These activities are licensed for a specific period. The statute also provides for a collector's license. Persons who need to obtain a license submit Form 7/7CR to ATF, and licensees who wish to continue to engage in the aforementioned firearms activities without interruption, must renew their license by filing Form 8 before the current license period expires.

Purpose: ATF uses Form 7 to identify the applicant and determine eligibility to obtain a firearms license, and ATF uses Form 8 to identify the applicant and determine eligibility to retain the license. Without these information collections, ATF would not be able to issue or renew licenses to persons required by law to have a license to engage in the business of dealing in firearms or shipping or transporting firearms in interstate or foreign commerce in support of that business, or acquire curio and relic firearms from out of state. The proposed rule does not change the requirements or purposes covered under these information collections.

Recordkeeping ICRs

Numbers and titles: OMB control number 1140–0020, Firearms Transaction Record, ATF Form 5300.9 (''Form 4473''), and OMB control number 1140–0032, Records of Acquisition and Disposition, Dealers of Type 01/02 Firearms, and Collectors of Type 03 Firearms.

Abstract: 18 U.S.C. 922 and 923, and implementing regulations at 27 CFR 478.124, prohibit certain persons from shipping, transporting, receiving, or possessing firearms. All persons, including FFLs, are therefore prohibited from transferring firearms to such persons. FFLs are also subject to additional restrictions on disposing of a firearm to an unlicensed person under the GCA. For example, age and State of residence also determine whether a person may lawfully receive a firearm. Form 4473 enables FFLs to determine if they may lawfully sell or deliver a firearm to the prospective transferee, and to alert the buyer or other transferee of certain restrictions on receiving and possessing firearms. The licensee must determine the transaction's lawfulness and maintain proper records of the transaction. The GCA, 18 U.S.C. 923, also requires that licensees must keep records of each firearm they acquire and dispose of, and ATF implementing regulations in 27 CFR 478.23(c)(1) and (2) set forth the details required for those records, which are in addition to the Form 4473, the purpose of which is primarily for a licensee to determine whether the requested sale is lawful.

Purpose: The Form 4473 information collection aids licensees in obtaining the necessary information from which to make that determination and to use when submitting a required NICS background check, and also serves as a record of the transaction, all of which are necessary for the licensee to comply with the statutory requirements. The acquisition and disposition record-keeping requirements ICR permits ATF to examine records during inspections to ensure that licensees are complying with statutory and regulatory requirements, and also serve as records licensees may search in response to a crime-gun trace request from law enforcement agencies conduction investigations into crimes in which a firearm was used.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the

appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AB01 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AB01. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. *See also* section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AB01).

Severability

Consistent with the Administrative Procedure Act, the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received. ATF has determined that this proposed rule implements and is fully consistent with governing law. However, in the event this proposed rule is finalized, if any provision of that final rule, an amendment or revision made by that rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of that final rule, the amendments or revisions made by that rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Amend § 478.11 by:
■ a. Revising paragraph (3) of the definition of ''engaged in the business'' (''dealer in firearms other than a gunsmith or a pawnbroker''); the definition of ''personal collection (or personal collection of firearms, or personal firearms collection)'', including its title; and the definition of ''predominantly earn a profit''; and
■ b. Removing the definition of ''former licensee inventory''.

The revisions read as follows:

§ 478.11 Meaning of Terms

Engaged in the business— * * *

* * * * *

(3) *Dealer in firearms other than a gunsmith or a pawnbroker.* A person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms. The term does not include a person who makes occasional sales, exchanges, or purchases of firearms to enhance a personal collection or for a hobby, or who sells all or part of the person's personal collection of firearms. In addition, the term does not include an auctioneer who provides only auction services on commission to assist in liquidating firearms at an estate-type auction, as long as the auctioneer does not purchase the firearms or take possession of the firearms for sale or consignment.

* * * * *

Licensee personal collection (or personal collection of licensee). In the case of a firearm imported, manufactured, or otherwise acquired by a licensed manufacturer, importer, or dealer, the personal collection includes only firearms that were:

(a) Acquired or transferred without the intent to willfully evade the restrictions placed upon licensees by 18 U.S.C. chapter 44;

(b) Recorded by the licensee as an acquisition in the licensee's acquisition and disposition record in accordance with §§ 478.122(a), 478.123(a), or 478.125(e) (unless acquired prior to licensure and not intended for sale);

(c) Recorded as a disposition from the licensee's business inventory to the licensee's personal collection or otherwise as a personal firearm in accordance with §§ 478.122(a), 478.123(a), or 478.125(e) (unless acquired prior to licensure and not intended for sale);

(d) Maintained in such personal collection or otherwise as a personal firearm (whether on or off the business premises) for at least one year from the date the firearm was so transferred, in accordance with 18 U.S.C. 923(c) and 27 CFR 478.125a; and

(e) Stored separately from, and not commingled with, the business inventory. When stored or displayed on the business premises, the personal collection and other personal firearms must be appropriately identified as ''not for sale'' (*e.g.,* by attaching a tag).

* * * * *

Predominantly earn a profit. The intent underlying the sale or disposition of firearms is predominantly one of obtaining pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection. However, proof of profit, including the intent to profit, is not required in cases in which the person engaged in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

* * * * *

§ 478.13 [Removed and Reserved]

■ 3. Remove and reserve § 478.13.

§ 478.57 [Amend]

■ 4. Amend § 478.57 by removing from paragraphs (b)(2) and (c) the second sentence.

The revisions read as follows:

§ 478.57 Discontinuance of business.

* * * * *

(b) * * * * *

(2) Transfer the former licensee inventory to a responsible person of the former licensee to whom the receipt, possession, sale, or other disposition is not prohibited by law.

(c) Transfers of former licensee inventory to a licensee or responsible person in accordance with paragraph (b)(1) or (2) of this section shall be appropriately recorded as dispositions, in accordance with §§ 478.122(b), 478.123(b), or 478.125(e), prior to delivering the records after discontinuing business consistent with § 478.127.

* * * * *

§ 478.78 [Amend]

■ 5. Amend § 478.78 by removing from paragraphs (b)(2) and (c) the second sentence.

The revisions read as follows:

§ 478.78 Operations by licensee after notice.

* * * * *

(b) * * * * *

(2) Transfer the former licensee inventory to a responsible person of the former licensee to whom the receipt, possession, sale, or other disposition is not prohibited by law.

(c) Transfers of former licensee inventory to a licensee or responsible person in accordance with paragraph (b)(1) or (2) of this section shall be appropriately recorded as dispositions, in accordance with §§ 478.122(b), 478.123(b), or 478.125(e), prior to delivering the records after discontinuing business consistent with § 478.127.

* * * * *

Robert Cekada,

Director.

[FR Doc. 2026–08919 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0008; ATF No. 2025R–25P]

RIN 1140–AA85

Clarifying Exceptions to the Brady Act Background Check Requirement

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to clarify when a state's firearms-related permit meets the requirements under the Gun Control Act of 1968, as amended, as an alternative to the National Instant Criminal Background Check System check and includes minor changes to ensure that the regulatory language adheres closely to the language used in the statute.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA85, by either of the following methods—

• *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226; *ATTN: RIN 1140–AA85.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA85) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and in any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

The Brady Handgun Violence Prevention Act (''Brady Act''), which amended the GCA, generally requires federal firearms licensees (''FFLs'') to initiate a National Instant Criminal Background Check System (''NICS'') background check before transferring a firearm to a person who is not an FFL, *i.e.,* a non-licensee. 18 U.S.C. 922(t). The Department delegated oversight of NICS to the Federal Bureau of Investigation (''FBI''). *See* 28 CFR part 25. However, the Brady Act contains exceptions, codified at 18 U.S.C. 922(t)(3), to the NICS check requirement, including an exception for persons who have certain state permits that authorize them to possess or acquire firearms. Specifically, the exceptions provide that the NICS check is not required if the non-licensee transferee presents a license or permit that: (1) allows that person to possess or acquire a firearm; (2) was issued not more than five years earlier by the state in which the transfer is to take place; and (3) the law of the state provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law. ATF implemented this provision of the statute in 27 CFR 478.102(d) in 1998.[3]

In May 2025, after conducting a review of the laws and regulations of all U.S. states and territories, ATF issued an open letter to all FFLs on the NICS alternate permit exception (''Open Letter'') providing updated guidance regarding which state firearms permits meet the conditions to qualify under the exception to the NICS background check.[4] As part of this review, ATF examined whether the laws of each state require the issuing authority to (1) check available information, including conducting a NICS background check, and (2) not issue a permit when the available information indicates that the applicant is prohibited from possessing firearms under federal, state, or local law. ATF also published on its website an accompanying chart showing its assessment of qualifying and non-qualifying NICS alternate permits.[5]

The Open Letter addressed the process FFLs should follow if a non-licensee presents a qualifying NICS alternate permit. This process includes verifying that the permit was issued or renewed not more than five years earlier by the state in which the transfer is to occur and that the permit has not expired under state law. The Open Letter reminded FFLs that while certain permits, including ''lifetime'' permits, may be valid under state law for more than five years, these only qualify as NICS alternatives for five years from the date they were issued. FFLs are responsible for verifying the date the permit was issued or its renewal date before treating the transaction as NICS-exempt.

The Open Letter cautions FFLs that they should conduct a NICS check whenever they are unable to confirm the validity of the permit or the date a permit that is valid for more than five years was issued. *See* Open Letter at 2. Federal law does not require an FFL to accept a firearm permit as an alternate even if they are able to confirm the permit's validity and that the permit is less than five years old.

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] Implementation of Public Law 103–159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act, 63 FR 58279 (Oct. 29, 1998).

[4] ATF, Open Letter to All Federal Firearms Licensees (May 23, 2025), *https://www.atf.gov/file/201946/download* [*https://perma.cc/K2JE-2FGZ*].

[5] ATF, Brady Permit Chart (last reviewed Sep. 26, 2025), *https://www.atf.gov/rules-and-regulations/laws-alcohol-tobacco-firearms-and-explosives/gun-control-act/brady-law/brady-permit-chart* [*https://perma.cc/B3J7-F594*].

II. Proposed Rule

This proposed rulemaking would amend the language of 27 CFR 478.102(d) regarding when a state's firearms-related permit meets the requirements of 18 U.S.C. 922(t)(3) such that a NICS check does not need to be conducted. This rule proposes to add the word ''unexpired'' in § 478.102(d)(1) as a condition of a qualifying permit because, under certain state law or in certain circumstances, some permits are considered valid even after they have expired. However, expired permits cannot be used as an alternative to conducting a NICS check under federal firearms law. To address potential confusion, this rule proposes to add the word ''unexpired'' after ''valid'' to clarify that such permits must be both valid and unexpired.

This proposed rule would also clarify the information ATF considers for a permit to qualify as an alternative to a NICS check. First, the proposal would clarify when ATF considers a permit to be issued within the previous five years. Specifically, ''lifetime'' permits and permits nominally issued for more than five years may qualify as alternate permits if the state's law requires a state official to verify or reverify via NICS that the permit-holder is not prohibited from possessing a firearm, or otherwise confirm that the permit-holder is not prohibited by federal law from possessing a firearm, within the previous five years and the government official complies with that requirement. When those conditions are met, the license is effectively reissued, in the same way as if the permit-holder had reapplied. For example, Alabama issues a concealed carry lifetime permit and the state's law requires that, ''[A]t least once every five years from the date of issuance, each sheriff shall conduct a background check on each individual with a lifetime carry permit issued within his or her county . . . .'' Ala. Code 13A–11–75(h). These permits qualify because Alabama law requires the state official to conduct a background check on a five-year recurring basis.

Second, the proposed rule would define the phrase ''only after an authorized government official has verified that the information available to such official'' to mean that the state statute(s) provides that an authorized government official verifies information available to such official, to include a background check through NICS or otherwise confirms that the permit-holder is not prohibited by federal law from possessing a firearm, in order to determine whether the applicant is prohibited from possessing firearms under federal, state, or local law. In a near majority of instances, states issue qualifying NICS alternate permits through a state criminal justice agency (''CJA''). However, if a state issues permits through a non-CJA, there may be difficulty directly accessing NICS because of FBI regulations, which limit NICS access to ''criminal justice agencies in connection with the issuance of a firearm-related . . . permit or license.'' 28 CFR 25.6(j)(1). Nevertheless, a non-CJA may still access relevant criminal history information to conduct a qualifying background check equivalent to a NICS check before issuing any such permits. For instance, Florida's Department of Agriculture and Consumer Services issues concealed weapons licenses for the state. Although the Florida concealed weapons permit does not qualify as a NICS alternative permit for other reasons,[6] nevertheless a NICS background check is completed because the Florida Department of Law Enforcement runs a NICS check on behalf of Florida's Department of Agriculture and Consumer Services.

However, in the event that a non-CJA does not have the ability to access NICS or their state's point of contact for NICS, this rule proposes to provide an exception that the authorized government official need only search and review all information otherwise available to such official to determine if possession, acquisition, or carrying of the firearm would be lawful. Additionally, the proposed rule would provide that information otherwise available to the government official does not need to include information that requires extraordinary effort, expense, or means to obtain (*e.g.,* sending an investigator to go to a courthouse to research records). A misdemeanor assault conviction, for example, could be disqualifying depending on whether it was a crime of domestic violence. *See* 18 U.S.C. 922(g)(9). But many criminal justice records specific to misdemeanor assault convictions are often not complete enough to determine if there is a qualifying relationship under federal law that would make the applicant a prohibited possessor. Often additional research is required to include supporting court documents that are not available in NICS or a state's criminal history records. Therefore, this section would clarify that government officials are not required to use or undertake extraordinary effort, expense, or means when further research is required when a NICS check (or its equivalent) is not available to conduct a background check. They need only base their permitting decisions on the information that is readily accessible to them—for example, information readily accessible through NICS, state agencies or databases, or state or local courts.

Third, the proposed rule would inform the public that the relevant inquiry in determining whether a state permit is acceptable as an alternative to a NICS check when acquiring a firearm is whether the language of the state statute(s) conforms with the requirements under 18 U.S.C. 922(t)(3)(A)(ii). Specifically, the proposed amendments would provide that when verifying whether an alternate permit qualifies under 18 U.S.C. 922(t), ATF considers the law of the state, state regulation, any precedential judicial opinions, and any opinions of the executive branch that are binding and have the force and effect of law. The proposal clarifies that a permit that is erroneously granted does not, by itself, establish the law of the state.

This provision is necessary to redress confusion about certain permit audits. In the past, the federal government has audited states to see whether they issued permits to prohibited persons. In response to some audits (*e.g.,* involving Alabama and Michigan), ATF withdrew recognition of the states' permits as a valid NICS alternative because, in part, licensing officials in those states had issued permits to prohibited persons. But not recognizing permits as NICS alternatives on this basis was not consistent with the Brady Act because the Act only requires that ''the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law.'' 18 U.S.C. 922(t)(3)(A)(ii). The mere fact that permits may have been erroneously granted by an authorized state official does not, by itself, establish that ''the law of the state'' authorized permits to be issued to prohibited persons. Nor does the Brady Act contemplate that state officials will be perfect in issuing licenses. The NICS system is itself imperfect; even after an exhaustive

[6] Florida law provides for issuing a Concealed Weapon or Firearm License to certain individuals without conducting a NICS background check. *See* Fla. Stat. 790.06(5)(b), 790.06(6)(e), 790.061 (exempting law enforcement officers, correctional officers, or correctional probation officers for one year after retirement, and consular security officials of a qualifying foreign government, and Florida judges and justices from the NICS background check process prior to obtaining the license). Furthermore, NICS background checks are not conducted prior to issuing a renewal license. *See* Fla. Stat. 790.06(11)(a).

search of records, NICS is unable to resolve about 3 to 5 percent of background checks each year. State and local licensing officials will occasionally have to issue licenses on less than perfect information, despite running a comprehensive background check.

Fourth, the proposed rule would address circumstances in which states offer multiple applying and issuing procedures to obtain firearm permits (or licenses). In some jurisdictions, the same type of firearm permit may be alternatively issued pursuant to a procedure that would (or would not) qualify under 18 U.S.C. 922(t) as a NICS alternative permit. For example, a state might exempt a law enforcement officer or judge from the background check requirement when obtaining a concealed weapons license. *See, e.g.,* Fla. Stat. 790.06(5)(b); Del. Code Ann. tit. 11 sec. 1448D (c)(1), (h); Md. Pub. Safety Code sec. 5–305(g) (exempting employees of armored car companies). While the state-issued permit for that law enforcement officer or judge would be valid under state law for its dedicated purposes, it would not qualify as a NICS alternate permit because the state law does not require the licensing official to verify that the permit holder may lawfully possess a firearm.

In these cases, the proposed amendments to the regulation make clear that ATF will only recognize the subset of permits that meet the requirements under § 478.102(d), provided that those permits are distinguishable from other permits that do not qualify. This formalizes ATF's prior practice. In Alaska, for example, a person who wants his concealed handgun permit to exempt him from the NICS background check requirement must fill out a supplemental application form. Alaska will mark that subset of concealed handgun permits as ''NICS Exempt.'' Although ATF does not recognize all Alaska concealed handgun permits as Brady alternatives, ATF has recognized the subset labeled ''NICS Exempt.'' *See* Alaska Stat. 18.65.700; ATF Open Letter to All Alaska Federal Firearms Licensees (Oct. 17, 2005) (Rescinded).[7] States that do not conduct background checks on certain categories of individuals could also separately label those permits (*e.g.,* ''Not NICS Exempt'' or ''Judicial/Peace Officer Concealed Weapon License'').

The proposed rule would also amend the section heading of 27 CFR 478.102 to remove ''on or after November 30, 1998'' because that was more than 25 years ago and the date trigger is no longer needed. Finally, the proposed rule would add a paragraph heading to § 478.102(e) to make it consistent with the other paragraphs and to be in accord with CFR drafting requirements.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This rule proposes to amend 27 CFR 478.102(d) to clarify what information ATF considers in assessing whether a state's firearms permit qualifies as an alternative to the NICS background check requirement and what information an authorized government official is to consider when verifying that a given transferee possessing a firearm does not violate law. These clarifications will reduce confusion that has occurred in recent years due to different state processes, and they do not impose any costs or quantitative benefits.

The Office of Management and Budget (''OMB'') has determined that this proposed rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action as defined in section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. This rule would clarify what information ATF considers in assessing whether a state's firearms permit qualifies as an alternative to the NICS background check requirement and what information an authorized government official is to consider when verifying that a given transferee possessing a firearm does not violate law. In addition, ATF expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment

[7] ATF, Open Letter to All Alaska Federal Firearms Licensees (Oct., 17, 2005) (rescinded), *https://www.atf.gov/file/84456/download* [*https://perma.cc/SQ4F-MBH4*].

rulemaking requirements unless the agency head certifies, including a statement of factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule merely clarifies information so as to reduce confusion that has occurred in recent years due to different state processes. This rule is deregulatory and would not impose any additional costs.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, the ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule involves one existing information collection under the PRA. The information collection associated with this proposed rule is OMB control number 1140–0020: Firearms Transaction Record, which includes ATF Form 5300.9 (''Form 4473''). Form 4473 is completed when an FFL transfers a firearm to a non-licensee. Although this rule is associated with the existing information collection, the proposed changes would not add or change the burden or requirements imposed on the respondent beyond existing, OMB-approved requirements.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA85 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifiable information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA85. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and in any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI/PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

• *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA85).

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Amend § 478.102 by:

■ a. Revising the section heading and paragraph (d); and

■ b. Adding a new paragraph heading to paragraph (e) and a new paragraph (f).

The revisions and additions read as follows:

§ 478.102 Firearms sales or deliveries.

* * * * *

(d) *Exceptions to NICS check.* The provisions of paragraph (a) of this section do not apply if—

(1) The transferee has presented to the licensee a valid and unexpired permit (or license) that—

(i) Allows the transferee to possess, acquire, or carry a firearm;

(ii) Was issued not more than five years earlier by the state in which the transfer is to take place; and

(iii) The law of the state provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that the transferee possessing the firearm would be in violation of any applicable law.

(2) The firearm is subject to the provisions of the National Firearms Act and has been approved for transfer under 27 CFR part 479; or

(3) The licensee has applied for certification, in accordance with the provisions of § 478.150, and the Director has certified that compliance with paragraph (a)(1) of this section is impracticable.

(e) *Documenting an exception to NICS check.* * * *

(f) *Clarifications on exceptions to NICS check.* For purposes of paragraph (d) of this section:

(1) A permit (including a nominally ''lifetime'' permit or a permit nominally issued for more than five years) is deemed issued within the previous five years if:

(i) The law of the state requires that an authorized government official verify or reverify the information described in paragraph (d)(1)(iii) within the previous five years;

(ii) The authorized government official issuing the permit has complied with that legal requirement; and

(iii) The person possessing the qualifying permit presents documentation to a licensee prior to a firearm transfer that is from the authorized issuing government authority and establishes the permit's verification or reverification date.

(2) The phrase in paragraph (d)(1)(iii) of this section, ''only after an authorized government official has verified that the information available to such official,'' means that the state law provides that an official reviews information they received as a part of a National Instant Criminal Background Check System (NICS) check, or equivalent check, and determines, based on the information received and any other information readily accessible to that official, that the transferee possessing firearms would not be a violation of law, except that—

(i) If the Federal Bureau of Investigation does not make NICS available to the authorized government official who issues the license, the official verifies all the information that is otherwise available to the official; and

(ii) ''Information available to such official'' does not include information that can be obtained only through extraordinary effort, expense, or means.

(3) In assessing whether a state firearms permit qualifies under the exception codified at 18 U.S.C. 922(t)(3), ATF considers the law of the state, which includes state statutes and common law, state regulations having the force and effect of law, precedential judicial opinions, and any opinions of the executive branch that are binding and have the force and effect of law. The mere fact that permits may have been erroneously granted does not, by itself, establish the law of the state.

(4) Where a state has multiple procedures to issue a permit, only some of which qualify under 18 U.S.C. 922(t), a person may use a permit issued pursuant to a procedure qualifying under 18 U.S.C. 922(t), provided the qualifying permit has marks or labeling sufficient to distinguish it from other permits issued pursuant to non-qualifying procedures.

Robert Cekada,

Director.

[FR Doc. 2026–08918 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0133; ATF No. 2025R–18P]

RIN 1140–AA73

Clarifying Interstate Transportation of Firearms Under the Gun Control Act

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'')

regulations to clarify that, for purposes of transporting firearms interstate, any activities that are reasonably necessary to transportation such as staying overnight in temporary lodging, stopping for food, fuel, vehicle maintenance, an emergency, or medical treatment, or transiting between modes of transportation, are considered ''transport'' and thus protected by the Gun Control Act provision that addresses interstate transport of firearms. The proposed rule also addresses transporting ammunition and firearm accessories between states and the requirements for securing firearms during such transit.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA73, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226; *ATTN: ATF 1140–AA73.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA73) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments received from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Attorney General and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to ATF's jurisdiction on those topics, including under the National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

A. Statutory and Regulatory Provisions

Section 926A of the GCA provides that: ''Notwithstanding any other provision of any law or any rule or regulation of a state or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm *shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm* if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.'' (Emphasis added).

The implementing regulation at 27 CFR 478.38 contains substantively identical language. Neither the statute nor the regulation addresses transit when a person is between modes of transportation or when a firearm or ammunition is no longer in ''transport'' due to incidental activities arising during the person's continuous transport. The Department has previously advised that section 926A applies when (1) a person is traveling from somewhere he lawfully may possess and carry a firearm; (2) en route to the airport when the firearm is unloaded and not accessible from the passenger compartment of his car; (3) the person transports the firearm directly from his vehicle to the airline check-in desk without any interruption in the transportation; and (4) while carrying the firearm to the check-in desk, it is unloaded and in a locked container. *See* Letter to the Honorable Don Young, U.S. House of Representatives, from William E. Moschella, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice (Feb. 18, 2005). However, ATF has not codified this advice, nor has ATF extended section 926A to delays or a break in travel. ATF also has not codified how section 926A applies to the transportation of accessories, such as ammunition magazines, that would ordinarily be transferred with the firearm.

B. Justification for the Rule

Under two independent theories, ATF believes that section 926A properly

encompasses some transportation of a firearm outside of a transporting vehicle.

First, ATF believes that this is the best reading of the statute's plain text. Section 926A provides that a person may transport an unloaded firearm if ''neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle.'' 18 U.S.C. 926A. These provisions may be read independently: a requirement that firearms transported in vehicles not be ''directly accessible from the passenger compartment'' and a second requirement that firearms carried by means other than vehicles not be ''readily accessible.'' *See Ass'n of N.J. Rifle & Pistol Clubs Inc.* v. *Port Auth. of N.Y. & N.J.,* 730 F.3d 252, 258–59 (3d Cir. 2013) (Jordan, J., concurring in the judgment).

Legal and textual arguments support this conclusion. A firearm that is not ''directly accessible from the passenger compartment''—primarily, one stored in the vehicle trunk or truck bed—would already not be ''readily accessible'' because it would not be accessible for immediate use as a weapon. *See Henderson* v. *United States,* 687 A.2d 918, 922 (D.C. 1996) (holding that a firearm was not ''on or about'' the defendant's person when it was located in the trunk of his car for purposes of a D.C. Code violation); *id.* at 922 n.9 (explaining that ''the clear weight of authority in other jurisdictions'' holds that a firearm in a trunk is not readily accessible). If ''readily accessible'' modified only vehicular carry, it would be surplusage because it would already be covered by the requirement that the firearm and ammunition be stored outside the vehicle compartment (or in a locked container other than the glove compartment or console). The statute also repeats the word ''is,'' which gives some textual indication that these two disjunctive provisions are meant to be separate. *See Ass'n. of N.J. Rifle & Pistol Clubs Inc.,* 730 F.3d at 259 (Jordan, J., concurring). The statute also connects the vehicle to ''directly accessible'' when it states that the firearm may not be ''directly accessible from the passenger compartment of *such* transporting vehicle.'' 18 U.S.C. 926A. Relatedly, reading these provisions independently gives ''or'' its usual disjunctive application, *i.e.,* signaling separate meanings. And while the term ''can sometimes introduce an appositive—a word or phrase that is synonymous with what precedes it . . . —its ordinary use is almost always disjunctive, that is, the words it connects are to be given separate meanings.'' *United States* v. *Woods,* 571 U.S. 31, 45 (2013) (internal quotation marks omitted); *see also Loughrin* v. *United States,* 573 U.S. 351, 357 (2014) (''As we have recognized, that term's ordinary use is almost always disjunctive, that is, the words it connects are to be given separate meanings. Yet [Petitioner] would have us construe the two entirely distinct statutory phrases that the word 'or' joins as containing an identical element. And in doing so, his interpretation would make [the statute's] second clause a mere subset of its first . . . [This] construction thus effectively reads 'or' to mean 'including'—a definition foreign to any dictionary we know of.'') (internal citation and quotation marks omitted).

Nor does ATF read the proviso as altering the above analysis, in that the ''Provided'' language specifically references the clause directly preceding it, *i.e.,* ''in the case of a vehicle,'' and clarifies the unusual situation where a vehicle has a glove compartment or console but no trunk or truck bed. *See Las Vegas Sun, Inc.* v. *Adelson,* 147 F. 4th 1103, 1119 (9th Cir. 2025) (''As an initial matter, it is a well-established canon of construction that 'a proviso usually is construed to apply to the provision or clause immediately preceding it.' '' (quoting *Pacificorp* v. *Bonneville Power Admin.,* 856 F.2d 94, 97 (9th Cir. 1988)) (quoting 2A Sutherland on Statutes and Statutory Construction § 47.33, at p.245 (4th ed. 1984)); *see also* Antonin Scalia & Bryan A. Garner, Reading Law: the Interpretation of Legal Texts at 154 (2012) (stating that, under the ''proviso canon,'' a ''proviso conditions the principal matter that it qualifies—almost always the matter immediately preceding'').

Second, even assuming *arguendo* that these arguments are wrong—that the statute governs ''only transportation of a firearm in a vehicle,'' *Ass'n. of N.J. Rifle & Pistol Clubs Inc.,* 730 F.3d at 255 (majority op.)—ATF still believes that some non-vehicle transportation would be authorized under section 926A as incidental to the power to transport firearms in vehicles. The power to do an act carries with it incidental powers necessary to the act. For example, the right to keep and bear arms includes the right to purchase arms and ammunition. *See Andrews* v. *State,* 50 Tenn. 165, 178 (1871). A right to have a lawyer under the Sixth Amendment includes the right to pay that lawyer. *See Luis* v. *United States,* 578 U.S. 5, 27 (2016) (Thomas, J., concurring in the judgment). As Justice Thomas explained in *Luis,* ''Constitutional rights thus implicitly protect those closely related acts necessary to their exercise.'' *Id.* at 26.

This statement is true not just for constitutional rights, but for statutory rights as well. If federal law grants a right to do an act, it also grants the right to do those incidental acts necessary to make one's exercise of the right effective. Here, federal law already permits the interstate transportation of firearms in vehicles and aboard commercial aircraft, provided the firearms and ammunition are unloaded and not readily accessible or directly accessible from the passenger compartment of the transporting vehicle (with a special rule for vehicles without a separate compartment). 18 U.S.C. 926A (all vehicles); *see also* 49 U.S.C. 46505(d)(3) (aircraft baggage); 18 U.S.C. 922(e) (regulating firearms aboard all common or contract carriers). If section 926A covers transporting a firearm in the trunk of a motor vehicle and the baggage hold of a commercial aircraft, there are strong arguments that section 926A also covers transferring the firearm between the car and the airplane. *See* Stephen P. Halbrook, *Firearms Law Deskbook,* Section 4:9 (Oct. 2025 update) (In discussing section 926A, ''[t]he mode of transportation is not limited to any specific type and may encompass motor vehicles, airlines, trains, and other forms. Activities incidental to transportation, such as checking baggage with firearms at airports, stopping for fuel and eating, and similar activities are protected.''). ATF, thus, seeks comment on this understanding.

Courts attempting to determine the scope of section 926A have excessively narrowed its application. In *Revell* v. *Port Authority of New York and New Jersey,* the plaintiff, a Utah resident flying through New Jersey to Pennsylvania in 2005, missed his connecting flight and was forced to collect his baggage and spend the night in a hotel. 598 F.3d 128, 130–31 (3d Cir. 2010). The following morning, after declaring the unloaded firearm, he was arrested for illegal possession of a handgun and ammunition under New Jersey law. *Id.* at 131. Revell sued the arresting agency, Port Authority of New York and New Jersey, and the arresting officer under 42 U.S.C. 1983 alleging violations of his Fourth and Fourteenth Amendment rights and appealed the subsequent district court's decisions against him. *Id.* at 132–34. Although the court recognized that Revell had been placed in ''a difficult predicament through no fault of his own'' and had notified the airline about the firearm, the court found Revell's actions were

beyond the scope of section 926A because ''the gun and ammunition were readily accessible to Revell during his stay in New Jersey.'' *Id.* at 136–37. The court further suggested that ''[s]tranded'' gun owners like Revell also had the option to go to airport law enforcement or airport personnel before retrieving their luggage to request that they hold their firearms overnight. *Id.* at 137–38. Such options, however, are not ordinarily available. Airlines generally refuse to accept baggage more than a few hours before a flight,[3] and airport law enforcement does not customarily hold firearms, even for delayed passengers. In fact, the court in *Revell* recognizes that the idea to go to airport law enforcement was merely a ''suggestion'' and ''this suggestion leaves unanswered the question of what the gun owner should do if the law enforcement officers decline to assist him.'' *Id.* at 138 n.18.

In a companion case, *Ass'n of New Jersey Rifle & Pistol Clubs Inc., supra,* the Association sought injunctive relief pursuant to 42 U.S.C. 1983 to enjoin the Port Authority of New York and New Jersey from enforcing certain New Jersey statutes that prohibit possession of a firearm without a permit and possession of certain ammunition against non-resident members of the Association who are entitled to transport firearms through New Jersey pursuant to 18 U.S.C. 926A. 730 F.3d at 253. The Third Circuit affirmed the district court's denial of relief and held that ''the statute protects only transportation of a firearm in a vehicle'' and thus ''an ambulatory plaintiff who intends to transit through Newark Airport is outside the coverage of the statute.'' *Id.* at 255.

The *Revell* and *Ass'n of N.J. Rifle & Pistol Clubs* opinions cited above create illogical and unintended restrictions on a citizen's right to transport firearms interstate in the Third Circuit. The power to transport firearms in a continuous interstate journey via automobiles and aircraft also includes the incidental power to transit the firearm from one mode of transportation to the next. Indeed, individuals may find themselves transiting multiple vehicles during an interstate trip.

Take, for example, persons traveling by car from Maine, which generally does not require a permit to carry or possess firearms, to an airport in Massachusetts, a state requiring such permits, and then flying to West Virginia, where a permit is generally not required. It is clear that during any continuous travel by car, an individual meeting the conditions described would fall within the ambit of section 926A. It is equally clear that 18 U.S.C. 922(e) and 49 U.S.C. 46505 authorize passengers to transport their firearms aboard commercial aircraft, provided certain conditions are met. But under Third Circuit jurisprudence, section 926A seemingly offers no protection if a person lands at an airport outside their jurisdiction of origin, where they cannot possess or carry a firearm, but is delayed from boarding their flight to their ultimate destination until the next day; this person is without protection under 926A from the time he exits the airport until the next day when he checks the firearm in locked baggage to the airline in compliance with section 922(e). Congress sought to assure the right of individuals to travel in and between states with a firearm in passing section 926A; it is doubtful that Congress intended to open a window of criminal liability for travelers stranded through no fault of their own.

Similarly, individuals could be temporarily stranded because of vehicle problems. A person whose car breaks down or is involved in a car accident may have a need to transport a firearm from the broken-down vehicle to a new vehicle that is functioning (*e.g.,* a rental). Again, the best reading of section 926A—even a reading limited to vehicular carry—is that the power to travel interstate includes incidental acts that are reasonably necessary to facilitate that travel. These acts include stopping for fuel or rest or picking up or discharging passengers; otherwise, the statute would ignore the realities of interstate travel and protect only those fortunate enough to have an interstate journey that required no refueling or rest. Similarly, the power to transport firearms and ammunition includes incidental acts, such as the power to transport ammunition magazines that feed the ammunition into the firearm.

The doctrine of constitutional avoidance also supports this conclusion. Both the Third Circuit decisions narrowing section 926A were decided before *New York State Rifle & Pistol Ass'n* v. *Bruen,* 597 U.S. 1 (2022), where the Supreme Court specifically recognized the Second Amendment's protection to firearms possession outside of the home. While neither of the above opinions addressed the Second Amendment, their interpretation of section 926A may not comport with the Supreme Court's precedent on the Second Amendment, including *Bruen's* recognition that the right extends to publicly carrying firearms for self-defense. If individuals have a right to carry loaded, accessible firearms for self-defense at their places of origin and destination, it necessarily follows that they have, at a minimum, a right to transport unloaded firearms for self-defense and other lawful purposes at their place of destination. An excessively narrow interpretation of section 926A would not protect travelers from state or local laws that infringe on their right to bear arms. *See United States* v. *Rahimi,* 602 U.S. 680, 692 (2024) (''Even when a law regulates arms-bearing for a permissible reason, though, it may not be compatible with the right if it does so to an extent beyond what was done at the founding.''); *cf. Higbie* v. *James,* 795 F. Supp. 3d 307, 342–343 (N.D.N.Y. 2025) (holding that New York cannot exclude nonresidents from applying for a carry license in New York). As one commentator (who shares the *Bruen* dissent's restrictive understanding of the right to bear arms in public) explains, ''the general rule was that the law must be flexible enough to allow individuals some means to transport their firearms for lawful purposes, especially during travels from one destination to another.'' Patrick J. Charles, *The Second Amendment and the Basic Right to Transport Firearms for Lawful Purposes,* 13 Charleston L. Rev. 125, 150 (2018).

The proposed rule, thus, responds to the lack of clarity surrounding the interstate transportation of firearms and aims to prevent law-abiding persons from facing travel delays or arrest despite complying with ATF's reading of section 926A. *See Torraco* v. *Port Auth. of N.Y. & N.J.,* 539 F. Supp. 2d 632 (E.D.N.Y. 2008); *Revell* v. *Port Auth. of N.Y. & N.J.,* 598 F.3d 128 (3d Cir. 2010). Litigation in the wake of these instances has resulted in an overly narrow and burdensome application of the statute.

II. Proposed Rule

Based on current case law addressing section 926A regarding the right of a citizen to travel interstate with a firearm as well as cases recognizing that the Second Amendment, in part, secures the right to bear arms in public, ATF believes it is imperative to clarify the intended scope of section 926A in the

[3] American Airlines Check-in and Arrival, American Airlines, *https://www.aa.com/i18n/travel-info/check-in-and-arrival.jsp* [*https://perma.cc/89HA-78C6*] (listing airports with checked bag limits for more than four hours, six hours, and eight hours); Delta Check-In Times at U.S. Airports, Delta, *https://www.delta.com/us/en/check-in-security/check-in-time-requirements/domestic-check-in#:~:text=All%20customers%20are%20required%20to,prior%20to%20scheduled%20departure%20time* [*https://perma.cc/FX6A-NH83*] (stating Delta will not accept baggage at the airport more than six hours prior to the scheduled departure time).

accompanying regulation. Accordingly, the proposed rule amends 27 CFR 478.38 to clarify that incidental activities that are reasonably necessary to a person's interstate transportation are considered ''transport'' and thus within the scope of activities protected by 18 U.S.C. 926A and 27 CFR 478.38. This would include, but not be limited to, staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, transiting between modes of transportation, or moving a firearm at the beginning of a journey from a fixed address to a vehicle for transportation or at the end of a journey from a vehicle to a fixed address. Because section 926A provides a ''safe harbor'' for travelers and ''[a]ny regulatory preemption of State law shall be restricted to the minimum level necessary to achieve the objectives of the statute pursuant to which the regulations are promulgated,'' *see* E.O. 13132(4)(c), the proposed rule only protects reasonably necessary incidents of travel, such as stopping for fuel or temporary rest. The rule does not authorize, however, someone to have an extended break in transportation, for reasons unrelated to travel, in a jurisdiction where possession of the firearm or ammunition would be prohibited.

To ensure firearms are stored or transported in a manner consistent with sections 926A or 922(e), as the case may be, the proposed rule lays out the storage provisions depending on the mode of transportation (*e.g.,* by vehicle, by common or contract carrier) during travel. Additionally, the proposed rule addresses storage where there is an activity incidental to the original transportation that requires a break in continuous transit (*e.g.,* an overnight stay at a hotel), and storage in a vehicle is not possible. In this scenario, the proposed rule would stipulate that the firearm must be unloaded and must be in a locked container that makes it and any ammunition not readily accessible for immediate use. This is consistent with section 926A's admonition that ''during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible.''

Additionally, the proposed rule would make clear that the right to transport firearms also includes the concomitant incidental right to transport accessories and attachments of such firearms, such as ammunition, sights, and magazines. ATF believes this is the best interpretation of section 926A. Section 926A would not serve its intended purpose if state and local governments could indirectly restrict the transportation of firearms by enforcing transportation restrictions of items that are constituent parts and accessories of the firearms being transported, including ammunition and firearm magazines. Indeed, section 926A already implies that ammunition is covered by the entitlement to transport firearms when it states, ''and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, that in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.'' It would be a strange interpretation if federal law authorized the transportation of the firearm and the ammunition, but not the magazine that would feed the ammunition into the firearm. And the same impracticalities would apply to other accessories such as firearm sights.

The incidental power granted by this section would only apply to the transportation of lawfully possessed accessories. Accessories would not fall within the incidental protection offered by section 926A and this regulation if they were illegal under federal law (*e.g.,* an unregistered machinegun conversion device, *see* 18 U.S.C. 922(o)), or if they were illegal at the place of origin or destination. For example, a person could not claim protection by transporting a magazine over ten rounds of ammunition if his place of destination forbade such accessories.

Finally, this rule would include a severability paragraph in 27 CFR 478.38. Because the full scope of a person's incidental power to transport firearms, ammunition, and accessories in interstate commerce has not been elucidated through judicial review, the severability paragraph would provide that any invalid part of the regulation or any invalid application of the regulation should be severed and the remainder of the regulation would not be affected. This inclusion of the severability paragraph in section 478.38 should not be construed to suggest that other regulations in part 478 are inseverable. ATF has included (or intends to include) a severability discussion in the preamble of other proposed rules. The explicit severability paragraph in this section should not create a negative severability inference for any other rule or regulation.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This rule proposes to amend 27 CFR 478.38 to clarify the scope of 18 U.S.C. 926A in order to make clear that it covers the activities and breaks that are incidental to the original transportation and decreases the likelihood that a person traveling with their firearm or ammunition interstate will be charged for violating state firearm laws.

The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866. This rulemaking provides qualitative benefits to the public by clarifying how to comply with statutory provisions and existing standards on transporting firearms and ammunition interstate. However, ATF does not have sufficient information to calculate quantifiable savings. Therefore, ATF requests more information from the public regarding the economic effects that this rulemaking may have on the public and the regulated industries.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined

by Executive Order 12866 and it would not impose total costs greater than zero. In addition, ATF expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined in OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

ATF has concluded that this rulemaking may have some federalism implications as provided in Executive Order 13132 (Federalism) because it implements 18 U.S.C. 926A's statutory preemption provision, which creates a safe harbor for individuals transporting their firearm for a lawful purpose from any place where they may lawfully possess and carry such firearm to any other place they may lawfully possess and carry such firearm regardless of any other provision of law or regulation of a state or any political subdivision. Nevertheless, this proposed rule abides by the principle of section 4(c) of Executive Order 13132, which states that ''[a]ny regulatory preemption of State law shall be restricted to the minimum level necessary to achieve the objectives of the statute pursuant to which the regulations are promulgated.'' The proposed rule protects incidental activities that are reasonably necessary to a person's transport—for example, as stated above, food, fueling, lodging, an emergency, or medical treatment, or an unscheduled overnight stop due to airline or weather disruptions—consistent with section 926A's safe harbor provision.

ATF believes that rule would restrict preemption of state law to the minimum level necessary to achieve the objectives of section 926A as described above and that it would not impose a financial cost to state or local agencies. Further, ATF anticipates that this rule would provide qualitative benefits to the public by providing the best reading of the federal provisions and clarifying how individuals may lawfully transport their firearms and ammunition interstate. However, ATF recognizes that some states may have more restrictive laws that could be impacted by this rule, but ATF does not have sufficient information to assess the scope of state regulation or the costs on states that could be impacted. Therefore, ATF is soliciting comments from state and local governments on any potential preemption impacts stemming from ATF's proposed interpretation of section 926A's safe harbor provision.

ATF notes that it had an opportunity to inform some state officials of this proposed rule during a Federal Bureau of Investigation Criminal Justice Information Service System Officers meeting and encouraged them to comment on any potential federalism impacts that the rule might have on states. One state representative commented that section 926A should extend to overnight breaks in travel to accommodate rest breaks. ATF agreed and has included overnight breaks in this proposed rule.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities because it would not impose any additional costs and only clarifies the provisions of 18 U.S.C. 926A, which concern the rights of individuals who are lawfully transporting firearms and ammunition interstate.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would not create any new information collection requirements or impact any existing ones covered by the PRA.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA73 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such PII in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section

IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA73. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and it may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size and include the commenter's first and last name and full mailing address and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA73).

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Revise § 478.38, including its heading, to read as follows:

§ 478.38 Transporting firearms, ammunition, and accessories between states.

(a) Notwithstanding any other provision of any law or any rule or regulation of a state or any political subdivision thereof, any person who is not otherwise prohibited by chapter 44 of title 18, United States Code, from transporting, shipping, or receiving a firearm is entitled to transport a firearm for any lawful purpose from any place where such person may lawfully possess and carry such firearm to any other place where such person may lawfully possess and carry such firearm, consistent with paragraph (b) of this section. The right to transport firearms under this section also includes the right to transport ammunition and accessories for the firearm consistent with paragraph (b) of this section. Protected transportation under this section includes reasonably necessary activities incidental to interstate travel, such as staying in temporary lodging overnight, transiting between modes of transportation, stopping for food, fuel, vehicle maintenance, an emergency, or medical treatment, picking up or discharging passengers, moving a firearm at the beginning of a journey from a fixed address to a vehicle for transportation or at the end of a journey from a vehicle to a fixed address, and any other activity incidental to the original transportation.

(b) When transporting firearms under this section:

(1) Firearms and ammunition in a vehicle must comply with the conditions set forth in 18 U.S.C. 926A. When a person is transporting a firearm in a vehicle, the firearm must be unloaded, and neither the firearm nor

any ammunition being transported may be directly accessible from the passenger compartment of the vehicle. If the vehicle is without a compartment separate from the driver's compartment, the firearm or ammunition must be contained in a locked container other than the glove compartment or console.

(2) If the journey includes transporting firearms or ammunition by a common or contract carrier, persons must also comply with 18 U.S.C. 922(e), 27 CFR 478.31, and, for travel aboard commercial aircraft, 49 U.S.C. 46505(d)(3).

(3) If the journey requires a break in continuous transit (*e.g.,* an overnight stay in a hotel) that is reasonable in the circumstances and it is not possible to store the firearm in the vehicle, the person must store the unloaded firearm and ammunition in a locked container so they are not readily accessible for immediate use.

(4) A person switching between vehicles or modes of transportation shall keep the firearm unloaded and keep it and any ammunition in a locked container so they are not readily accessible for immediate use.

(5) A person does not lose 18 U.S.C. 926A's in-transit protection by presenting the firearm or ammunition for inspection when required by a common carrier, the Transportation Security Administration, or U.S. Customs and Border Protection.

(6) Individuals also have the right to transport attachments, accessories, or other instruments for the firearms they are transporting, including, but not limited to, ammunition (regardless of bullet type), scopes, sights, optics, stocks, grips, stabilizing braces, mounts, weapon-mounted lights, multifunction aiming lights, magazines, clips, feed strips, any other ammunition feeding device, holsters, slings, and firearm cleaning kits. Any such item the person transports must be lawful under federal law and must also be lawful in both the place where travel began and at the destination. To have the transportation rights conferred by this paragraph and by 18 U.S.C. 926A for an attachment, accessory, or other instrument, any such item being transported with the firearm must be transported in the manner provided by paragraph (b)(1), (b)(3), or (b)(4), as applicable.

(c) If any portion of this section, or its application to any person or any circumstance, is held invalid, the remainder of this section and the application of such portion to other persons not similarly situated or to other circumstances shall not be affected. The existence of an explicit severability clause in this paragraph shall not be construed as an indication that any other section in part 478, portion of such sections, or application of such sections or portions to any person or in any circumstance are not similarly severable.

Robert Cekada,

Director.

[FR Doc. 2026–08916 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF–2026–0013; ATF No. 2025R–41P]

RIN 1140–AA78

Firearms Transactions and Straw Purchases

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to provide clarity for conduct prohibited by federal law commonly referred to as a straw purchase.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA78, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; *ATTN: RIN 1140–AA78.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA78) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI/PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI/PRVCY'' for PII, or as ''CUI/PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (''GCA''), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.[1] *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the

[1] Some GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

responsibility for administering and enforcing the GCA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

The GCA, 18 U.S.C. 921–934, is a comprehensive federal firearms regulatory scheme. For example, section 922 prohibits certain firearm transactions and makes certain individuals ineligible to possess or receive a firearm; section 923 sets forth the licensing requirements for certain individuals and organizations engaged in the firearms business and their legal obligations during a firearm transfer to an unlicensed person; and section 924 sets forth the penalties for substantive statutory violations.

When an individual seeks to acquire a firearm from a federal firearms licensee (''FFL''), the parties must comply with a series of statutory and regulatory requirements, to include identification verification requirements. This allows FFLs to verify that the person receiving the firearm at the point of purchase/transfer (*i.e.,* the immediate transferee) may lawfully possess the firearm. Additionally, properly identifying the immediate transferee of the firearm in the FFL's records is a critical step in aiding law enforcement with tracing a firearm used in violent crime. A straw purchase case arises when the immediate transferee provides false information on the ATF Form 5300.9, Firearms Transaction Record (''Form 4473'') that is material to the lawfulness of the firearm transfer, or the immediate transferee purchases a firearm with intent to convey the firearm to a prohibited person, a person who intends to commit a felony, federal crime of terrorism, or a drug trafficking crime, or a person who intends to transfer the firearm to a prohibited person. Commonly, the true purchaser/ultimate recipient of the firearm is ineligible to lawfully purchase a firearm; or, for any other reason does not want to undergo a background check, complete the required Form 4473, and be documented as the purchaser. The use of a straw purchaser effectively hides the identity of the true purchaser/ultimate recipient of the firearm and circumvents the regulatory requirements for a firearm transfer by forgoing background checks and impeding the ability of law enforcement to trace guns involved in the commission of a crime to the true purchaser/ultimate recipient.

Traditionally, federal law did not define the term ''straw purchase'' in statute or regulation. The legal doctrine concerning straw purchase currently involves three federal provisions: 18 U.S.C. 922(a)(6), 924(a)(1)(A), and 932. Prior to the enactment of the Bipartisan Safer Communities Act (''BSCA'') in 2022, sections 922(a)(6) and 924(a)(1)(A) encompassed the criminal conduct of providing false information to an FFL as part of a straw purchase. Criminal conduct under these sections is commonly known as ''lying and buying'' because section 922(a)(6) criminalizes a person, in connection with the acquisition or attempted acquisition of a firearm or ammunition from an FFL, knowingly making any false or fictitious statement or exhibiting false, fictitious, or misrepresented identification, which is intended or likely to deceive the FFL with respect to any fact material to the lawfulness of the sale or other disposition under the provisions of 18 U.S.C. chapter 44.

Similarly, section 924(a)(1)(A) makes it unlawful to knowingly make any false statement or representation with respect to the information required to be kept in the records of an FFL. Both statutory provisions criminalize ''straw purchasing'' by focusing on the false statement or representation by the immediate transferee to the FFL. Commonly, a false statement by the immediate transferee on the Form 4473 that they are the actual buyer when buying the firearm for someone else is the basis for criminal prosecution because the immediate transferee causes the FFL to record the incorrect transferee in the acquisition and disposition record that the FFL is required to maintain.

The straw-purchase doctrine that grew around these criminal provisions had an ambiguity concerning materiality. Initially, ATF maintained a narrower interpretation of straw purchasing because it viewed it as occurring only when a person purchased a firearm on behalf of the actual purchaser who was a prohibited person. This is the ''narrower'' understanding of a straw purchase. In other words, ATF did not deem purchasing a firearm on behalf of an eligible buyer to be a materially false statement to the transaction. *See* ATF Industry Circular 79–10 (Aug. 7, 1979), *reprinted in* (Your Guide To) Federal Firearms Regulation 78, *https://www.ojp.gov/ncjrs/virtual-library/abstracts/your-guide-firearms-regulation-1978* [*https://perma.cc/VDF9-3LSM*]. This position changed in 1994 when ATF adopted a broader understanding of the term straw purchase. There is case law to support the position that 18 U.S.C. 922(a)(6) can be charged where the actual purchaser participating in the straw purchase is qualified to purchase a firearm and a false statement is made concerning the true purchaser of the firearm. This false statement is ''material to the lawfulness of the sale.'' *See United States* v. *Ortiz-Loya,* 777 F.2d 973, 979 (5th Cir. 1985); *see also United States* v. *Carter,* 60 F.3d 825 (4th Cir. 1995).

Congress codified the narrower understanding of the straw purchase doctrine, *i.e.,* a purchase for a prohibited person or person falling into other categories identified by Congress, when it passed BSCA in 2022. In BSCA, Congress added 18 U.S.C. 932, which prohibits any person from knowingly purchasing, or conspiring to purchase, any firearm in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of another person knowing or having reasonable cause to believe such other person is prohibited from possessing firearms; intends to use or carry the firearm in furtherance of a felony, a federal crime of terrorism or a drug trafficking crime; or intends to sell or give the firearm to any person who is prohibited or a person who intends to use or carry the firearm in furtherance of a felony, a federal crime of terrorism, or a drug trafficking crime. Notably, unlike sections 924(a)(1)(A) and 922(a)(6), this section applies to any purchase or disposition of a firearm, not just transfers from FFLs.

As mentioned above, it was in 1994 when ATF concluded that purchasing a firearm on behalf of another person qualified as a materially false statement even if the other person (the actual purchaser or ultimate recipient) was not prohibited from possessing a firearm under federal law. In reaching this conclusion, ATF noted that these types of purchases inhibited the ability to trace firearms and resulted in the failure to complete a background check mandated by the Brady Act on the actual purchaser or recipient of the firearm.

In 2014, the Supreme Court agreed with the broader understanding of straw purchase. In *Abramski* v. *United States,* 573 U.S. 169 (2014), the Supreme Court

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations relating to matters within ATF's jurisdiction, including under the National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

held that a transferee's false statement to an FFL dealer that he was the actual purchaser on a Form 4473 was a violation of 18 U.S.C. 922(a)(6) and 924(a)(1)(A) regardless of whether the true purchaser and ultimate recipient could legally possess the firearm. Like ATF, the Court noted that these statements inhibited background checks and firearm tracing. Following *Abramski,* a straw purchase under sections 922(a)(6) and 924(a)(1)(A) hinges on false statements by the individual involved in the firearms transaction to the FFL regardless of whether the true purchaser and ultimate recipient of the firearm is prohibited from receiving a firearm under federal law.

In accordance with the broader understanding of straw purchasing, versions of the Form 4473 issued after 1994 have required the transferee to certify that he is the ''actual transferee/buyer'' of the firearm. The Form 4473 has included instructions, which have evolved over time, as to when a person is the ''actual transferee/buyer.'' As of this drafting, the current Form 4473 (revised Aug. 2023) advises that a person is an actual transferee/buyer if he/she is purchasing or acquiring a firearm for him/herself (*e.g.,* redeeming the firearm from pawn, retrieving it from consignment, firearm raffle winner) or if purchasing the firearm as a bona fide gift for a third party. The Form 4473 also advises that a ''gift is not bona fide if another person offered or gave the person completing this form money, service(s), or item(s) of value to acquire the firearm for him/her, or if the other person is prohibited by law from receiving or possessing the firearm.'' The Form 4473 (revised Aug. 2023) continues with examples of when a person is not considered the ''actual transferee/buyer'' of the firearm. Specifically,

> Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith (who may or may not be prohibited). Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is NOT THE ACTUAL TRANSFEREE/BUYER OF THE FIREARM.'' However, if ''Mr. Brown buys the firearm with his own money to give to Mr. Black as a gift (with no service or tangible thing of value provided by Mr. Black), Mr. Brown is the actual transferee/buyer of the firearm.''

ATF has always understood the broader straw purchase doctrine to exclude certain firearm acquisitions on behalf of another. Most notably, a straw purchase does not occur when a person purchases a firearm as a bona fide gift for another as the gift giver (*i.e.,* the actual purchaser) receives nothing of value for the firearm from the gift recipient. If, however, a person receives money or other value from the intended recipient, then the purchase is not a gift, and the intended recipient is the true purchaser.

Additionally, ATF has long understood the straw-purchase doctrine to exclude instances where parents purchase firearms on behalf of their minor children. *See* Firearms Regulation Guide (1978) at 82 (''A parent or guardian may purchase firearms and ammunition for a juvenile. GCA age restrictions are intended only to prevent juveniles from acting without their parents' or guardians' knowledge.'')]; *see also* Firearms Regulation Guide (1988–89) at 84 (advising the same). In this scenario, the parent purchases the firearm and takes responsibility for the weapon. The age restrictions in the GCA were designed to stop the unsupervised acquisition of firearms by minors; the GCA was not intended to prevent lawful possession or use by a minor. *See* S. Rep. No. 90–1097, at 79 (1968) (explaining that under the GCA ''a minor or juvenile would not be restricted from owning or learning the proper usage of the firearm,'' as any firearm ''which his parent or guardian desired him to have could be obtained for the minor or juvenile by the parent or guardian.''). There are additional scenarios that are not considered straw purchases, including pawn redemption or consignment and storage pick-up. The instructions on the current Form 4473 provide: ''For purposes of this form, a person is the actual transferee/buyer if he/she is . . . acquiring the firearm for him/herself. (*e.g.,* redeeming the firearm from pawn, retrieving it from consignment, firearm raffle winner.).'' Form 4473, Firearms Transaction Record (Revised Aug. 2023), *https://www.atf.gov/firearms/docs/4473-part-1-firearms-transaction-record-over-counter-atf-form-53009/download* [*https://perma.cc/H2R2-G6PR*].

ATF has also permitted the retrieval of firearms left for repair for another person provided the person receiving the firearm is not prohibited. The Form 4473 (revised Aug. 2023) under Question 21.a. currently provides that, ''[i]f you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a.,'' which asks whether the individual is the actual transferee/buyer of the firearm listed on the form. Although the individual acquiring the firearm from the FFL is not the actual transferee or ultimate recipient, ATF does not consider a straw purchase to have occurred in these kinds of limited scenarios.

ATF has recently received inquiries regarding the gift of firearms or the purchase of firearms as marital property. This has led to some confusion among FFLs whether a purchase may be completed using money from a spouse or with a spouse present. ATF also continues to receive questions seeking clarification regarding who the actual transferee or purchaser of a firearm is for transactions involving redemptions from pawn, gunsmith repairs, consignment, storage, and bona fide gifts. In light of the need for more clarity to distinguish between the illegal conduct that constitutes a straw purchase and other behavior that does not come within ATF's historical understanding of a straw purchase, this rule proposes to add 27 CFR 478.105 to clarify the legal distinctions between unlawful straw purchases and lawful third-party transfers.

II. Proposed Rule

The rule proposes to create a new section in part 478 that would restate the law of straw purchasing. Paragraph (a) of the new section would make clear that a buyer of a firearm may not obtain a firearm from an FFL by being a straw purchaser and an FFL may not sell a firearm to a person who he knows or has reasonable cause to believe is a straw purchaser.

The remainder of the new section would describe who a ''straw purchaser'' is to explain two types of straw purchases. The new section would clearly demarcate two types of straw purchasing: (1) straw purchasing by making a material misstatement, which is elaborated by paragraphs (b)–(d), and (2) straw purchasing by purchasing for a prohibited person, which is elaborated by paragraph (e).

Paragraphs (b) and (c) would explain the longstanding interpretation of 18 U.S.C. 922(a)(6) as applied to straw purchasing, consistent with federal case law and the broader understanding of straw purchase (*i.e.,* purchasing on behalf of another person even if that person is not a prohibited person under the GCA). Particularly, paragraph (c) would delineate categories of lawful transactions that do not constitute straw purchases under paragraph (b), such as bona fide gifts, parental purchases for a ''minor child'' (which would be defined in paragraph (d)), purchases among spouses, and redemption or repair of firearms by their lawful owners. Importantly, these exceptions cover only straw purchases by material misstatement.

Paragraph (e) would address a different kind of straw purchasing: the purchase of a firearm for a prohibited

person. Congress codified this kind of straw purchasing as a criminal offense in 18 U.S.C. 932. This regulation reiterates and clarifies those prohibited transactions. Paragraph (e) would clarify that the exceptions listed in paragraph (c) to straw purchases by material misstatements do not apply to the prohibition against making straw purchases for a prohibited person. This clarification is important especially in cases of spousal transfers. A common straw purchase transaction involves one spouse purchasing on behalf of a prohibited spouse. This rule would make clear that such conduct is prohibited. On the other hand, among two spouses who may lawfully possess firearms and live at the same address, it does not matter which spouse fills out the form or hands over the money. Both the firearm and the funds used to pay for it will likely be martial property. For tracing purposes, the form will identify the name of a responsible adult who acquired the firearm and the correct address where that person lives. The exceptions to straw purchasing for spouses and for minor children under age 21 reflect that ATF will not micromanage family affairs. ATF retains an interest in such transactions only when a member of the family is prohibited by law from possessing a firearm.

As discussed above, the GCA is a comprehensive federal firearms regulatory scheme that was enacted to reduce violent crime by preventing felons and other prohibited persons from acquiring firearms. It ensures that the federal government can trace firearms involved in a crime to locate the perpetrator(s) through accurate records of FFLs showing the actual purchasers of the firearms and provide crime gun intelligence to locate and disrupt firearm trafficking networks using multiple sale reports with accurate purchaser information. ATF uses the crime gun intelligence model because it focuses on generating actionable intelligence related to connecting, identifying, and disrupting firearms violence through evidence-based methods using forensics and law enforcement investigations.[3] These objectives are enforced through a combination of background checks, identification verification, and accurate record-keeping by FFLs, all of which depend on truthful identification of the actual transferee or purchaser. Straw purchasing undermines the statutory objectives of the GCA by subverting this regulatory framework.

While such conduct must remain clearly unlawful, not all third-party acquisitions are improper. As described above, longstanding ATF guidance has acknowledged that individuals may purchase firearms as bona fide gifts for others, provided no compensation is received and the recipient is not otherwise prohibited. Federal law does not bar private transfers or gifts between unlicensed persons residing in the same state as long as neither party is a prohibited person and such transfer does not violate any state or federal laws. Federal law does not bar private transfers or gifts between unlicensed persons residing in different states as long as the transfer is facilitated by an FFL in each of the respective states. As the Supreme Court emphasized in *FDA* v. *Brown & Williamson Tobacco Corp.,* 529 U.S. 120, 133 (2000), statutory interpretation must be guided by common sense.

Accordingly, ATF believes that by articulating these distinctions in regulation, the proposed § 478.105 will enhance industry compliance, assist law enforcement, and reduce confusion regarding the legality of common firearm transfers. It would also ensure consistent terminology and reinforce the GCA's goals without impeding lawful conduct.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rule would amend 27 CFR part 478 to provide clarity to both FFLs and non-licensees regarding conduct that has been recognized by the courts and ATF as rising to the level of a straw purchase, which is prohibited by federal law.

The Office of Management and Budget (''OMB'') has determined that this proposed rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. This proposed rulemaking provides qualitative benefits to the firearms industry and firearms purchasers by providing clarity on the scope of what constitutes unlawful straw purchasing. However, ATF does not have sufficient information to calculate quantifiable savings and thus requests more information from the public regarding the economic effects this rulemaking may have on the public and the regulated industries.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero.

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or

[3] *See ATF.gov,* Crime Gun Intelligence, *https://www.atf.gov/resource-center/infographics/crime-gun-intelligence* [*https://perma.cc/NSB6-HFJ9*].

meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities because it would simply provide clarity on the scope of what constitutes unlawful straw purchasing based on existing case law and long-standing agency guidance. This proposed rule will not impose any additional costs.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would not create any new information collection requirements or impact any existing ones covered by the PRA.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. ATF also requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA78 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI/PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference RIN 1140–AA78. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI/PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business

information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

• *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA78).

List of Subjects in 27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and record-keeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 478 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

■ 2. Add § 478.105 to subpart F to read as follows:

§ 478.105 Straw purchases prohibited.

(a) *Prohibited conduct.*

(1) A person may not obtain a firearm from a person licensed under this part by being a straw purchaser of a firearm.

(2) A licensed importer, manufacturer, dealer, or collector may not sell or deliver a firearm knowing or having reasonable cause to believe that the person to whom the licensee transfers the weapon is a straw purchaser.

(3) A ''straw purchaser'' within the meaning of this section includes:

(i) Any person engaged in a straw purchase by making a material false statement, as described in paragraph (b) of this section; and

(ii) Any person engaged in a straw purchase by purchasing for a prohibited person described in paragraph (e) of this section.

(b) *Straw purchases by making a material false statement.* A straw purchase occurs when a person provides material false or fictitious information to a licensed importer, manufacturer, dealer, or collector that the person is the actual purchaser of the firearm when, in fact, the person is acquiring the firearm on behalf of another person.

(c) *Exclusions.* A straw purchase by material false statement, as described in paragraph (b), does not include any of the following activities:

(1) Purchasing a firearm as a bona fide gift for a third party. A transaction does not involve a bona fide gift if the purchaser accepts money, services, or any other consideration of value in exchange for acquiring the firearm.

(2) Purchasing a firearm by a parent or guardian for his or her minor child;

(3) Acquiring or receiving a firearm by a spouse when the other spouse has paid for the firearm, provided that both spouses live at the same address;

(4) Redeeming a firearm from pawn or consignment by the lawful owner;

(5) Retrieving a repaired firearm by an individual for a third party;

(6) Collecting a firearm as the winner of a raffle or other award;

(7) Collecting a firearm that was a bona fide gift from another; or

(8) Transferring a firearm in accordance with a lawful inheritance or bequest.

(d) *Minor child.* For purposes of the exception in paragraph (c)(2) of this section, a ''minor'' is a person under the age of 21. Paragraph (c)(2) of this section shall not be construed to authorize a juvenile, as defined in 18 U.S.C. 922(x)(5), to possess a handgun when prohibited by law.

(e) *Straw purchases by purchasing for a prohibited person.*

(1) A straw purchase occurs when a person knowingly purchases, or conspires to purchase, any firearm on behalf of, or at the request or demand of any other person, knowing or having reasonable cause to believe that such other person:

(i) Is prohibited from receiving a firearm under 18 U.S.C. 922(d); or

(ii) Intends to use, carry, possess, or sell, or otherwise dispose of a firearm in furtherance of a felony, a federal crime of terrorism, or a drug trafficking crime; or

(iii) Intends to sell or otherwise dispose of the firearm to another person described in paragraphs (i) or (ii).

(2) The exceptions listed in paragraph (c) of this section to straw purchasing by a material false statement do not apply to a straw purchase by a prohibited person.

Robert Cekada,

Director.

[FR Doc. 2026–08922 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Parts 478 and 479

[Docket No. ATF–2026–0335; ATF No. 2025R–11P]

RIN 1140–AA98

Removing Factoring Criteria for Firearms With Attached ''Stabilizing Braces''

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') is proposing to amend Department of Justice (''Department'') regulations on firearms with attached stabilizing braces. Courts have found that ATF's revisions in the 2023 final rule on the same topic violated the Administrative Procedure Act. Several courts have enjoined, stayed, or vacated the final rule, which has rarely been in effect. ATF is therefore proposing to remove from the regulatory definitions of ''rifle'' the two paragraphs added by the 2023 final rule that defined the term ''designed or redesigned, made or

remade, and intended to be fired from the shoulder.''

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA98, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226; *ATTN: RIN 1140–AA98.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA98) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act (''GCA''), as amended, and the National Firearms Act (''NFA''), as amended.[1] This includes the authority to promulgate regulations necessary to enforce the provisions of the GCA and NFA. *See* 18 U.S.C. 926(a); 26 U.S.C. 7801(a)(2)(A)(ii), 7805(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA and NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations implementing both the GCA and the NFA in 27 CFR parts 478, 479. ATF's Firearms and Ammunition Technology Division (''FATD''), Office of Enforcement Programs and Services (''EPS''), classifies firearms pursuant to the GCA and NFA. FATD supports the firearms industry and the general public by, among other things, responding to technical inquiries and by testing and evaluating firearms voluntarily submitted to ATF for classification under federal law.

Firearms are treated differently under the GCA and the NFA. Congress passed the NFA to regulate certain weapons that were viewed as especially adaptable to criminal misuse. As a result, NFA firearms must be registered with ATF. 26 U.S.C. 5811, 5821, 5841, 5845. Additionally, NFA firearms were generally subject to special making and transfer taxes. However, the One Big Beautiful Bill Act became law on July 4, 2025, and it amended the NFA to require that the making and transfer taxes for all NFA firearms, other than machine guns and destructive devices, be reduced to $0 effective January 1, 2026. A weapon classified as a ''firearm'' under only the GCA is not subject to transfer taxes or additional registration, even though it is still subject to record-keeping requirements, serialization, interstate controls, and potential taxation under 26 U.S.C. 4181. Because of these differences, it matters a great deal whether a firearm falls under the NFA.

One kind of firearm covered by the NFA is ''a rifle having a barrel or barrels of less than 16 inches in length,'' or ''a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.'' 26 U.S.C. 5845(a)(3), (a)(4). Therefore, determining whether a firearm falls under the NFA sometimes turns on whether a firearm is classified as a ''rifle.''

The GCA defines ''rifle'' as ''a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.'' 18 U.S.C. 921(a)(7). Similarly, the NFA defines ''rifle'' as ''a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.'' 26 U.S.C. 5845(c). For a long time, ATF's regulations incorporated these different statutory definitions. *See* 27 CFR 478.11; 27 CFR 479.11.

On November 8, 2012, a federal firearms licensee submitted the first firearm ''stabilizing brace'' to ATF, asking if adding its prototype device to a heavy pistol, such as an AR-type pistol, would change the pistol's classification to a rifle under federal firearms laws. The submitter described the brace device as designed to assist people with disabilities or limited strength or mobility in firing heavy

[1] Some NFA and GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

pistols safely and comfortably. FATD ultimately concluded that attaching the brace would not alter the classification of a pistol or other firearm and thus would not subject them to the provisions of the NFA. In the years following this initial classification, FATD received a number of inquiries regarding other firearms equipped with braces of varying designs and materials, some of which FATD concluded were ''rifles.''

On June 10, 2021, ATF issued an NPRM seeking to clarify and define ''rifle'' to include pistols with an attached ''stabilizing brace'' if the weapon ''has objective design features and characteristics that facilitate shoulder fire,'' as indicated on ATF Worksheet 4999.[3] ATF received over 237,000 comments on the NPRM, many of which criticized the proposed ATF Worksheet 4999 as being too confusing and unnecessarily complex.

On January 13, 2023, the Attorney General signed ATF Final Rule 2021R–08F, ''Factoring Criteria for Firearms with Attached 'Stabilizing Braces' '' (''2023 final rule''). The 2023 final rule did not adopt the proposed Worksheet 4999, but it outlined the factors ATF would consider when evaluating firearms equipped with a ''stabilizing brace'' (or other rearward attachment) to determine whether these weapons would be considered a ''rifle'' or ''short-barreled rifle'' under the GCA, or a ''rifle'' or ''firearm'' subject to regulation under the NFA. The 2023 final rule was published in the **Federal Register**.[4] Those possessing firearms with a stabilizing brace that were considered short-barreled rifles under the 2023 final rule, and thus subject to the registration requirements of the NFA, had until May 31, 2023, to register the firearm tax free.

Specifically, the 2023 final rule amended definition of ''rifle'' in 27 CFR 478.11 and 479.11 to provide that the term ''designed, redesigned, made or remade, and intended to be fired from the shoulder'' includes a weapon that is equipped with an accessory, component, or other rearward attachment (*e.g.,* a ''stabilizing brace'') that provides surface area allowing the weapon to be fired from the shoulder, provided other factors, as listed in the definition, indicate the weapon is designed and intended to be fired from the shoulder. These other factors are: (1) whether the weapon has a weight or length consistent with the weight or length of similarly designed rifles; (2) whether the weapon has a length of pull, measured from the center of the trigger to the center of the shoulder stock or other rearward accessory, component or attachment that is consistent with similarly designed rifles; (3) whether the weapon is equipped with sights or a scope with eye relief that require the weapon to be fired from the shoulder in order to be used as designed; (4) whether the surface area that allows the weapon to be fired from the shoulder is created by a buffer tube, receiver extension, or any other accessory, component, or other rearward attachment that is necessary for the cycle of operations; (5) the manufacturer's direct and indirect marketing and promotional materials indicating the intended use of the weapon; and (6) information demonstrating the likely use of the weapon in the general community. Those affected by the 2023 final rule who did not want to register their firearms were given the following options: (1) remove the short barrel and attach a 16-inch or longer rifled barrel to the firearm; (2) permanently remove and dispose of, or alter, the ''stabilizing brace'' such that it cannot be reattached; (3) turn the firearm into the local ATF office; or (4) destroy the firearm.[5]

Within weeks of the 2023 final rule's effective date, several lawsuits had been filed, all of which alleged violations of the Administrative Procedure Act (''APA''). In several of these lawsuits, United States District Courts in Texas granted motions to preliminarily enjoin the 2023 final rule.[6] The Eighth Circuit and the United States District Court for the Middle District of Florida also enjoined ATF from enforcing the final rule, and the Northern District of Texas ultimately vacated the final rule in its entirety in June 2024. In short, the 2023 final rule was preliminarily enjoined in multiple jurisdictions prior to the vacatur on the merits in June 2024.

The Fifth Circuit. In the Northern District of Texas, William T. Mock, Maxim Defense Industries, LLC, and the Firearms Policy Coalition, Inc., moved to preliminarily enjoin the 2023 final rule. On March 30, 2023, the district court denied the motion for preliminary injunction.[7] The plaintiffs appealed the order to the Fifth Circuit, and on May 23, 2023, a motions panel of the Fifth Circuit issued an injunction pending appeal of the 2023 final rule as to the plaintiffs.[8] Other district courts in Texas soon followed suit and granted preliminary injunctions to additional plaintiffs pending the *Mock* appeal.[9] By mid-June 2023, ATF was preliminarily enjoined from enforcing the 2023 final rule as to two manufacturers and their customers, four nationwide advocacy groups and their members, one state's employees and agencies, and eight individuals.[10] On August 1, 2023, the Fifth Circuit reversed the district court's denial of a preliminary injunction in *Mock,* held that the plaintiffs were likely to prevail on the merits, and remanded the case to the district court.[11] The district court subsequently entered a preliminary injunction as to the plaintiffs in that case. Then, on November 8, 2023, a separate district court in the Northern District of Texas universally stayed the 2023 final rule under 5 U.S.C. 705 in its entirety nationwide.[12] Several months later, on June 13, 2024, the district court in *Mock* granted the plaintiffs' motion for summary judgment, denied the Government's motion for summary judgment, and universally vacated the final rule. On August 26, 2024, the Fifth Circuit dismissed all pending appeals regarding preliminary injunctions in Texas district courts as moot after the June 13, 2024, decision in *Mock.*[13]

The Eleventh Circuit. On January 26, 2024, the Middle District of Florida granted a preliminary injunction that has effectively prevented the Government from enforcing the 2023 final rule against the named plaintiffs and past and future customers of the plaintiffs residing in Florida.[14] The district court found there would be irreparable harm to plaintiffs challenging the 2023 final rule and that

[3] *See* 86 FR 30826.

[4] *See* Factoring Criteria for Firearms With Attached ''Stabilizing Braces,'' 88 FR 6478 (Jan. 31, 2023).

[5] *Id.*

[6] *Mock* v. *Garland,* No. 4:23–CV–00095–O, 2024 WL 2982056, at *1 (N.D. Tex. June 13, 2024), *appeal dismissed as moot sub nom., Watterson* v. *Bureau of Alcohol, Tobacco, Firearms, & Explosives,* No. 23–11157, 2024 WL 3935446 (5th Cir. Aug. 26, 2024).

[7] *Mock* v. *Garland,* 666 F. Supp. 3d 633 (N.D. Tex. 2023).

[8] Order, *Mock* v. *Garland,* No. 23–10319 (5th Cir. May 23, 2023), Dkt. 52.

[9] *See, e.g., Second Amend. Found.* v. *ATF,* No. 3:21–CV–0116–B, 2023 WL 4504587, at *1 (N.D. Tex. May 31, 2023).

[10] *See id.;* Order, *Britto* v. *ATF,* No. 2:23–CV–019–Z (N.D. Tex. May 31, 2023), Dkt. 59; Order, *Texas* v. *ATF,* No. 6:23–CV–00013 (S.D. Tex. May 31, 2023), Dkt. 51; Order, *Watterson* v. *ATF,* No. 4:23–cv–80 (E.D. Tex. June 7, 2023), Dkt. 37.

[11] *Mock* v. *Garland,* 75 F.4th 563 (5th Cir. 2023).

[12] *Britto* v. *ATF,* No. 2:23–CV–019–Z, 2023 WL 7418291, at *5 (N.D. Tex. Nov. 8, 2023), *appeal dismissed as moot sub nom. Watterson* v. *ATF,* No. 23–11157, 2024 WL 3935446 (5th Cir. Aug. 26, 2024). The Government later appealed the injunction to the Fifth Circuit, but the parties stipulated to dismiss the appeal, which the court granted. Jt. Stip., *Mock* v. *Bondi,* No. 24–10743 (5th Cir. July 17, 2025), Dkt. 80.

[13] *Watterson* v. *ATF,* 2024 WL 3935446.

[14] *Colon* v. *ATF,* No. 8:23–CV–223–MSS–UAM, 2024 WL 309975, at *22 (M.D. Fla. Jan. 26, 2024).

the final rule likely violated the APA's notice and comment requirement.[15]

The Eighth Circuit. On August 9, 2024, the Eighth Circuit, considering an appeal of a denial of a preliminary injunction, found that plaintiffs challenging the 2023 final rule were likely to succeed on the merits and remanded the case to the district court with instruction to reconsider the motion, consistent with the court's opinion.[16] Subsequently, the plaintiffs filed a notice of voluntary dismissal.[17]

In sum, in less than four months after the effective date of the 2023 final rule, ATF had been enjoined from enforcing it against several groups of plaintiffs, and on November 8, 2023, it was universally vacated. Because of the ongoing litigation and the various injunctions, for all intents and purposes, ATF has never actively enforced the 2023 final rule. In other words, no further classifications were issued as to industry members or the public and no one was investigated based solely on possessing a braced firearm.

Additionally, the goal of the 2023 final rule was to alleviate confusion by clarifying ATF's position and analysis on firearms with attached stabilizing braces and help the public understand FATD's underlying analysis in classifying firearms equipped with stabilizing braces; however, the result was confusion as individual makers were unsure how to apply highly technical criteria to their firearms. In light of the ambiguity created by the regulations, it would have been challenging for individuals who make or possess braced weapons to determine whether their firearms qualified as a ''rifle'' based on the existence of a stabilizing brace or would fall within the purview of the NFA or GCA. As an example, the factors in the final rule may have been overinclusive or underinclusive and thus difficult to apply in particular cases. Given the difficulties in applying the 2023 final rule, owners of weapons that would be considered ''rifles'' under the final rule might not have been on notice before it was vacated and enjoined.

Moreover, two courts addressed the merits of the final rule, holding that parts of the rule were arbitrary and capricious.[18] The Eighth Circuit took issue with the rule because it lacked a standard for measuring whether a brace provided enough ''surface area'' to allow a weapon to be fired from the shoulder. In particular, it found that ATF failed to ''provide some range of flexibility in explaining the total surface area that allows for shouldering a weapon.'' [19] The Eighth Circuit also took issue with two of the final rule's factors to determine whether a weapon is designed and intended to be fired from the shoulder. Specifically, the court held that the final rule did not address how ATF would evaluate marketing materials and community use of the weapon, nor what was relevantly ''representative'' of community use.[20] In summary, the Eighth Circuit noted that an ''agency may promulgate a 'holistic, multi-factor, weight-of-the-evidence test,' but only if that test 'define[s] and explain[s] the criteria the agency is applying.' '' [21] ''The Final Rule misses that mark.'' [22] The district court in *Mock, supra,* went a step further and found all of the six factors ''impermissibly vague,'' and that the six-factor test ''provides no meaningful clarity about what constitutes an impermissible stabilizing brace.'' [23] Thus, whatever clarity the agency hoped to provide, it was not successful in the view of reviewing courts.

ATF is not issuing a new rule at this time. Each firearms submission to FATD is unique in some way, and ATF has concluded that a pre-determined factored approach that may or may not be relevant to the classification at issue is not the best method to begin such classification of a firearm. Each submission will have unique characteristics that make the firearm designed to be fired with one hand versus designed to be fired from the shoulder.

II. Proposed Rule

Due to the confusion generated by the 2023 final rule, the courts' conclusions that it was arbitrary and capricious, concerns about sufficient notice, and the benefits of case-by-case classifications based on the unique designs of each firearm, ATF proposes to rescind the changes made by the 2023 final rule and rely on the statutory language without further elaboration. Additionally, the proposed rule is necessary to conform ATF's regulatory provisions in parts 478 and 479 to the court decision vacating the rule. Following the rule's vacatur, ATF has been prevented from enforcing the rule nationwide, so revising the relevant definitions will provide clarity and confirm for regulated parties that the 2023 regulation change is no longer in effect. ATF has determined that it is a waste of resources to continue defending and trying to enforce the 2023 final rule.

Accordingly, this proposed rule would remove the revised portions of the regulatory definitions of ''rifle'' that further defined the term ''designed or redesigned, made or remade, and intended to be fired from the shoulder.'' The regulatory definitions of ''rifle'' in 27 CFR 478.11 and 479.11 would be as they were prior to the 2023 final rule. The pre-2023 definition of ''rifle'' tracked the GCA's and NFA's statutory definitions and did not further define ''designed or redesigned, made or remade, and intended to be fired from the shoulder.''

Upon finalization of this rule, the resulting definition of ''rifle'' in § 478.11 would read, ''A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.'' Likewise, upon finalization of this rule, the resulting definition of ''rifle'' in § 479.11 would read, ''A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.''

ATF seeks comments on all aspects of this proposed rule and its costs and benefits.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

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[15] *Id.* at *10–21.

[16] *Firearms Regul. Accountability Coal.* v. *Garland,* 112 F.4th 507, 526 (8th Cir. 2024).

[17] Order, *Firearms Regul. Accountability Coal.* v. *Garland,* No. 1:23–cv–024 (D.N.D. Nov. 20, 2024), Dkt. 144.

[18] *See Mock* v. *Garland,* 2024 WL 2982056, at *5 (N.D. Tex. June 13, 2024); *Firearms Regul. Accountability Coal., Inc.* v. *Garland,* 112 F.4th 507, 519 (8th Cir. 2024).

[19] 112 F. 4th at 521.

[20] *Id.* at 524.

[21] *Id.*

[22] *Id.* (internal citation omitted).

[23] *Mock* v. *Garland,* 2024 WL 2982056, at *5 (N.D. Tex. June 13, 2024) (internal quotation marks omitted).

The Office of Management and Budget (''OMB'') has determined that this proposed rule would be a ''significant regulatory action'' as defined in section 3(f)(1) of Executive Order 12866 because it would have an impact on the economy of more than $100 million in one year. The effect of this proposed rule would be to rescind the changes made by the 2023 final rule and for the regulatory definitions of ''rifle'' in 27 CFR 478.11 and 479.11 to rely on the statutory language without further elaboration. This proposed rule is necessary to conform ATF's regulatory provisions in parts 478 and 479 to the court decision vacating the rule. Revising the relevant definitions would provide clarity and confirm for regulated parties that the 2023 regulation change is no longer in effect. Pursuant to this change, individuals would be able to purchase firearms with an attached ''stabilizing brace'' and forgo registration, fingerprinting, and photograph costs and burdens, if the firearm is not intended to be fired from the shoulder and does not otherwise fall within the statutory definition of ''firearm'' under the NFA. These savings would result in an impact to the economy of more than $100 million.

ATF has laid out the impacts of this proposed rulemaking in OMB's A–4 accounting statement here, in Table 1. Table 1 also illustrates the range of future estimates in a low, primary, and high range as ATF's Circular A–4 sensitivity analysis. ATF then provides its normal regulatory cost-benefit analysis.

TABLE 1—OMB CIRCULAR A–4 ACCOUNTING STATEMENT ($ MILLIONS) AND SENSITIVITY ANALYSIS

Category	Primary estimate	Minimum estimate	Maximum estimate	Units		
				Dollar year	Disc (%)	Period covered (years)
Benefits						
Annualized monetized benefits ($ millions/year)	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Annualized quantified	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Annualized non-monetized benefits	Disbenefit (*i.e.,* adverse impact) from a reduction to public safety. Disbenefit from potential uncertainty for purchasers and manufacturers about what constitutes a rifle.					
Costs						
Annualized monetized costs ($ millions/year)	−$144.38	−$61.88	n/a	2025	7	10
	−144.38	−61.88	n/a	2025	3	10
Annualized quantified	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Annualized non-monetized costs	n/a					
Transfers						
Federal annualized monetized ($ millions/year)	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
	From: federal government			To: individuals		
Other annualized monetized transfers ($ millions/year)	n/a	n/a	n/a	2025	7	10
	n/a	n/a	n/a	2025	3	10
Effects						
State, local, or tribal governments	The rule will not impose an intergovernmental mandate, have significant or unique effects on small governments, or have federalism or tribal implications.					
Small businesses	For direct costs, this rule is deregulatory and would generate only savings, and only for individuals, not businesses, including small businesses. However, there may be indirect positive impacts. Small entities may experience an increase in revenue due to weapons with brace configuration no longer undergoing NFA requirements such as enhanced background checks.					
Wages	n/a					
Growth	n/a					
Alternatives						
No-change alternative: $0 cost and $0 benefits. This was rejected as more stringent without any monetizable benefit. It would have provided potential qualitative safety benefits and potential increasing certainty for purchasers and manufacturers about what constitutes a rifle.						
Proposed alternative: $0 cost; $144.38 million benefit. This alternative was selected because the benefits exceed the costs.						

TABLE 1—OMB CIRCULAR A–4 ACCOUNTING STATEMENT ($ MILLIONS) AND SENSITIVITY ANALYSIS—Continued

Category	Primary estimate	Minimum estimate	Maximum estimate	Units		
				Dollar year	Disc (%)	Period covered (years)
Publishing guidance documents alternative: this alternative was rejected because this alternative would not have the force and effect of law and would leave a contradictory regulatory provision in existence.						
Net benefits						
Annualized monetized net benefits ($ millions/year)	144.38	61.88	n/a	2025	7	10
	144.38	61.88	n/a	2025	3	10

1. Need Statement

On January 13, 2023, the Attorney General signed the 2023 final rule, amending ATF's regulations to clarify when a rifle is designed, made, and intended to be fired from the shoulder. The 2023 final rule was published in the **Federal Register** and took effect on January 31, 2023. *See* 88 FR 6478. Within weeks of the 2023 final rule's effective date, several lawsuits were filed, all alleging violations of the APA, among a variety of other grounds. ATF is now proposing to conform its regulations with the decisions in the above-described litigation.

2. Population

Should this rule become final, individuals would be able to resume purchasing firearms with an attached ''stabilizing brace'' as the public had done prior to the 2023 final rule, as long as the firearm is not intended to be fired from the shoulder and does not fall within the statutory definition of ''firearm'' under the NFA. In the 2023 final rule that defined these as NFA firearms and thus required persons to register them, ATF estimated that a range of 3 million to 7 million firearms with attached stabilizing braces were manufactured between the years 2012 and 2021.[24] Since ATF does not know how many of these firearms would now be manufactured and sold once they are no longer regulated as NFA weapons, ATF is using 7 million firearms as the primary estimate because manufacturers would likely ramp up manufacturing and sales of these firearms in the public sphere. Furthermore, the 7 million figure would likely be most accurate within the foregoing range, as ATF anticipates the popularity and awareness of these firearms would be greater than when they were first manufactured and sold because they would no longer be NFA firearms. Since the primary estimate is 7 million over the course of 10 years, ATF estimates this would have an annual effect on 700,000 firearms.[25]

3. Costs

The deregulatory cost savings for this rulemaking arise from persons who purchase a firearm with attached stabilizing brace no longer incurring the time and cost needed to apply to transfer and register such items as NFA firearms. Applying to transfer and register an NFA firearm requires a person to complete and submit an ATF Form 5320.4, Application to Transfer and Register NFA Firearm (Tax-Paid) (''Form 4''), and its supporting documents.

Currently, ATF estimates it takes an average of 3.78 hours to complete the Form 4 application, which includes time to obtain fingerprints and photographs to submit with the Form 4.[26] In addition, ATF estimates the average cost for a photograph at $17.[27] ATF assumes for the purposes of this analysis that it would also take approximately 10 miles of driving to obtain photographs. For individuals to obtain fingerprints, ATF estimates an average cost of $22, based on information it has gathered.[28] ATF assumes for purposes of this analysis that it would take approximately 10 miles of driving to obtain fingerprints.[29] To estimate the deregulatory savings from driving, ATF used the General Services Administration's (''GSA'') per diem mileage rate, which was 70 cents per mile at the time this proposed rule was drafted.[30] If the rule is finalized as proposed, the public would no longer incur these cost and time burdens, which would become savings.

Additionally, deregulatory savings include fees licensees charge for out-of-state transfers of NFA firearms. The 2023 final rule resulted in some out-of-state purchasers also registering and transferring firearms with stabilizing braces as NFA firearms. Only licensees may transfer firearms out-of-state, and licensees charge a fee for the out-of-state transfer service, so persons who use such services incur those fees. NFA firearms may be transferred only by a firearms licensee that pays the Special (Occupational) Tax (''SOT'') to be licensed for NFA firearms. Persons purchasing firearms with stabilizing braces from out-of-state must purchase from NFA licensees because the 2023 final rule classified such firearms as NFA firearms. Under this proposed rule, many of these firearms with attached stabilizing braces would no longer be NFA firearms and thus not be subject to the NFA transfer fees. Instead, they would be subject to the out-of-state transfer fees licensees charge for GCA transfers. GCA out-of-state transfer fees are typically between $25 to $50 per transaction, a quarter of the cost of NFA transfer fees. However, ATF is unable to calculate an aggregate savings due to a lack of statistical data, including the number of individuals who purchased these firearms as NFA firearms and how

[24] ATF Final Rule 2021R–08F, ''Factoring Criteria for Firearms with Attached 'Stabilizing Braces,''' Regulatory Impact Analysis (''RIA''), page 16, *https://www.regulations.gov/document/ATF-2021-0002-0002* [*https://perma.cc/2J5Q-LZ4M*].

[25] 875,000 annual firearms = 7,000,000 manufactured over 8 years/8 years of production.

[26] ATF, *Form 4—Application for Tax Paid Transfer and Registration of Firearm (ATF Form 5320.4), https://www.atf.gov/media/23251/download* [*https://perma.cc/RY2S-62UP*].

[27] *See, e.g.,* Walmart, *Passport and Visa Photos, https://photo.walgreens.com/store/passport-photos* [*https://perma.cc/CCC4-STLW*] and CVS, *Photo, Passport Photos, ID & Visa, https://www.cvs.com/photo/passport-photos?algSearch=passport%20pho&fromSrc=serp* [*https://perma.cc/PYS3-HPHZ*].

[28] *See, e.g.,* Ramsey County, *Fingerprinting, https://www.ramseycountymn.gov/your-government/leadership/sheriffs-office/sheriffs-office-divisions/administration/fingerprinting* [*https://perma.cc/SX9G-JU3Y*] and Fingerprint Technologies, *https://www.fingerprints4all.com/servicesprices* [*https://perma.cc/43UT-8JRB*].

[29] For the purposes of this analysis, steps to take photograph and take fingerprints may be performed separately rather than in one trip.

[30] GSA, *Private Owned Vehicle (POV) mileage reimbursement rates, https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement* [*https://perma.cc/U6UC-RZGH*].

many purchased from outside of their states of residence.

ATF also notes that, at the time of the 2023 final rule, and continuing until December 31, 2025, persons who registered an NFA firearm also had to pay a $200 tax for each one. Although persons did incur this cost, ATF cannot include this cost in projected savings arising from this proposed rule because, in July 2025, Congress passed a law reducing the tax rate to $0 for certain NFA firearms effective January 1, 2026, including firearms with stabilizing braces. As a result, this proposed rule would not result in saved taxes by the time any final rule might be issued.

To calculate the savings from this proposed rule, ATF first had to determine the value of time for those impacted by the rule. Individuals purchasing these firearms would likely be purchasing them in their leisure time; therefore, ATF estimated a leisure wage rate using methodology established by the Department of Health and Human Services (''HHS''), updated to account for the latest available data.[31] The HHS methodology is to first obtain the average U.S. median non-leisure weekly wage from the Bureau of Labor Statistics (''BLS''), and divide it by 40 hours to derive the median hourly non-leisure wage. Step two is to obtain the average U.S. real household income before taxes and after taxes from the Census Bureau, and divide one by the other to determine the net household income rate. Step three applies the net-income rate to the median non-leisure hourly rate derived in step one, to calculate the hourly leisure wage. Table 2 shows the steps and data ATF used under this methodology to determine an updated leisure wage.

TABLE 2—CALCULATING LEISURE WAGE

Inputs for leisure wage rate	Numerical inputs	Source
1a. Median non-leisure weekly wage	$1,214	News Release, BLS, *Usual Weekly Earnings for Wage and Salary Workers,* third quarter 2025, [*https://perma.cc/PK8F-SSMK*].
1b. Median non-leisure hourly wage	$30.35	$1,214 median weekly wage/40 hours a week = $30.35.
2a. Real household income pre-tax	$83,730	U.S. Census Bureau, *Median Household Income,* 2025, [*https://perma.cc/RU47-LLBX*].
2b. Real household income post-tax	$72,330	U.S. Census Bureau, *Median Household Income,* 2025, post-tax spreadsheet [*https://perma.cc/M33M-EWY7*].
2c. Net household income rate	86 percent	$72,330 post-tax income/$83,730 pre-tax income = .86 net household income rate.
3a. Hourly leisure wage	$26.10	$30.35 hourly non-leisure wage * .86 net household income rate = $26.10 hourly leisure wage.
3b. Rounded hourly leisure wage	$26.00.	

Based on the methodology outlined by HHS, the estimated leisure wage is $26, which is used to calculate the hourly savings. Based on these cost inputs, Table 3 below outlines the Form 4 application costs and hourly burdens forgone and estimates the overall savings per Form 4 application.

TABLE 3—SAVINGS FROM FORGOING NFA TAXES AND REGISTRATION

Cost type	Cost input	Hourly burden	Hourly wage	Time value (burden * wage)	Mileage (70 cents/mile)	Subtotal
Form 1 NFA application		3.78	$26	$98		$98.00
Fingerprinting	$22.00				$7	36.00
Photograph	17.00				7	31.00
Per-application savings						165.00

Based on Table 3 above, ATF estimates that this rulemaking would generate cost savings of $165 (rounded) per Form 1 application. At an estimated 875,000 firearms manufactured in any given year, this would provide an annual and annualized savings of $144.38 million per year. The 10-year undiscounted cost savings would be $1.4 billion.

4. Benefits

ATF does not anticipate any monetizable disbenefits (*i.e.,* costs) arising from this proposed rule. However, ATF notes that the rule could have a qualitative disbenefit to public safety (*i.e.,* adverse impacts). The Department of Justice issued the 2023 final rule in part because some individuals and entities affix purported ''stabilizing braces'' designed to facilitate shooting from the shoulder to firearms in order to circumvent NFA requirements. Congress chose to regulate short-barreled rifles and other NFA items more stringently, finding them to be especially dangerous to the community if not regulated, since they are used for violence and criminal activity. *See United States* v. *Gonzalez,* No. 2:10–cr–00967, 2011 WL 5288727, at *5 (D. Utah Nov. 2, 2011) (''Congress specifically found that 'short-barreled rifles' are primarily weapons of war and have no appropriate sporting use or use for personal protection.'' (*quoting* S. Rep. No. 90–1501, at 28 (1968))). Should a person choose to circumvent the NFA by effectively making unregistered ''short-barreled rifles'' by attaching an accessory such as a ''stabilizing brace,'' these dangerous, easily concealed weapons would pose an increased public safety problem. Removing from the regulations the criteria for assessing whether a given stabilizing brace/accessory-firearm configuration qualifies as an NFA firearm increases that public risk. It also increases the uncertainty for purchasers and manufacturers as to whether a given firearm configuration would fall under the NFA or not. However, ATF has no data from which to quantify these

[31] Valuing Time in U.S. Dep't of Health and Human Services Regulatory Impact Analysis: Conceptual Framework and Best Practices (June 2017), *https://aspe.hhs.gov/sites/default/files/private/pdf/257746/VOT.pdf.*

potential disbenefits, which would depend on how many manufacturers or individuals attempt to circumvent the requirements. At the same time, such disbenefits would be offset to some degree by classifications that ATF provides to industry that request advice on their products, thereby reducing confusion and potential costs from producing and selling firearms that would turn out to fall under NFA requirements. ATF provided this service before the 2023 final rule and continues to do so with enhanced review procedures and controls to ensure consistency in classifications.

5. Alternatives

Alternative 1. Maintaining the Status Quo (No Action Alternative)

During the previous administration, ATF published the 2023 final rule on firearms with attached stabilizing braces.[32] In that rule, the effect of clarifying the meaning of ''designed and intended to be fired from the shoulder'' resulted in a majority of large pistols with certain attached stabilizing braces being classified as short-barreled rifles, which resulted in them falling within the purview of the NFA. Based on the 2023 final rule, persons purchasing firearms with an attached stabilizing brace would have had to register the firearm as an NFA weapon and pay a $200 tax. Maintaining the status quo would continue these costs, *i.e.,* the costs associated with registering the firearm except for the $200 tax after January 1, 2026. Maintaining the status quo potentially has qualitative public safety benefits and potential certainty about rifles. ATF rejected this alternative due to the burden on the public to comply with the NFA requirements.

Alternative 2. Proposed Alternative (Rulemaking)

The alternative proposed in this rulemaking would effectively rescind the above requirements for persons to apply for approval and register as NFA firearms large pistols with attached stabilizing braces in order to purchase and lawfully own such firearms. By removing these requirements, this alternative would provide deregulatory savings to individuals wishing to purchase such firearms and facilitate the purchase without having to go through the NFA application and approval process. This alternative is being proposed due to the savings it would generate for the public.

[32] *See* Factoring Criteria for Firearms With Attached ''Stabilizing Braces,'' 88 FR 6478 (Jan. 31. 2023).

Alternative 3. Publishing Guidance

Under this alternative, ATF would publish guidance instead of a rulemaking. When ATF published the 2023 final rule, we provided guidance regarding specific types of firearm configurations with an attached stabilizing brace that could be considered as falling under the NFA to assist the public regarding the effect of the rule. Additional guidance would not remove the amendments from the 2023 final rule or reduce confusion generated from that rule, in which individuals were unsure how to apply highly technical criteria to their firearms attached with firearms accessories, nor would it address certain judicial decisions that found some of the factors to be arbitrary. Therefore, this alternative was rejected.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action.

This rule as proposed would be a significant regulatory action as defined by Executive Order 12866 because it would have an impact on the economy of over $100 million each year throughout its 10-year analysis period. However, because the economic impact would consist of more than $100 million in annual deregulatory savings, it would not impose costs greater than zero. This proposed rule would remove the previously added regulatory and registration requirements and save the public from the costs and burdens of complying with them. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule will not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities as it removes previously added requirements, thereby also removing any costs or burdens of complying with them. This proposed rule affects individuals but does not affect small entities in a way that would require a regulatory flexibility analysis. At most,

the proposed rule, if promulgated as proposed, could have an indirect positive impact for small entities that manufacture stabilizing braces, in that more firearm owners might purchase these braces—because this rule could likely remove the risk that the resulting firearms would be subject to the registration requirements of the NFA. However, this would not constitute a negative impact, additional cost or burden, or a barrier to entry for small entities. In addition, ATF has no way to measure this speculative benefit. Therefore, ATF is not including an Initial Regulatory Flexibility Analysis for this rule.

H. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, recordkeeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule does not create any information collection requirements, but it impacts one existing information collection covered under the PRA. It would impact OMB control number 1140–0014: Application to Transfer and Register NFA Firearm (Tax-Paid), which includes ATF Form 5320.4 (''Form 4''). As discussed above, this proposed rule would reduce the number of persons who would have to complete and submit Form 4 because persons would no longer have to register all firearms with attached stabilizing braces as NFA firearms. The title and description of the information collection involved in this rule, as currently approved by OMB, follows. A description of those who provide the information and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Application to Transfer and Register NFA Firearm (Tax-Paid).

OMB control number: 1140–0014.

Summary of the information collection: Persons with an NFA firearm must apply to ATF for approval to transfer and register the firearm as required by the NFA (26 U.S.C. 5812). ATF Form 5320.4 (''Form 4'') is the prescribed means for submitting this application, facilitates and records the firearms transfer, and also serves as proof of registration once approved.

Need for information and proposed use: ATF's NFA Division uses the information on this form to determine whether the applicant may legally make and register the firearm under federal, state, tribal, and local law. The form also identifies the transferor, transferee, and firearm(s). 26 U.S.C. 5812 provides that ATF cannot approve an application if receiving or possessing the firearm would place the person receiving the firearm in violation of law. The form asks an individual transferee to respond, under penalties of perjury, to questions to determine whether they are prohibited by federal law from possessing firearms.

Description of the respondents affected by this proposed rule: Individuals or households.

Number of current respondents: 546,424 annually. This number would decrease pursuant to this proposed rule.

Frequency of response: once.

Response time estimate: 12 minutes per form (overall reduction from 30 minutes, due to conversion to eForm, changes proposed in this rule, and other related changes).

Burden of response: 109,285 hours total for all respondents.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA98 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov*. However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov*. ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA98. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their

PII posted on the internet should omit such PII from the body of their comment and in any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

• *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA98).

List of Subjects

27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Taxes, Transportation.

Accordingly, for the reasons discussed in the preamble, ATF proposes to amend 27 CFR parts 478 and 479 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921– 931; 44 U.S.C. 3504(h).

§ 478.11 Meaning of terms.

■ 2. Amend § 478.11 definition of ''rifle'' by removing paragraphs (1) and (2).

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 3. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5812; 26 U.S.C. 5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

§ 479.11 Meaning of terms.

■ 4. Amend § 479.11 definition of ''rifle'' by removing paragraphs (1) and (2).

Robert Cekada,

Director.

[FR Doc. 2026–08930 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Parts 478, 479, 555

[Docket No. ATF–2026–0010; ATF No. 2025R–33P]

RIN 1140–AA64

Selecting Biological Sex on ATF Forms

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to make clear that when individuals complete ATF forms for firearms or explosives, they should select their biological sex under the question on ''sex.''

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) August 4, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA64, by either of the following methods—

• *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226; *ATTN: ATF 1140–AA64.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA64) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods

described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act (''GCA''), as amended, and the National Firearms Act (''NFA''), as amended.[1] This includes the authority to promulgate regulations necessary to enforce the provisions of the GCA and NFA. *See* 18 U.S.C. 926(a); 26 U.S.C. 7801(a)(2)(A)(ii), 7805(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA and NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations implementing both the GCA and the NFA in 27 CFR parts 478, 479.

Title XI of the Organized Crime Control Act of 1970 (''OCCA''), Public Law 91–452, 84 Stat. 922 (1970), added chapter 40 (Importation, Manufacture, Distribution, and Storage of Explosive Materials) to title 18 of the U.S.C.[3] One of the stated purposes for title XI was to reduce the ''hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials.'' Public Law 91–452, sec. 1101, 84 Stat. at 952. The Attorney General is responsible for implementing title XI. *See* 18 U.S.C. 847. The Attorney General has delegated that responsibility to the Director, subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972). Regulations in 27 CFR part 555 implement title XI.

ATF's regulations at 27 CFR 478.21, 479.21, and 555.21 authorize the Director to prescribe forms required to implement the GCA, NFA, and federal explosives laws. For example, prior to making an over-the-counter transfer of a firearm to a non-licensee who resides in the same state as where a licensee is located, the licensee is required to obtain a ATF Form 5300.9, Firearms Transaction Record, (''Form 4473'') ''showing the transferee's name, sex, residence address . . . , and date and place of birth . . . .'' 27 CFR 478.124(c). ATF added ''sex'' as a requirement in the regulations in 1998 as part of implementing the Brady Handgun Violence Prevention Act, Public Law 103–159 (1993). ATF understands the term ''sex'' as used in its regulations to mean the binary, biological distinctions between male and female. *See, e.g., Bibby* v. *Philadelphia Coca Cola Bottling Co.,* 85 F. Supp. 2d 509, 515–16 (E.D. Pa. 2000) (discussing the definition of ''sex'' as the difference between male and female by referring to a 1993 edition of the New Shorter Oxford English Dictionary).

On January 20, 2025, President Donald J. Trump issued Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,* which stated that '' 'Sex' shall refer to an individual's immutable biological classification as either male or female. 'Sex' is not a synonym for and does not include the concept of 'gender identity.' '' Thus, consistent with Executive Order 14168 and the ordinary meaning of the word ''sex'' as used in statutes and regulations, ATF proposes a rule to resolve any potential confusion on how to fill out ATF forms. The rule would make clear that ATF seeks biological sex, consistent with the ordinary meaning of the regulatory language.

II. Proposed Rule

This proposed rule would amend the language of 27 CFR 478.21, 479.21, and 555.21 to explain that ''sex'' as required by any ATF form (1) means an individual's immutable biological classification as either male or female, and (2) is not a synonym for and does not include the concept of gender identity. ATF proposes to amend 27 CFR 478.21(a) and 555.21(a) by adding two sentences that make clear that ''sex'' on ATF forms refers to an individual's immutable biological classification as either male or female and does not include the concept of gender identity and that individuals should select their biological sex. ATF also proposes adding to § 478.21(a) and § 555.21(a) a sentence that reads, ''Each form shall be executed under penalties of perjury, if the form or the regulation so provide.'' A ''penalties of perjury'' clause is already present in § 479.21(a), and this rule would simply add this language for consistency and clarity in parts 478 and 555.

For 27 CFR 479.21(a), ATF proposes adding a sentence to explain that ''sex'' on ATF forms refers to an individual's immutable biological classification as either male or female and does not include the concept of gender identity and that persons completing the form should select their biological sex. Additionally, ATF proposes to amend the existing ''penalties of perjury'' language for clarity so it reads, ''Each form shall be executed under penalties of perjury, if the form or the regulation so provide.''

This rule also proposes to make a technical edit to correct the authority

[1] Some NFA and GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] *See id.*

citation line for 27 CFR part 478 to read as: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–934; 44 U.S.C. 3504(h).

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

The proposed rule would amend 27 CFR 478.21, 479.21, and 555.21 to clarify the meaning of ''sex'' on ATF firearms and explosives forms in accordance with Executive Order 14168. The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866, as the rule merely proposes to clarify the ordinary meaning of a word in ATF's regulations. There are no changes to ATF standards or compliance requirements; therefore, ATF anticipates no costs or benefits accruing from this proposed rule.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action as defined in section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero.

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would not impose any additional costs because it merely makes clear that when individuals complete ATF firearms or explosives forms, they should select their biological sex under the question on ''sex.''

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). While this proposed rule clarifies the meaning of ''sex'' for purposes of ATF information collections that have an attached form, this rule would not impact any existing information collections.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA64 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be

publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

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Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions on the web page. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

D. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA64).

List of Subjects

27 CFR Part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and recordkeeping requirements, Research, Seizures and forfeitures, Transportation.

27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Taxes, Transportation.

27 CFR Part 555

Administrative practice and procedure, Explosives, Freight, Hazardous substances, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, Warehouses.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR parts 478, 479, and 555 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

■ 1. Revise the authority citation for 27 CFR part 478 to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–934; 44 U.S.C. 3504(h).

§ 478.21 [Amended]

■ 2. In § 478.21, add at the end of paragraph (a): ''The term 'sex' on ATF forms required by this part refers to an individual's immutable biological classification as either male or female and does not include the concept of gender identity. Individuals completing forms required by this part should select their biological sex. Each form must be executed under penalties of perjury, if the form or the regulation so provide.''

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 3. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5801–5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

§ 479.21 [Amended]

■ 4. In § 479.21, remove from paragraph (a) the fourth sentence and add in its place after the third sentence: ''The term 'sex' on ATF forms required by this part refers to an individual's immutable biological classification as either male or female and does not include the concept of gender identity. Individuals completing forms required by this part should select their biological sex. Each form shall be executed under penalties of perjury, if the form or the regulation so provide.''

PART 555—COMMERCE IN EXPLOSIVES

■ 5. The authority citation for 27 CFR part 555 continues to read as follows:

Authority: 18 U.S.C. 847.

§ 555.21 [Amended]

■ 6. In § 555.21, add at the end of paragraph (a): ''The term 'sex' on ATF forms required by this part refers to an individual's immutable biological classification as either male or female and does not include the concept of gender identity. Individuals completing forms required by this part should select their biological sex. Each form must be executed under penalties of perjury, if the form or the regulation so provide.''

Robert Cekada,

Director.

[FR Doc. 2026–08932 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 479

[Docket No. ATF–2026–0005; ATF No. 2025R–17P]

RIN 1140–AA70

Allowing Makers To Adopt Certain Markings for National Firearms Act Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to allow persons making National Firearms Act (''NFA'') firearms to adopt certain markings previously placed on the firearm to comply with NFA marking requirements.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) July 6, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA70, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226; *ATTN: RIN 1140–AA70.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA70) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the National Firearms Act (''NFA''), as amended, 26 U.S.C. chapter 53.[1] Congress and the Attorney General have delegated the responsibility for administering and enforcing the NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the NFA in 27 CFR part 479.

The NFA regulates only certain statutorily defined firearms, such as machine guns, short-barreled rifles, and short-barreled shotguns (''NFA firearms''). 26 U.S.C. 5845. Although ''manufacturer'' and ''maker'' are synonymous in ordinary language, the NFA uses technical language to distinguish a ''manufacturer'' from a ''maker'' of an NFA firearm. A ''manufacturer'' is a federally licensed firearms manufacturer who is authorized to manufacture NFA firearms by virtue of being a ''special (occupational) taxpayer.'' *See, e.g.,* 26 U.S.C. 5801, 5802, 5841. The NFA refers to an individual who makes NFA firearms without being a special (occupational) taxpayer as a firearms

[1] Some NFA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, Gun Control Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

''maker.'' *See, e.g.,* 26 U.S.C. 5821, 5822, 5841, 5842.

A person can ''make'' an NFA firearm in one of two ways. First, the person can make a firearm from raw materials, such as a block of metal. Second, the person can alter an existing firearm regulated by the Gun Control Act (''GCA firearm'').[3] For example, a person can take a rifle with a barrel of 20 inches and shorten the barrel to 14 inches, thereby making a short-barreled rifle. This proposed rule concerns only those who make NFA firearms by altering existing GCA firearms.

Pursuant to 26 U.S.C. 5842, manufacturers, importers, and anyone making an NFA firearm must identify each firearm (other than a destructive device) they manufacture, import, or make by marking it with (1) a serial number that may not be readily removed, obliterated, or altered, (2) the name of the manufacturer, importer, or maker, and (3) such other identification as the Attorney General may by regulations prescribe. The corresponding federal regulation that implements these marking requirements is 27 CFR 479.102. This regulation at § 479.102 prescribes required markings that importers, manufacturers, and makers must place on an NFA firearm, including the serial number, and the name, city, and state where a manufacturer or importer maintains a place of business, or, if a maker—*i.e.,* not a manufacturer or importer—where the firearm was made.

Further, ATF has previously exercised the regulatory discretion granted to the Attorney General pursuant to 26 U.S.C. 5842 to codify alternative marking procedures or exceptions to the regulatory marking requirements, including authorizing manufacturers to adopt existing ''serial number[s] and other identifying markings previously placed on a firearm by another manufacturer,'' subject to certain conditions. 27 CFR 479.102(b)(3)(i). For example, the exceptions contained in § 479.102(b)(3)(ii) for remanufactured or imported firearms allow manufacturers or importers to adopt a pre-existing serial number, provided they either mark the firearm with their name, city, and state or with their name and abbreviated federal firearms license number.

However, § 479.102 does not allow a maker to adopt the manufacturer's markings already stamped on the maker's GCA firearm when that person then applies to make a GCA firearm into an NFA firearm and register the resulting firearm.[4] Instead, pursuant to § 479.102(a)(1), a maker must place on the firearm a new serial number and ''Your name (or recognized abbreviation), and . . . in the case of a maker, where you made the firearm[.]''

II. Proposed Rule

ATF has determined that this additional marking requirement for a maker is burdensome and unnecessary, and that it does not enhance public safety. The requirement is burdensome and unnecessary because individuals must stamp their name, city, and state onto the frame or receiver of the firearm, which may be crowded with existing markings from the original manufacturer. Further, many makers do not have the necessary equipment to stamp their own firearms in a manner that satisfies § 479.102, thus imposing a burden to pay for services from a gunsmith or other individual to meet such requirements. As noted, ATF requires the existing firearm to have been marked with the name of the original manufacturer, and the manufacturer's city, state, and a serial number. Moreover, a maker must include their name and other identifying information on the Form 1 application and ATF then retains that information in the National Firearms Registration and Transfer Record (''NFRTR'').[5] 27 CFR 479.63, 479.101.

This proposed rule would not affect an NFA firearms maker who manufactures a firearm from raw materials not regulated by the GCA. Such firearms lack existing manufacturer markings and serial numbers. Those firearms would continue to be marked by the maker as required under § 479.102. Thus, all NFA firearms would still be properly marked in accordance with NFA requirements.

This rule therefore proposes to amend § 479.102(b)(3) to authorize persons who make an NFA firearm by remanufacturing or altering an existing firearm to adopt the original manufacturer's markings already on the underlying firearm. The new language would merely extend exceptions to the marking requirements already contained within § 479.102(b)(3). Specifically, this rule would amend § 479.102(b)(3) by adding a new paragraph (iv) to address makers of firearms that are remanufactured or altered from existing firearms. The new exception would provide that ''[m]akers that remanufacture or alter an existing firearm may adopt the serial number or other identifying markings previously placed on the firearm if the markings otherwise meet the requirements of this section.''

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. ATF provides the following analysis to comply with Executive Orders 12866 and 13563.

1. Need Statement

This proposed rule would amend § 479.102(b)(3) to rescind the requirement, for individuals making an NFA firearm by remanufacturing or altering an existing firearm, to have to subsequently re-mark the resulting firearm with their own personal NFA marking, and would instead allow them to adopt the serial number or other identifying markings previously placed on the firearm, as long as those markings otherwise comply with marking requirements. Currently, persons who make NFA firearms by altering existing firearms must add their own markings to manufacturer and importer markings already on the firearm. This creates difficulties due to lack of space on the frame or receiver and adds costs and burdens to such makers that are unnecessary. Many makers do not have the necessary equipment to stamp their own firearms in a manner that satisfies § 479.102, thus imposing a burden on them to pay for services from a gunsmith or other individuals to meet such requirements.

2. Benefits

Currently, individuals who choose to make an NFA firearm by remanufacturing or altering an existing

[3] A GCA firearm is a firearm that is regulated only by the Gun Control Act of 1968 and not subject, in its present configuration, to the purview of the NFA.

[4] The maker does this by submitting ATF Form 5320.1, Application to Make and Register NFA Firearm (''Form 1'').

[5] For example, the applicant's name and mailing address are required as part of box 3b on the pre-2026 version of Form 1 (the form is being revised in 2026).

firearm employ professional gunsmithing services to re-mark the newly made NFA firearm with markings required under 27 CFR 479.102 in addition to the GCA markings already on the firearm in question. Based on a search of available information regarding professional NFA marking services, ATF estimates that a federal firearms licensee (''FFL'') may charge $54 in order mark a firearm.[6] To determine the number of firearms that would be affected by this proposed rule, ATF used data on the number of Form 1 applications submitted, since makers submit a Form 1 for each NFA firearm they make. Based on information from ATF's National Firearms Act Division, the average number of Form 1 applications between the years 2016 to 2025 submitted by makers was 64,618, making the annualized savings for this rule approximately $3.5 million.[7]

Benefits from this proposed rule would also include reducing confusion regarding what constitutes the firearm's serial number when there are multiple numbers engraved on the frame or receiver and reducing burdensome requirements. Although a person may modify an existing GCA weapon into an aftermarket NFA weapon, the newly created NFA weapon would still be traceable by means of the existing markings and would be registered in the NFRTR.

3. Costs

The potential costs from this proposed rule would be an increased risk that this type of NFA firearm might not be traceable if the maker's markings are not also included. However, ATF does not anticipate that allowing makers to adopt the existing manufacturer's markings would negatively impact law enforcement's ability to trace an NFA firearm. If law enforcement were to recover an NFA firearm and need to trace it, the firearm could still be traced to the first retail purchaser based on the manufacturer's or importer's markings[8] because the tracing process relies on the records that FFLs maintain pursuant to the GCA (and not information in the NFRTR). Thus, requiring additional markings by a maker is unnecessary for public safety purposes.

Moreover, the number of NFA firearms, excluding machine gun conversion devices, that are recovered from a crime scene is a very small subset of the overall firearms traced. In FY25, for example, the total number of firearms traces was 654,879, and of those, 3,195 were coded as NFA firearms; specifically, 196 destructive devices, 1,512 machine guns (excluding machine gun conversion devices), and 1,487 silencers. As a result, even if an NFA firearm is made by adopting the existing markings and is recovered at a crime scene but could not be traced using the original manufacturer markings, the number of such firearms would be exceedingly small.

4. Regulatory Alternatives

Alternative 1. Maintaining the Status Quo (No-Action Alternative)

This alternative would require a person to add markings in addition to the existing markings for any GCA firearm that is modified to become an NFA weapon. This alternative has no additional costs or benefits since it would maintain the existing requirements. However, makers of NFA firearms would continue to incur the burdens and costs inherent in having to add markings to those already existing on the firearms. As a result, ATF rejected this alternative as it would not address those costs.

Alternative 2. Rulemaking (the Proposed Alternative)

ATF alternatively considered proposing a rule to rescind the requirement that individuals making an NFA firearm by remanufacturing or altering an existing firearm must subsequently re-mark the resulting firearm with their own personal NFA marking, and to instead allow them to adopt the original manufacturer or importer's markings required under 27 CFR 478.92. While these newly made NFA weapons would not have markings added by the maker of the NFA weapon under this proposal, registration of these NFA weapons would still exist using the existing GCA markings, which the maker would submit to the NFRTR. This alternative was chosen because the firearm would still have a serial number with which it could be registered with ATF and traced in the event that the firearm is recovered from a crime scene. This alternative was also chosen because it would reduce the number of serial numbers on a given firearm, reducing confusion for tracing purposes. Furthermore, it would provide savings to individuals who choose to modify a GCA weapon into an NFA weapon. No quantifiable costs were assessed since traceability would still be maintained.

Alternative 3. Issuing Guidance

This alternative was considered but rejected. While this alternative would not impose any additional costs, it would not rescind the requirement that makers of NFA weapons add marks of identification when remanufacturing or altering an existing GCA firearm. This alternative does not have the force and effect of a regulation and would thus not effectuate the desired change; therefore, this alternative was rejected.

Alternative 4. Removing Marking Requirements for All NFA Makers

This alternative was also considered but rejected. Other persons who make NFA firearms do so from scratch. As a result, these types of firearms do not already have markings from manufacturers or importers. Permitting these makers to not mark the NFA firearms they make would result in unmarked firearms, which would violate the law, make it impossible to register the firearms in the NFRTR, or trace the firearms, thus posing a risk to public safety. As a result, ATF did not select this alternative.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under in section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order

[6] *See, e.g.,* RS Shooting Sports, NFA Engraving Services, *https://www.rsshootingsports.com/engraving076ea072* [*https://perma.cc/A7SY-FR67*], Capitol Armory, NFA Laser Engraving-Form 1, *https://www.capitolarmory.com/sbr-sbs-nfa-firearm-laser-engraving-form1.html* (last visited Jan. 5, 2026), SA Lasers, NFA Engraving Service for SBRS, SBSS, Silencers and Suppressors, *https://salasers.com/product/nfa-engraving-service-for-sbrs-sbss-silencers-and-suppressors/* [*https://perma.cc/S3K4-MFL6*], EOD Gear, NFA Engraving, *https://www.eod-gear.com/nfa-engraving/?srsltid=AfmBOoqjJTPbsR-N4G0VH12Ij2TEry_qsQ4IAutH5JPgXOBfpTY9bwIs* [*https://perma.cc/9NBT-Y7RU*].

[7] $3,489,372 in annual savings = $54 NFA marking services * 64,618 Form 1 applications.

[8] Upon recovering the firearm, law enforcement completes the trace request on the firearm based on the markings on the firearm, including the manufacturer or importer name, city, state, and serial number. ATF can then trace the firearm through licensees' acquisition and disposition records from the original licensed manufacturer or importer to the licensed wholesaler, to the licensed retailer, and then to the first unlicensed purchaser.

14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. This proposed rule would have an annualized deregulatory savings of $3.5 million. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant direct economic impact on a substantial number of small entities because it is deregulatory and would not impose any additional direct costs or burdens on small businesses in the firearms arena. However, it is possible that the proposed rule could indirectly have an impact on small businesses that provide NFA marking services, such as gunsmiths, because this rule would no longer require NFA makers who modify existing firearms to add maker markings, which they usually do by hiring a gunsmith.

Therefore, ATF performed an initial regulatory flexibility analysis of the indirect impacts that small gunsmith businesses and other entities might incur due to this proposed rule, if finalized as proposed. Based on the information from this analysis, ATF found—

- Direct costs and savings: there are no direct costs or savings to small businesses or entities. Direct costs and savings from this proposed rule would apply only to individuals.
- Indirect costs: an unknown number of FFLs who provide NFA marking services. This proposed rule would indirectly cause an unknown reduction in revenue for an unknown number of businesses due to individuals no longer performing NFA markings on aftermarket GCA firearms.

Initial Regulatory Flexibility Analysis (''IRFA'')

The RFA establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to ensure that such proposals are given serious consideration.'' Public Law 96–354, section 2(b), 94 Stat. 1164 (1980).

Under the RFA, the agency is required to consider whether the proposed rule would have a significant economic impact on a substantial number of small entities. Agencies must perform a review to determine whether the proposed rule would have such an impact. If the agency determines that it would, the agency must prepare an IRFA (or a regulatory flexibility analysis for a final rule) as described in the RFA.

ATF determined that the proposed rule may affect a subset of small businesses that operate in the firearms business (see item 3 below). Based on the requirements above, ATF prepared the following IRFA assessing the proposed rule's impact on small entities.

1. Describing the Reasons Why the Agency Is Considering Taking Action

This proposed rule would reduce burdens and costs to individuals because it would no longer require persons who make NFA firearms by modifying existing GCA firearms to add their own markings alongside existing manufacturer and importer markings on those firearms. The existing requirement makes it confusing as to which number is the correct serial number, presents difficulties due to the limited space on the frame or receiver, and costs time and money because makers generally must hire marking services from gunsmiths.

2. Succinctly Stating the Objectives of, and Legal Basis for, the Proposed Rule

The objective of this proposed rulemaking is to reduce the regulatory burden on those who make NFA firearms. The NFA requires markings on the firearm, and the markings are critical for tracing guns used in crimes, but the statutory requirements would still be met by allowing persons who make NFA firearms by altering an existing firearm to adopt the original manufacturer or importer markings because tracing can still easily be accomplished using those numbers. Therefore, ATF would no longer require persons who make NFA firearms by altering an existing firearm to add their own markings to the firearm. However, other NFA makers who make their NFA firearms from scratch would still be required to add markings to their firearms.

3. Describing and, Where Feasible, Estimating the Number of Small Entities to Which the Proposed Rule Would Apply

The proposed rule directly affects individuals, not small entities, so there would be no direct impact to small entities from this rule. However, it is possible that there may be indirect costs to gunsmiths who provide NFA marking services to persons who make NFA firearms by modifying an existing GCA firearm. According to ATF's Federal Firearms Licensing Center, there are approximately 45,000 Type 1 (dealers) FFLs, of which an unknown subset may be providing aftermarket NFA firearm

marking services. These gunsmiths would continue other gunsmithing business activities they provide, such as repairing firearms, marking firearms for manufacturers and other NFA firearm makers, and other kinds of work on other firearms. According to ATF subject matter experts, marking NFA firearms made from GCA firearms represents a small portion of their business.

4. Describing the Proposed Rule's Projected Reporting, Record-Keeping, and Other Compliance Requirements, Including an Estimate of the Classes of Small Entities Which Would Be Subject to the Requirement and the Type of Professional Skills Necessary To Prepare the Report or Record

There are no additional requirements or costs being imposed by this proposed rule. This rule would remove costs and requirements to the public.

5. Identifying, to the Extent Practicable, All Relevant Federal Rules Which Might Duplicate, Overlap, or Conflict With the Proposed Rule

This proposed rule would not duplicate, overlap, or conflict with other federal rules.

6. Describing Any Significant Alternatives to the Proposed Rule Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact the Proposed Rule Might Have on Small Entities

ATF has considered the alternative of maintaining the status quo with respect to NFA maker marks even when the person makes an NFA firearm from an existing GCA firearm. Maintaining the status quo would alleviate the indirect costs to companies that facilitate NFA marking services. However, ATF has determined that the direct, economic benefits to the public would outweigh the indirect costs to a few businesses incurred from the proposed rule as this proposed rule would only apply to aftermarket GCA firearms being converted into NFA weapons and not NFA weapons in general. According to ATF subject matter experts, such converted firearms represent a small portion of gunsmith business activities, and ATF estimates that the impact would be low.

ATF has also considered eliminating the existing marking requirements for NFA firearms that are made from scratch rather than made by converting a GCA firearm into one subject to the NFA. ATF rejected this alternative because such NFA firearms made from scratch do not already have markings on them. This would not only violate the NFA, but it also would make it impossible to trace such firearms if used in crimes.

ATF also considered issuing guidance instead of a rule, but because the existing requirements are in a regulation, guidance would not be able to change the regulatory requirements. In addition, for purposes of this IRFA, it would still result in the same indirect impact on gunsmiths who provide NFA markings services.

G. Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule might have an indirect economic impact on a small subset of FFLs that serialize aftermarket GCA weapons made into NFA weapons. Because this proposed rule would not impose additional compliance activities (it reduces compliance activities), ATF does not anticipate imposing any enforcement activities against any small entity affected by this proposed rulemaking.

H. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it will not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

I. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements created by a rule or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c).This proposed rule involves one existing information collection under the PRA. That information collection is OMB control number 1140–0011, Application to Make and Register NFA Firearm, which includes ATF Form 5320.1 (''Form 1''). Although this rule is associated with information being collected under this existing ICR, the proposed changes would not add or change the burden imposed on the respondent beyond existing, OMB-approved requirements.

J. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA70 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifiable information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI/PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA70. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI/PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

• *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA70).

List of Subjects in 27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and record-keeping requirements, Seizures and forfeitures, Taxes, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 479 as follows:

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 1. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5801–5812; 26 U.S.C. 7801; 26 U.S.C. 7805.

■ 2. Amend § 479.102 by:

■ a. Revising the section heading and the paragraph heading for paragraph (b)(3); and

■ b. Adding paragraph (b)(3)(iv).

The revisions and addition read as follows:

§ 479.102 Identifying/marking firearms.

* * * * *

(b) * * *

(3) *Adopting identifying markings.* * * *

(iv) *Makers.* Makers that remanufacture or alter an existing firearm may adopt the serial number or other identifying markings previously placed on the firearm if the markings otherwise meet the requirements of this section.

* * * * *

Robert Cekada,

Director.

[FR Doc. 2026–08915 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 479

[Docket No. ATF–2026–0004; ATF No. 2025R–15P]

RIN 1140–AA65

Removing CLEO Notification Under the National Firearms Act

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to remove the requirement that a copy of all applications to make or transfer a firearm subject to the National Firearms Act, and the specified form for responsible persons, as applicable, be forwarded to the chief law enforcement officer of the locality in which the applicant/transferee or responsible person is located.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) July 6, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA65, by either of the following methods—

• *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York

Ave. NE; Washington, DC 20226; *ATTN RIN 1140–AA65.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA65) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and in any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the provisions of the National Firearms Act (''NFA''), 26 U.S.C. chapter 53.[1] Congress and the Attorney General have delegated the responsibility for administering and enforcing the NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the NFA in 27 CFR part 479.

A. Application To Make a Firearm

Section 5822 of the NFA prohibits any person from making a firearm unless the person has: (1) filed with the Attorney General a written application, in duplicate, to make and register the firearm; (2) paid any tax required to make the firearm and affixed the proper tax stamp to the original application form; [3] (3) identified the firearm in the application form in such manner as prescribed by regulation; (4) identified themself in the application form in such manner as prescribed by regulation, and that, if such person is an individual, the identification must include the individual's fingerprints and photograph; and (5) obtained the Attorney General's approval on the form to make and register the firearm. 26 U.S.C. 5822. Applications must be denied if making or possessing the firearm would place the person making the firearm in violation of law. For purposes of the NFA, the term ''person'' means ''an individual, a trust, estate, partnership, association, company or corporation.'' 26 U.S.C. 7701(a)(1).

Regulations implementing 26 U.S.C. 5822 are set forth in 27 CFR part 479, subpart E. The regulations provide, at 27 CFR 479.62, that no person may make a firearm unless the person has filed with the Director an ATF 5320.1, Application to Make and Register an NFA Firearm (''Form 1''), and has received the Director's approval to make the firearm. Approving the application also registers the firearm to the applicant in the National Firearms Registration and Transfer Record (''NFRTR''). Prior to submitting the application to the Director, all applicants and responsible persons must currently forward a complete copy of Form 1 or a complete copy of ATF Form 5320.23, NFA Responsible Person Questionnaire (''Form 23''), respectively, to the chief law enforcement officer (''CLEO'') of the locality in which the applicant or responsible person is located. The CLEO is defined at 27 CFR 479.62(c) as the local chief of police, county sheriff, head of the state police, or state or local district attorney or prosecutor.

B. Application To Transfer a Firearm

Section 5812(a) of the NFA provides that a firearm may not be transferred unless: (1) the firearm's transferor has filed a written application, in duplicate, to transfer and register the firearm to the transferee, using the prescribed application form; (2) the transferor has paid any tax required, and affixed the proper tax stamp to the original application form; [4] (3) the application form identifies the transferee in such manner as prescribed by regulation, and that, if such person is an individual, the identification must include the individual's fingerprints and photograph; (4) the application form identifies the transferor in such manner as prescribed by regulation; (5) the application form identifies the firearm in such manner as prescribed by regulation; and (6) the application form shows that the Attorney General has approved the transfer and that the firearm has been registered to the transferee. Applications will be denied if transferring, receiving, or possessing the firearm would place the transferee in violation of law. 26 U.S.C. 5812(a). Section 5812(b) of the NFA provides that the transferee may not take possession of the firearm unless the Attorney General has approved the transfer and registered the firearm to the transferee.

Regulations implementing 26 U.S.C. 5812 are set forth in 27 CFR part 479, subpart F. In general, § 479.84 provides that no firearm may be transferred in the United States unless an application, ATF 5320.4, Application to Transfer and Register NFA Firearm (Tax Paid) (''Form 4''), has been filed and approved by the Director. Prior to submitting the

[1] Some NFA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, Gun Control Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] Effective January 1, 2026, the tax for making NFA firearms (other than machine guns and destructive devices) is $0. Public Law 119–21, sec. 70436 (July 4, 2025).

[4] Effective January 1, 2026, the transfer tax for NFA firearms (other than machine gun and destructive devices) is $0. Public Law 119–21, sec. 70436 (July 4, 2025).

application to the Director, all transferees and responsible persons must forward a complete copy of Form 4 or Form 23, respectively, to the CLEO of the locality in which the applicant or responsible person is located. The CLEO is defined at § 479.84(c) as the local chief of police, county sheriff, head of the state police, or state or local district attorney or prosecutor.

II. Proposed Rule

Before 2014, ATF required individuals applying to make or transfer a firearm under the NFA to receive a certification from the CLEO of the jurisdiction in which the applicant resided. Certifications on Form 1 and Form 4 requested that CLEOs confirm that they had no information indicating the maker or transferee would use the firearm or device described on the application for other than lawful purposes and, further, that CLEOs had no information that receiving or possessing the firearm or device would place the maker or the transferee in violation of state or local law.[5]

In 2009, ATF received a petition for rulemaking from the National Firearms Act Trade and Collectors Association (''NFATCA'') that requested, in part, that ATF eliminate the required CLEO certification for making and transferring NFA firearms.[6] The petitioner cited the lack of CLEO cooperation as reason for eliminating the requirement. Additionally, the petitioner asserted that ATF did not accept the CLEO certification as prima facie evidence that the applicant lawfully possesses the NFA firearm because ATF verifies that the applicant may lawfully possess an NFA firearm under state and federal law. In response to this petition, the Department issued an NPRM in 2013 titled, ''Machine Guns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Corporation, Trust or Other Legal Entity With Respect To Making or Transferring a Firearm,'' to extend NFA requirements, including CLEO certifications, to responsible persons of legal entities. *See* 78 FR 55014, 55016–17 (Sept. 9, 2013).

The comments in response to the NPRM echoed the NFATCA petition. *See* Machineguns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Trust or Legal Entity With Respect To Making or Transferring a Firearm, 81 FR 2658, 2680 (Jan. 15, 2016) (''2016 final rule''). Commenters explained that, in practice, many applicants struggled to obtain CLEO sign-off. CLEOs would refuse to sign for a variety of reasons. Some CLEOs feared civil liability should weapons be misused. Others were ideologically opposed to persons possessing certain weapons. Applicants would respond by going to different CLEOs in their jurisdiction to find one who would sign. Alternatively, they would form a trust or legal entity because ATF did not require CLEO sign-off for trusts and legal entities. But when individuals formed entities, ATF also did not perform a background check on individuals authorized to possess NFA firearms under the auspices of the entity.

ATF changed both practices in the 2016 final rule when it required responsible persons of an entity to submit to a background check and also changed the CLEO certification requirement to a notice-based system. *See* 81 FR 2658. Specifically, ATF changed its regulations to require that applicants forward a copy of their application to a CLEO in their jurisdiction and to allow CLEOs who had objections to making or transferring a firearm to forward their objections to ATF for review. As part of the change, ATF amended its regulations to no longer require CLEO consent to approve an application to make or transfer an NFA firearm. *See* 27 CFR 479.62, 479.84.

Now, ATF proposes to discontinue this notification practice. ATF has no information that the CLEO notification meaningfully aids criminal investigations or serves a significant purpose for local law enforcement. Additionally, ATF does not need the notices for purposes of approving or disapproving firearm transfers. When the CLEO certification requirement was first imposed, ATF relied on local law enforcement to help determine whether a person could lawfully possess NFA firearms. Now, all applicants to make or transfer NFA firearms are subject to a thorough background check through the National Instant Criminal Background Check System. ATF makes its own assessment of state and local law to determine whether specific NFA firearms are lawful in the maker's or transferee's jurisdiction and no longer relies on local law enforcement for that information.

In the 2016 final rule, the Department rejected fully eliminating the CLEO requirement. The Department wrote that the CLEO notice provided ''awareness that a resident of the CLEO's jurisdiction has applied to make or obtain an NFA weapon and affords the CLEO an opportunity to provide input to [ ] ATF of any information that may not be available during a federal background check indicating that the applicant is prohibited from possessing firearms.'' 81 FR 2682.

In the nearly ten years this system has been in place, it has not worked as intended. During this time period, ATF is not aware of CLEOs performing independent background checks or filing objections to making or transferring a firearm. The general feedback to ATF regarding the CLEO notification has been that law enforcement agencies simply discard these notices. However, ATF encourages public comments from CLEOs on whether these notices provide a benefit to them.

These notices are not costless. In the 2016 final rule, ATF estimated that the notice requirement would cost applicants (individuals and entities) nearly $5.8 million annually. 81 FR 2713. That cost is higher today because of the increase in NFA transfers and inflation. In section III.A of this preamble, ATF estimates the savings from removing this requirement to be approximately $11.4 million annually.

There are also no legal impediments to removing the CLEO notice. The CLEO notice is not in the statutory requirements for applying to make or transfer NFA firearms. This requirement, instead, has been upheld as an implied power based on ATF's ''broad authority to promulgate regulations governing application forms.'' *Lomont* v. *O'Neill,* 285 F.3d 9, 16 (D.C. Cir. 2002). Thus, removing the notification requirement would lessen the burden on applicants and be consistent with the statutory requirements for approving applications to make or transfer a firearm.

Accordingly, ATF proposes amending 27 CFR 479.62 and 479.84 to remove the requirement that a copy of all applications to make or transfer a firearm, and the specified form for responsible persons, as applicable, be forwarded to the CLEO of the locality in which the maker, transferee, or responsible person is located.

[5] *See, e.g.,* ATF Form 1, *Application to Make and Register a Firearm,* (draft 12–31–13), available at *https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=201401-1140-001&icID=12720* (last visited April 22, 2026).

[6] The term ''NFA firearm'' means firearms and other weapons to which the NFA applies—specifically, machine guns, shotguns having a barrel or barrels of less than 18 inches in length, rifles having a barrel or barrels of less than 16 inches in length, weapons made from a rifle having an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length or weapons made from a shotgun with an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length, silencers, destructive devices, and any other weapon as defined by the Act. 26 U.S.C. 5845(a).

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rulemaking responds to the inquiries ATF has received regarding the purpose of the CLEO notification, and further addresses confusion expressed by CLEOs as to whether their respective law enforcement agency qualifies as the chief law enforcement agency, or whether that agency can be removed as the chief law enforcement agency. The Office of Management and Budget (''OMB'') has determined that this proposed rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. ATF provides the following analysis to comply with Executive Orders 12866 and 13563.

1. Need Statement

CLEO notification may not meaningfully aid criminal investigations or serve a significant purpose for local law enforcement that outweighs the burdens imposed by the rule; therefore, this proposed rule would amend 27 CFR part 479 to remove the requirement to submit a completed NFA application form or responsible person questionnaire to CLEOs, thereby lessening the burdens on persons who make or transfer such firearms. ATF's current understanding is that CLEOs do not make use of these notifications. However, ATF encourages public comments from CLEOs as to whether receiving such notices provides benefits to them.

2. Population

ATF maintains a record of applications to make or transfer NFA firearms. Over the last ten years, the number of NFA applications has increased.[7] Table 1 shows the number of applications by year from 2015 through 2024.

TABLE 1—HISTORICAL NUMBER OF APPLICATIONS

Year	Estimated CLEO notifications
2015	307,524
2016	548,235
2017	259,147
2018	339,278
2019	370,347
2020	487,745
2021	689,822
2022	764,814
2023	1,061,068
2024	1,170,028

ATF determined the average rate of change from one year to the next in Table 1's data, then used statistical software to forecast the number of future applications for years 2025 to 2034 applying that same rate of change. Table 2 provides the anticipated increase in Form 4 applications over the next ten years.

TABLE 2—PROJECTED NUMBER OF CLEO NOTIFICATIONS

Future years	Projected CLEO notifications
1	1,243,806
2	1,335,050
3	1,426,295
4	1,517,540
5	1,608,785
6	1,700,030
7	1,791,275
8	1,882,519
9	1,973,764
10	2,065,009

3. Benefits and Savings

This proposed rule would no longer require individuals to notify CLEOs by submitting a copy of their NFA applications. ATF anticipates this proposed rule would primarily affect individuals who make or transfer NFA items for personal use. For purposes of this analysis, ATF estimates that it would take 15 minutes (0.25 hours) for an individual to copy the relevant form prior to submitting the original to ATF.

Furthermore, individuals applying to purchase an NFA firearm would likely be doing so during their leisure time; therefore, ATF estimated a leisure wage rate based on methodology from the Department of Health and Human Services (''HHS''), updated to account for the latest available data.[8] The HHS methodology is to first obtain the average U.S. median non-leisure weekly wage from the Bureau of Labor Statistics (''BLS''), and divide it by 40 hours to derive the median hourly non-leisure wage. Step two is to obtain the average U.S. real household income before taxes and after taxes from the Census Bureau, and divide one by the other to determine the net household income rate. Step three applies the net income rate to the median non-leisure hourly rate derived in step one, to calculate the hourly leisure wage. Table 3 shows the steps and data ATF used under this methodology to determine an updated leisure wage.

TABLE 3—CALCULATING LEISURE WAGE

Inputs for leisure wage rate	Numerical inputs	Source
1a. Median non-leisure weekly wage	$1,214	News Release, BLS, Usual Weekly Earnings for Wage and Salary Workers *https://www.bls.gov/opub/ted/2025/median-weekly-earnings-were-1076-for-women-1333-for-men-in-third-quarter-2025.htm* (*https://www.bls.gov/news.release/archives/wkyeng_04162025.pdf*).
1b. Median non-leisure hourly wage	$30.35	$1,214/40 hours a week = $30.35.
2a. Real household income pre-tax	$83,730	U.S. Census Bureau, Median Household Income *https://www.census.gov/library/publications/2025/demo/p60-286.html.*
2b. Real household income post-tax	$72,330	U.S. Census Bureau, Median Household Income *https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww2.census.gov%2Fprograms-*surveys%2Fdemo%2Ftables%2Fp60%2F286%2FtableB1.xlsx&wdOrigin=BROWSELINK.*

[7] *National Firearms Act Division,* ATF, *https://www.atf.gov/firearms/national-firearms-act-division* [*https://perma.cc/9TRZ-63BV*].

[8] *https://aspe.hhs.gov/sites/default/files/private/pdf/257746/VOT.pdf.*

TABLE 3—CALCULATING LEISURE WAGE—Continued

Inputs for leisure wage rate	Numerical inputs	Source
2c. Net household income rate	86 percent	$72,330 post-tax income/$83,730 pre-tax income = .86 net household income rate.
3a. Hourly leisure wage	$26.10	$30.35 hourly non-leisure wage * .86 net household income rate = $26.10 hourly leisure wage.
3b. Rounded hourly leisure wage	$26.	

Based on the methodology outlined by HHS, the estimated leisure wage is $26 per hour, which ATF then used to calculate the hourly savings. At 0.25 hours to copy per application, ATF estimates that this proposed rule would provide a $7 (rounded) hourly time savings per application.

TABLE 4—DEREGULATORY SAVINGS OVER TEN YEARS *

Year	Undiscounted	3-Percent discount	7-Percent discount
2025	$8,706,642	$8,453,050	$8,137,049
2026	9,345,350	8,808,889	8,162,591
2027	9,984,065	9,136,834	8,149,971
2028	10,622,780	9,438,202	8,104,068
2029	11,261,495	9,714,265	8,029,290
2030	11,900,210	9,966,239	7,929,612
2031	12,538,925	10,195,293	7,808,612
2032	13,177,633	10,402,545	7,669,502
2033	13,816,348	10,589,080	7,515,178
2034	14,455,063	10,755,924	7,348,221
Total	115,808,511	97,460,322	78,854,095
Annualized	.....	11,425,323	11,227,049

* The ''Undiscounted'' column represents totals from the underlying costs. Consistent with guidance provided by OMB in Circular A–4, the ''3-percent discount rate'' and ''7-percent discount rate'' columns result from applying an economic formula to the number in each row of the ''Undiscounted'' column to show how these future costs over time would be valued today; they do not contain totals from other tables.

By multiplying the $7 savings by the number of applications by year, ATF anticipates this proposed rule would have a total, ten-year undiscounted, savings of $115.8 million or annualized savings of $11.4 million at a 3 percent discount rate and $11.2 million at a 7 percent discount rate.

This NPRM's proposals would alleviate the burden on individuals and CLEOs from providing and receiving, respectively, NFA applicant and responsible person notifications. As stated above, CLEOs are confused about the purpose for the notification requirement and what they should do with these forms when they receive them. This proposed rulemaking would remove that confusion in a manner that would not hinder public safety.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. This proposed rule would remove the previous regulatory requirement to notify CLEOs about applications to make or transfer NFA firearms and save the public from the costs and burdens of complying with them. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the *mens rea* standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It

thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule does not negatively impact small entities; it removes the burden for individuals who currently have to notify CLEOs when they apply to make or transfer an NFA firearm, and does the same for responsible persons. Because entities have responsible persons, this rule would reduce the burden for those persons, and thereby reduce the burden for the entities by extension. This proposed rule would thus result in a minor indirect benefit to entities from the time saved by their responsible persons. It does not create costs or burdens and does not generate a barrier to entry for small businesses.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would not create any new information collection requirements, but it would impact three existing information collections covered under the PRA. As discussed above, this proposed rule would require ATF to remove the sections of Form 1 (OMB control number 1140–0011), Form 4 (OMB control number 1140–0014), and Form 23 (OMB control number 1140–0107) that require applicants to submit a copy of the form to the CLEO and to certify that they have done so, along with accompanying instructions. ATF anticipates the impacts from this rule would reduce respondents' time burden to complete the forms.

Impacted ICR 1

Title: Application to Make and Register NFA Firearm.

OMB control number: 1140–0011.

Form number: ATF Form 5320.1 (''Form 1'').

Summary of the information collection: Any person other than a qualified manufacturer who wishes to make and register an NFA firearm must submit a written application to ATF on a form prescribed by ATF. 26 U.S.C. 5822. They must also identify the firearm they are making, themselves as the maker, and, if an individual, must include their fingerprints and a photograph with the application. In § 479.62, ATF prescribed ATF Form 5320.1 (''Form 1''), Application to Make and Register NFA Firearm, for these required purposes.

Need for information and proposed use: ATF's NFA Division uses the information on this form to determine whether the applicant may legally make and register the firearm under federal, state, tribal, and local law. Section 5822 provides that ATF cannot approve an application if making or possessing the firearm would place the person making the firearm in violation of law. The form asks an individual applicant to respond, under penalties of perjury, to questions to determine whether they are prohibited by federal law from possessing firearms. For a trust or legal entity, which cannot answer these questions on the Form 1 because they are not an individual, each responsible person for that trust or legal entity instead provides this information when they submit Form 5320.23, NFA Responsible Person Questionnaire (covered by 1140–0107, below).

Description of the respondents affected by this proposed rule: Individuals or households.

Number of respondents: 148,975 annually.

Frequency of response: once.

Response time estimate: 12 minutes (overall reduction from 30 minutes, due to conversion to eForm, changes proposed in this rule, and other related changes).

Burden of response: 29,795 hours total for all respondents.

Impacted ICR 2

Title: Application to Transfer and Register NFA Firearm (Tax-Paid).

OMB control number: 1140–0014.

Form number: ATF Form 5320.4 (''Form 4'').

Summary of the information collection: Persons with an NFA firearm must apply to ATF for approval to transfer and register the firearm as required by the NFA (26 U.S.C. 5812). ATF Form 5320.4 (''Form 4''), is the prescribed means for submitting this application, facilitates and records the firearms transfer, and also serves as proof of registration once approved.

Need for information and proposed use: ATF's NFA Division uses the information on this form to determine whether the applicant may legally make and register the firearm under federal, state, tribal, and local law. The form also identifies the transferor, transferee, and firearm(s). 26 U.S.C. 5812 provides that ATF cannot approve an application if receiving or possessing the firearm would place the person receiving the firearm in violation of law. The form asks an individual transferee to respond, under penalties of perjury, to questions to determine whether they are prohibited by federal law from possessing firearms. For a trust or legal entity, which cannot answer these questions on the Form 4 because they are not an individual, each responsible person for that trust or legal entity instead provides this information when they submit Form 5320.23, NFA Responsible Person Questionnaire (covered by 1140–0107, below).

Description of the respondents affected by this proposed rule: Individuals or households.

Number of respondents: 546,424 annually.

Frequency of response: once.

Response time estimate: 12 minutes (overall reduction from 30 minutes, due to conversion to eForm, changes proposed in this rule, and other related changes).

Burden of response: 109,285 hours total for all respondents.

Impacted ICR 3

Title: NFA Responsible Person Questionnaire.

OMB control number: 1140–0107.

Form number: ATF Form 5320.23 (''Form 23'').

Summary of the information collection: When a trust or other legal entity (including corporations, etc.) must submit Form 1 as the maker, or is identified as the transferee on Form 4 or ATF Form 5320.5 (''Form 5''), Application to Transfer and Register NFA Firearm (Tax-Exempt), they are not able to submit individually identifying information for purposes of a background check. When one of these forms is filled out by an entity other than an individual, the entity provides the information on the Forms 1, 4, or 5. In such cases, each responsible person for that entity must provide the same information that is requested for an individual on the Form 1, 4, or 5, but provides this information on a separate form. This is to ensure that each person is legally permitted to make, transfer, or receive an NFA firearm. As a result, ATF Form 5320.23 (''Form 23'') is required for any responsible person (as defined in 27 CFR 479.11) who is part of such trust or other legal entity.

Need for information and proposed use: ATF's NFA Division uses the information on this form to determine whether the applicant may legally make, possess, or receive the firearm under federal, state, tribal, and local law. Sections 5812 and 5822 provide that ATF cannot approve an application if making or possessing the firearm would place the person in violation of law. The form asks the responsible person to respond, under penalties of perjury, to questions to determine whether they are prohibited by federal law from possessing firearms.

Description of the respondents affected by this proposed rule: Entity responsible persons.

Number of respondents: 749,242 annually.

Frequency of response: once.

Response time estimate: 12 minutes (overall reduction to 30 minutes, due to conversion to eForm, changes proposed in this rule, and other related changes).

Burden of response: 149,848 hours total for all respondents.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. ATF also requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA65 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA65. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and in any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA65).

List of Subjects in 27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Taxes, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 479 as follows:

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 1. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5801–5812; 26 U.S.C. 7801; 26 U.S.C. 7805.

§ 479.62 [Amended]

■ 2. Amend § 479.62 by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

§ 479.84 [Amended]

■ 3. Amend § 479.84 by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

Robert Cekada,

Director.

[FR Doc. 2026–08912 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR part 479

Docket No. ATF–2026–0331; ATF No.2025R–20P]

RIN 1140–AA76

Clarifying Special (Occupational) Tax Payments Per Business Activity

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to clarify that a person engaged in the business of dealing, importing, or manufacturing firearms regulated under the National Firearms Act must pay a special (occupational) tax (''SOT'') for each business activity conducted at the same location. However, they are not required to pay a tax for each license they have at that location if the licenses are for the same type of business activity. The rule proposes clarifying that licensees pay one SOT per business activity (manufacturing, importing, or dealing).

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) July 6, 2026. Commenters should be aware that the federal e-rulemaking portal will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA76, by either of the following methods—

• *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226; *ATTN: ATF 1140–AA76.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA76) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave NE; Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the National Firearms Act (''NFA''), as amended, 26 U.S.C. chapter 53.[1] Congress and the Attorney General have delegated the responsibility for administering and enforcing the NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No.

[1] Some NFA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations to implement the NFA in 27 CFR part 479.

Firearms subject to NFA provisions include machine guns, a shotgun having a barrel or barrels of less than 18 inches in length, a rifle having a barrel or barrels of less than 16 inches in length, a weapon made from a rifle, a weapon made from a shotgun, silencers, destructive devices, and any other weapon as defined by the NFA (''NFA firearms''). 26 U.S.C. 5845(a).

Section 5801(a) requires that every importer, manufacturer, and dealer in firearms pay a special (occupational) tax (''SOT'') for each place of business on or before July 1 of each year. Importers and manufacturers generally pay $1,000 a year or a fraction thereof,[3] and dealers pay $500 a year or a fraction thereof. Federal regulations at 27 CFR 479.31 do not permit the SOT to be prorated. For purposes of the NFA, a ''dealer'' is any person, who is not also a manufacturer or importer, ''engaged in the business of selling, renting, leasing, or loaning firearms, and includes pawnbrokers who accept firearms as collateral for loans.'' 26 U.S.C. 5845(k). An ''importer'' is ''any person who is engaged in the business of importing or bringing firearms into the United States,'' 26 U.S.C. 5845(l), and a ''manufacturer'' is ''any person who is engaged in the business of manufacturing firearms.'' 26 U.S.C. 5845(m).

Regulations implementing 26 U.S.C. 5801 are set forth in 27 CFR part 479, subpart D—Special (Occupational) Tax. The regulations provide that, if more than one ''business taxable'' under section 5801 (hereinafter ''taxable business'' for easier reading) is carried on at the same location during a taxable year, the licensee, generally recognized by their IRS-issued individual employer identification number, must pay the SOT imposed on each such business. 27 CFR 479.39. For example, if the licensee engages in the business of manufacturing NFA firearms, they must pay a SOT for the manufacturing business. If, at the same business premises, they also engage in the business of importing NFA firearms, they must also pay a SOT for the importing business, therefore paying two SOTs for business activities at that premises. However, this regulatory provision does not require a qualified[4] manufacturer or importer to pay a SOT for dealing at the same premises if such manufacturer or importer also engages in business as a dealer. *Id.* In other words, manufacturers can also deal in firearms while paying a SOT only for the manufacturing business, and the same for importers. But a qualified dealer is not entitled to engage in business as a manufacturer or importer without paying a SOT for the manufacturing or importing business. *Id.* The regulations do not authorize a qualified importer to engage in the business of manufacturing without also becoming a qualified manufacturer. *See* 27 CFR part 479, subpart D.

ATF realizes the existing regulations regarding SOT are complex. The relationship between licenses and taxable business activities is also complicated because each person engaging in the business of manufacturing, importing, or dealing in firearms must also have a license under the Gun Control Act (''GCA'') licensing scheme, which requires different types of licenses based on the type of item.[5] Licensees that engage in one or more of these licensed business activities and handle NFA firearms must both obtain the license and pay the appropriate NFA SOT. However, the relationship is further complicated by the fact that, unlike the NFA, licenses issued under the GCA distinguish between sub-types of manufacturing and importing, such as manufacturing firearms (Type 07) and manufacturing destructive devices (Type 10) or importing firearms (Type 08) and importing destructive devices (Type 11). Licensees may have more than one of these types of licenses for business at a given premises, but this licensing scheme is more divided than the taxable business divisions for SOT payments. Essentially, while there are three taxable business activities under the NFA, seven of the nine licenses under the GCA fall within those three taxable activities.[6] People have been confused about whether they must pay a SOT for each such GCA license (which, if it were the case, would treat them as seven taxable business activities).

In addition, while manufacturers must obtain a GCA manufacturing license for the type of firearms they manufacture, if they also deal in those same types of firearms, they do not have to obtain a separate dealer's license. The same is true for licensed importers who deal in the same types of firearms they import. But if licensed manufacturers or importers deal in a different type of firearm from those they manufacture or import, they must obtain a separate dealer's license for the different type of firearms. For example, a Type 07 manufacturer of NFA firearms who also wants to deal in destructive devices, would be required to first obtain a Type 09 dealer in destructive devices license, then obtain the separate SOT, as destructive devices are a specific type of NFA item. In addition, dealers who are not manufacturers or importers must obtain separate dealer's licenses for the different types of firearms in which they deal.

ATF previously advised federal firearms licensees (''FFLs'' or ''licensees'') in a June 2021 FFL Newsletter that a person who maintains a manufacturer's and a dealer's license at the same business premises and engages in the business of NFA firearms from both licenses would need to pay a separate SOT for each license under the NFA (a SOT for manufacturing and a SOT for dealing).[7] In the newsletter, ATF noted that 27 CFR 479.39 permits a qualified manufacturer of NFA firearms to also deal in NFA firearms. As such, ''the only exception to paying SOT for every business activity carried on at the same location is when a manufacturer or importer also engages in business as a dealer on the qualified premises.'' [8] However, the newsletter clarified that a manufacturer that holds two separate licenses (manufacturer and dealer) would need to pay SOT for both

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, Gun Control Act, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

[3] Under certain circumstances, an importer or manufacturer can pay a reduced rate. *See* 27 CFR 479.32a.

[4] A manufacturer, importer, or dealer is ''qualified'' under the NFA if they have paid the SOT for that business activity.

[5] *ATF.gov, Types of Federal Firearms Licenses (FFL), https://www.atf.gov/resource-center/infographics/types-federal-firearms-licensees-ffls* [*https://perma.cc/LH8M-4M8N*].

[6] Of the nine GCA licenses, there are three types of dealer licenses: Type 01 for firearms, Type 02 for pawnbrokers, and Type 09 for destructive devices. In addition, there are two types of manufacturer licenses, noted in the text above: Type 07 for firearms, and Type 10 for destructive devices. And there are two types of importer licenses, also noted in the text: Type 08 for firearms and Type 11 for destructive devices. *See* ATF.gov, *Federal Firearms Licenses, https://www.atf.gov/firearms/federal-firearms-licenses* for details. The other two GCA licenses, Type 03 for collectors of curios and relics and Type 06 for ammunition, do not fall within the categories of NFA dealer, manufacturer, or importer taxable business activities, and are thus not relevant to this rule.

[7] ATF, *Special Occupational Tax Requirements—Business Locations,* FFL Newsletter at 10–11 (June 2021), *https://www.atf.gov/firearms/docs/newsletter/federal-firearms-licensee-ffl-newsletter-june-2021/download* [*https://perma.cc/9BGZ-DHE8*].

[8] *Id.* at 10.

the manufacturer and dealer licenses.[9] Similarly, an importer that holds two licenses (importer and dealer) would need to pay SOT for both the importer and dealer licenses.[10] In other words, the manufacturer is not required to obtain a separate license for dealing in the same type of firearms they manufacture at the same premises, but if they do obtain a separate dealer's license (for example, they decide to deal in firearms other than the type they manufacture), they must pay a SOT for manufacturing and for dealing. The same holds true for an importer who also obtains a separate dealer's license.

II. Proposed Rule

This rule proposes to amend 27 CFR 479.39 by clarifying that licensees conducting business involving NFA firearms pay the SOT one time during the taxable year for each taxable business under 26 U.S.C. 5801, regardless of how many licenses the FFL has. As mentioned above, the NFA requires a person to pay the SOT for every taxable business conducted at the same business premises during a taxable year. 26 U.S.C. 5801(a). A taxable business is one of three distinct types of taxable NFA business activities conducted by a person at a business premises—importing, manufacturing, or dealing NFA firearms.[11] The NFA regulations allow a person to engage in more than one taxable business at the same business premises, provided they pay SOT on ''each such business.'' 27 CFR 479.39. As an example, an FFL importing and manufacturing NFA firearms at the same business premises is engaged in two separate types of NFA business activities or taxable businesses. Thus, the FFL must submit a SOT payment for each taxable business (*i.e.,* a SOT payment to import NFA firearms and a SOT payment to manufacture NFA firearms), in order to engage in both activities at the same business premises. However, the NFA does not further divide these taxable business activities—importing, manufacturing, dealing—into more specific business activities, nor does it align with the licensing scheme under the GCA.

The NFA statute and regulation clearly provide that the SOT payments required to engage in NFA business activity are ''for each place of business,'' 26 U.S.C. 5801(a), and for each taxable business taking place at that business premises, 27 CFR 479.39. The NFA requires SOT payment based on the three taxable business activities listed above. Therefore, the relevant inquiry is not the number of licenses used to conduct the NFA business activity. Rather, it is whether the GCA licenses indicate that an individual engages in the business of the taxable activity (*i.e.,* importing, dealing, or manufacturing).

For example, Type 10 (Manufacturer of Destructive Devices, Ammunition for Destructive Devices, or Armor-Piercing Ammunition) and Type 07 (Manufacturer of Firearms Other Than Destructive Devices) licenses under the GCA are of the same ''type'' of NFA business activity because both are manufacturing licenses. However, the manufacturing activity sub-type authorized under each license differs. The Type 10 license authorizes the person to manufacture destructive devices, and the Type 07 license authorizes them to manufacture firearms. Nevertheless, it is clear from the NFA that the licensee must make only one SOT payment for the overall NFA manufacturing business activity because manufacturing is the sole NFA taxable business occurring. In other words, the person does not need to make two SOT payments for manufacturing activity merely because the person holds two licenses for different manufacturing sub-types (*i.e.,* Type 10 and Type 07). The person would obtain two licenses, Type 07 and Type 10, authorizing them to manufacture two types of NFA firearms, but would pay one Class 2 SOT (Manufacturing NFA firearms) that would cover both.

Moreover, as permitted under the statute and regulation, firearms manufacturers can deal in firearms without obtaining a separate Type 01 dealer license at the same business premises because the GCA licensing scheme allows licensed manufacturers and importers to also deal in the same type of firearms they manufacture or import at the same premises without obtaining a separate dealer's license. In this scenario, the applicable SOT would still be a Class 2 SOT (Manufacturing NFA firearms), and the licensee would still pay only one SOT, because the Class 2 SOT also allows a manufacturer to deal in NFA firearms without paying a separate SOT for dealing (the Class 1 SOT (Importing NFA firearms). Thus, the manufacturer would have two licenses, Types 07 and 10, and pay one Class 2 SOT, covering manufacturing both NFA firearms and destructive devices, and dealing in NFA firearms, at the same business premises.

However, if the licensee also imports firearms at the same premises, they would have to also obtain a Type 08 license (Importer of Firearms Other than Destructive Devices or Ammunition for Firearms Other than Destructive Devices, or Ammunition Other than Armor-Piercing Ammunition). In addition, they would have to pay a second SOT because importing is a different NFA taxable business activity. In this scenario, the licensee would have three licenses (Types 07, 08, and 10), engage in three taxable NFA business activities (manufacturing, importing, and dealing in the same type of firearms they manufacture or import), but would pay only two SOTs (a Class 2 SOT for NFA manufacturing and a Class 1 SOT NFA importing) because the license types do not affect the SOT and because dealing would be included under both the manufacturing and importing SOTs. However, manufacturers or importers that choose to engage in the business of dealing in firearms that are not of the same type as those they manufacture, or import must obtain a dealer's license. If those other types of firearms are NFA firearms, the separate dealer's license means they hold themselves out as dealers in NFA firearms and they thus must pay a separate occupational tax for the business of dealing. That would not be affected by this rule if the licensee obtains only one type of dealer's license. This proposed rule would impact only manufacturers, importers, and dealers who maintain two or more manufacturer, importer, or dealer licenses relating to NFA firearms at the same premises (*e.g.,* Types 07 and 10 at the same business premises; Types 08 and 11 at the same business premises; or Types 01 (for firearms) and 09 (for destructive devices) dealer's licenses at the same premises) because it would clarify that they would need to pay only one SOT for all manufacturing licenses combined, one SOT for all importing licenses combined, and one SOT for all dealing licenses combined.

ATF proposes clarifying § 479.39 to address the source of confusion about whether a SOT is required for each license a person has at the same business premises. ATF proposes amending 27 CFR 479.39 by clarifying that only one SOT payment is required for each taxable business at the same location (notwithstanding the number of licenses under the GCA that they need to conduct that taxable business activity). The proposed clarification to § 479.39 does not supersede the analysis in ATF's June 2021 FFL Newsletter.[12]

[9] *Id.*

[10] *Id.*

[11] 26 U.S.C. 5801(a): *See also* ATF, *When must firearms special (occupational) taxes be paid and how much are the taxes?, https://www.atf.gov/firearms/qa/when-must-firearms-special-occupational-taxes-be-paid-and-how-much-are-taxes* [*https://perma.cc/3BZU-YUBA*].

[12] *See* footnote 7, *supra.*

While an FFL who manufactures or imports firearms does not need a separate license to deal in those same firearms, some FFLs choose to also acquire a separate dealer's license for other types of firearms. If an FFL chooses to use a separate dealer's license to deal NFA firearms, then that FFL will also need to pay the SOT on the dealer's license because it is a separate taxable business under the NFA (even if they can lawfully engage in this activity under the manufacturer's license they maintain).

In addition, the current provision already provides that a qualified manufacturer who engages in business as an importer must also qualify as an importer. The proposed rule would clarify that a qualified importer engaged in the business of manufacturing must also qualify as a manufacturer.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This rule proposes to amend 27 CFR part 479 to clarify the number of SOTs that licensees must pay for each taxable business conducted at the same business premises during a taxable year. The proposed rule clarifies that a person needs only one SOT per taxable business (importing, manufacturing, or dealing) at a licensee's business premises, regardless of the number of GCA licenses they have to carry out that one business activity.

The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule. ATF provides the following analysis to comply with Executive Orders 12866 and 13563.

1. Need Statement

The need for this regulatory action is to reduce the overall burden on businesses, particularly small businesses, without any impact to public safety. As currently written, the regulation is confusing and some licensees pay for more SOTs than required. Because multiple license types are available for each business activity—manufacturing, importing, and dealing—persons who manufacture, import, or deal in NFA firearms would be affected by this proposed rule.

2. Transfers

Under the existing regulations, licensees have been paying for more SOTs than required. Manufacturer and importer FFLs generally must pay a $1,000 or $500 SOT per NFA taxable manufacturing business or importing business at a given business premises, depending on class status, and dealer FFLs pay a $500 SOT for the dealing taxable business if they obtain a dealer's license. A single SOT covers all licenses the FFL has at one location for a specific taxable business activity. For example, a licensee that has two different manufacturing licenses, such as a Type 07 for manufacturing firearms and a Type 10 for manufacturing destructive devices, would pay only one SOT for manufacturing. The manufacturer would also be able to deal in NFA firearms without paying a separate SOT, as long as they did not have a separate dealer's license. Similarly, a licensee with a Type 08 license to import firearms and a Type 11 license to import destructive devices would also pay one SOT, for the importing taxable business activity. This licensed importer would also be able to deal in NFA firearms without having to pay a second SOT, as long as they did not have a separate dealer's license. However, many licensees are currently paying for two manufacturing SOTs, two importing SOTs, or, at a lower frequency, two dealing SOTs.[13] Assuming a licensee maintaining multiple licenses is paying twice as many SOTs as required for a taxable business activity, this proposed rule would result in affected licensees reducing the number of SOTs they pay by half.

Based on 2025 data from ATF's National Firearms Act Division, there are approximately 496 FFLs with multiple SOTs of the same business activity at the same location. Because a SOT is either $500 or $1,000, depending on class, ATF used a weighted average by SOT class to determine the estimated savings this rule would have on the overall industry. Based on information gathered from ATF's National Firearms Act Division, 13 percent of all active FFLs with SOT status pay a SOT of $1,000 and 87 percent pay $500. The weighted average is lower than a midpoint (which would be 750) due to the population of dealers who pay only $500, making the weighted average $565.[14] [15] As a result, the cost savings from avoided SOTs would total $280,240 annually.[16] Therefore, the annual transfer, representing savings for affected FFLs under this rulemaking and lost revenue for the government, would be $280,240, or nearly $3 million over the course of ten years.

3. Benefits

The proposed rule would result in additional benefits to licensees because, by paying fewer SOTs, they would also reduce the amount of time they would spend completing and submitting SOT returns.[17] It takes licensees 15 minutes (0.25 hours) to complete and submit ATF Form 5630.7, Special Tax Registration and Return National Firearms Act (NFA) form (now changing to NFA Special Occupational Tax (SOT) Registration/Return) (''Form 5630.7''). For purposes of this analysis, ATF assumes that a retail salesperson at the FFL would complete and submit the return. According to the Bureau of Labor Statistics (''BLS''), an FFL retail salesperson handles these tasks and is paid an hourly wage rate of $17.64 per hour.[18] To account for fringe employment benefits such as insurance, ATF determined the average load rate based on BLS's calculated national hourly compensation (salaries/wages plus paid benefits) for all private-sector occupations (average of $44.20 for 2024) [19] divided by the national average hourly wages and salaries without benefits (average of $31.95 for 2024),[20] making a load rate of 1.42.[21] ATF then applied this load rate to the FFL retail salesperson wage to calculate their total compensation. Multiplying BLS's estimated hourly wage rate for an FFL salesperson ($17.64) by the load rate of

[13] *See* footnote 5, *supra,* for a list of the types of licenses.

[14] While Class 1 and 2 SOTs are $1,000 for importers and manufacturers, taxes assessed may be $500 (or the same amount as Class 3 dealers) depending on the overall revenue of the FFL.

[15] $565 weighted average SOT = ($500 reduced/dealer SOT * 87 percent) + ($1,000 SOT * 13 percent).

[16] $372,000 annual savings = $750 savings per FFL * 496 FFLs with multiple licenses.

[17] NFA Special Occupational Tax (SOT) Registration/Return, ATF Form 5630.7. NFA licensees use this form to pay their SOT and register as a SOT payer.

[18] U.S. Bureau of Labor Statistics, *Occupational Employment and Wages, May 2023,* for 41–2031 Retail Salespersons, *https://www.bls.gov/oes/2023/may/oes412031.htm* [*https://perma.cc/V5T8-T455*].

[19] U.S. Bureau of Labor Statistics, *Total compensation cost per hour worked for private industry workers (2023–2025), https://data.bls.gov/dataViewer/view/timeseries/CMU2010000000000D* [*https://perma.cc/T2ZL-2UUB*].

[20] *Id.*

[21] 1.4 load rate = $44.20 total hourly compensation/31.95 hourly wages and salaries.

1.42, ATF estimated that an FFL would save $25.05 in loaded monetized time per hour under this rule. Applied to the 496 affected FFLs, this 15-minute time burden would result in 124 hours of saved time annually for the affected FFLs in total. At the $25.05 wage rate, the monetized value of the saved time would be $3,106 per year, or $31,062 over ten years.

4. Costs

This proposed rule would not result in quantifiable costs. The proposed changes might be thought to result in ATF losing information about FFLs also manufacturing or importing other types of firearms by no longer receiving returns (which accompany the SOT payments) for other manufacturing or importing types. However, in reality, the information gleaned from SOT returns submitted by the same licensee on the same taxable business at the same location is duplicative for ATF purposes. ATF notes that the public savings arising from this proposed rule's reduced SOT payments would be a transfer from the government to the public, as discussed in section A.2 of this part.

5. Regulatory Alternatives

Alternative 1. Maintaining the Status Quo (No Action Alternative)

Under current regulations, many FFLs are confused about how many SOTs they must pay when they have multiple licenses for types of manufacturing, types of importing, and dealing. As a result, maintaining the status quo would allow this problem to continue. The results would be that this segment of the firearms industry would continue making double payments and expending twice the amount of time to complete the accompanying returns. The costs of maintaining the status quo would be equivalent to the savings identified in the sections above: $280,240 in extra SOT payments per year, or nearly $3 million over the course of ten years, and 124 hours of extra time annually for the affected FFLs in total. At the $25.05 wage rate, the monetized value of the extra time would be $3,106 per year, or $31,062 over ten years.

Alternative 2. Rulemaking (Proposed Alternative)

This proposed rule would clarify existing regulations so that licensees would no longer be confused about how many SOTs they must pay. It would reduce the number of SOT payments they make when they have multiple manufacturing or multiple importing licenses by half, thereby saving the affected population of licensees nearly $3 million over the course of ten years, and saving them $31,060 in monetized time burdens. It would create no risk to public safety and would not entail any additional costs or burdens to industry. This alternative was accepted because of the benefits accrued to the public.

Alternative 3. Issuing Guidance

Under this alternative, the existing regulation would remain and would continue to be confusing to licensees. Although guidance might serve to alleviate some of that confusion, ATF has already issued some forms of guidance, such as the 2021 FFL newsletter, in which it has clarified the requirements for paying SOTs. However, the guidance has not resulted in the desired outcome. As the regulatory text would remain, ATF does not think this option would result in effective clarification for licensees. Guidance also does not have the same force and effect as a regulation, so this option would present a risk that courts would not accord it the same weight as the existing regulation. As a result, ATF rejected this alternative.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. This proposed rule would simply clarify that licensees do not have to pay for additional SOTs when they have multiple licenses for the same kind of business activity, thereby saving licensees approximately $280,240 annually or nearly $3 million over the course of ten years, as well as $31,060 in monetized time burdens over ten years. In addition, ATF expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities because it would merely clarify

that a person must pay the NFA-required SOT one time for every taxable business, thus reducing confusion and simplifying compliance. This proposed rule is deregulatory and would not impose any additional costs.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would impact one existing information collection approved by OMB. The information collection is OMB control number 1140–0090: ATF Form 5630.7, Special Tax Registration and Return National Firearms Act (NFA) form (now changing to NFA Special Occupational Tax (SOT) Registration/Return) (''Form 5630.7''). This proposed rule would clarify that applicants need pay only one SOT per taxable business activity occurring at the same business premises, thus reducing the number of FFLs who erroneously pay two SOTs for the same business activity. As a result of this change, the time burden for this collection would be reduced by 124 hours per year, if this proposed rule becomes final. ATF will provide more details about the information collection in any resulting final rule.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA76 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA76. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and it will appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.

• *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. *See also* section IV.B of this preamble, ''Confidentiality.''

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal at *https://www.regulations.gov* (search for RIN 1140–AA76).

Severability

Consistent with the Administrative Procedure Act, the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received. ATF has determined that this proposed rule implements and is fully consistent with governing law. However, in the event this proposed rule is finalized, if any provision of that rule, an amendment or revision made by that rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of that final rule, the amendments or revisions made by that rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

List of Subjects in 27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and record-keeping requirements, Seizures and forfeitures, Taxes, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 479 as follows:

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 1. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5801–5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

■ 2. Revise § 479.39 to read as follows:

§ 479.39 Engaging in more than one business at the same location.

(a) If a person engages in more than one taxable business under 26 U.S.C. 5801 at the same location during a taxable year, the person must pay the special (occupational) tax imposed on each such taxable business.

(1) A taxable business is one of three distinct types of NFA business activity conducted by a person at a business premises: importing, manufacturing, or dealing in firearms regulated by this part.

(2) During a taxable year, a person must pay only once for each type of business activity conducted at the business premises (notwithstanding the number of licenses under the GCA that the person needs to conduct that taxable business activity).

Example 1 for paragraph (a)(2)

A person obtains a Type 07 (to manufacture firearms other than destructive devices, etc) license and a Type 10 (to manufacture destructive devices, etc) license under the GCA and engages in both types of manufacturing activities for NFA firearms at the same business premises. Both licenses fall under the same NFA business activity because both are manufacturing licenses, and manufacturing is one of the three NFA taxable business activities. Therefore, the licensee must pay only one Class 2 SOT (manufacturing NFA firearms). The person does not need to make two SOT payments for manufacturing activity merely because the person holds two licenses for different manufacturing subtypes (*i.e.,* Type 10 and Type 07).

Example 2 for paragraph (a)(2)

The person in example 1 also engages in the business of dealing in NFA firearms at the same premises, but does not obtain a separate dealer license because the GCA licensing scheme allows licensed manufacturers to also deal in the same types of firearms they manufacture at the same premises without obtaining a separate dealer's license. The Class 2 SOT also allows a manufacturer to deal in NFA firearms without paying a separate SOT for dealing (the Class 1 SOT (importing NFA firearms) does the same for importing and dealing). Therefore, the manufacturer would have two licenses, Type 07 and 10, and pay one Class 2 SOT, covering manufacturing both NFA firearms and destructive devices, and dealing in NFA firearms, at the same business premises.

Example 3 for paragraph (a)(2)

The person in example 2 decides to also obtain a Type 08 (to import firearms other than destructive devices, etc) license under the GCA. The person would have three licenses (Types 07, 08, and 10), engage in three taxable NFA business activities (manufacturing, importing, and dealing), but would pay only two SOTs (Class 1 for importing, and Class 2 for manufacturing); dealing would be included under both the manufacturing and importing SOTs. If the person also obtained a Type 11 license (to import destructive devices, etc), the result would be the same because both importing licenses would be covered by the Class 1 SOT, as would dealing in the imported items.

Example 4 for paragraph (a)(2)

A person obtains a Type 10 (to manufacture destructive devices, etc) license under the GCA. Destructive devices are NFA firearms. This person thus pays a Class 2 SOT for manufacturing. The person also deals in destructive devices, but does not obtain a GCA Type 09 (to deal in destructive devices) license because this is the same type of firearms the person manufactures. The manufacturing licenses allow a licensee to also deal in the same type of firearms without a separate dealer's license, as do the importing licenses. The Class 2 SOT also allows a manufacturer to deal in NFA firearms without paying a separate SOT for dealing (the Class 1 SOT (importing NFA firearms) does the same for importing and dealing). However, later the person also decides to deal in NFA firearms other than destructive devices, but does not manufacture them. As a result, the person must obtain a Type 01 (to deal in firearms) license. The person now has two licenses, Type 07 for manufacturing and Type 01 for dealing, and must pay two SOTs (Class 2 for manufacturing and Class 3 for dealing).

Example 5 for paragraph (a)(2)

A person obtains a Type 10 license to manufacture NFA destructive devices. The person must therefore also pay a Class 2 SOT for manufacturing. The person also deals in the same destructive devices they manufacture, so does not obtain a dealer's license because the Type 10 license permits dealing in the destructive devices the person manufactures. Similarly, they do not pay a SOT for dealing because the Class 2 SOT permits dealing if the person does not have a separate dealer's license. However, later, the person decides to deal in NFA firearms and destructive devices at the same premises. The person would have three licenses, Type 10 (to manufacture destructive devices), Type 01 (to deal in firearms), and Type 09 (to deal in

destructive devices), but the person would pay only two SOTs (Class 2 for manufacturing, and Class 3 for dealing) because both dealing licenses fall under the same NFA taxable business (dealing). The person does not need to make two SOT payments for dealing activity merely because the person holds two licenses for different dealing sub-types (*i.e.,* Type 01 and Type 09).

(b) This section does not require a manufacturer or importer to also qualify as a dealer if such manufacturer or importer also engages in business on their qualified premises as a dealer (unless they obtain a separate dealer's license). However, a qualified manufacturer who engages in business as an importer must also qualify as an importer. Similarly, a qualified importer who engages in business as a manufacturer must also qualify as a manufacturer. Further, a qualified dealer is not entitled, merely by virtue of being a qualified dealer, to engage in business as a manufacturer or importer.

Robert Cekada,

Director.

[FR Doc. 2026–08923 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 479

[Docket No. ATF–2026–0006; ATF No. 2025R–19P]

RIN 1140–AA75

Transferring Machine Guns Between Qualified Licensees

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (''ATF'') proposes amending Department of Justice (''Department'') regulations to update the procedure for transferring machine guns between qualified manufacturers, importers, or dealers. Specifically, the proposed rule would simplify the regulatory requirements for such machine gun transfers pursuant to requests to demonstrate firearms to a government entity or due to a licensee discontinuing business. The proposed changes would allow the implementing regulations to more closely mirror the statutory authority provided by the Gun Control Act.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) July 6, 2026. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140–AA75, by either of the following methods—

- *Federal e-rulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N–518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226; *ATTN: ATF 1140–AA75.*

Instructions: All submissions must include the agency name and number (RIN 1140–AA75) for this notice of proposed rulemaking (''NPRM'' or ''proposed rule''). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, *https://www.regulations.gov.* This includes any personally identifying information (''PII'') or business proprietary information (''PROPIN'') submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and in any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking ''CUI//PRVCY.'' Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as ''CUI//PRVCY'' for PII, or as ''CUI//PROPIN'' for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov.* Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at *ORA@atf.gov,* by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave. NE, Washington, DC 20226, or by telephone at 202–648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act (''GCA''), as amended, and the National Firearms Act (''NFA''), as amended.[1] This includes the authority to promulgate regulations necessary to enforce the provisions of the GCA and NFA. *See* 18 U.S.C. 926(a); 26 U.S.C. 7805(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA and NFA to the Director of ATF (''Director''), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).[2] Accordingly, the Department and ATF have promulgated regulations implementing both the GCA and the NFA in 27 CFR parts 478 and 479.

In 1986, Congress passed the Firearms Owners' Protection Act (''FOPA''), Public Law 99–308, 100 Stat. 449, which amended and added provisions to the GCA to include 18 U.S.C. 922(o), which generally makes it unlawful for any person to transfer or possess a machine gun. The general restrictions on transferring and possessing machine guns under section 922(o) do not apply in two situations. The first is a ''transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof.'' The second is

[1] Some NFA and GCA provisions still refer to the ''Secretary of the Treasury.'' However, the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this notice of proposed rulemaking refers to the Attorney General where relevant.

[2] In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF's jurisdiction, including under the NFA, GCA, and Title XI of the Organized Crime Control Act. ATF's jurisdiction also includes those portions of sec. 38 of the Arms Export Control Act pertaining to permanently importing defense articles and services and the Contraband Cigarette Trafficking Act.

lawfully transferring or possessing a machine gun that was lawfully possessed before the date the FOPA provision went into effect. *See* 18 U.S.C. 922(o)(2)(A)–(B). Section 922(o) became effective on May 19, 1986. Accordingly, all machine guns manufactured or imported after that date are subject to the restrictions imposed by section 922(o).

Section 922(o) does not specifically provide an exemption for transferring or possessing any machine gun manufactured or imported after May 19, 1986, (commonly referred to as a ''post-86 machine gun'') other than by a government entity or a person acting under its authority. However, since 1988, the regulation implementing section 922(o), 27 CFR 479.105, has interpreted the statute as allowing qualified licensees to make, transfer, and possess such machine guns under limited circumstances, including transferring a post-86 machine gun when a licensee discontinues business.[3]

Section 479.105(c) authorizes qualified manufacturers and importers to manufacture or import machine guns on or after May 19, 1986, to sell or distribute them to any department or agency of the United States, or any state or political subdivision thereof. Paragraph (c) is silent as to whether the manufacturer or importer may maintain an inventory of machine guns or must wait until there is a specific government contract or purchase order before manufacturing or importing a machine gun. Clearly, though, Congress did not intend for government entities to wait until after a specific need arises to manufacture or import machine guns, particularly when such government entities typically do not manufacture or import their own machine guns. The authority-of-government exemption is designed to ensure military and law enforcement agencies have enough machine guns for times of war or national emergency.

In 2014, ATF published ATF Ruling 2014–1, which authorized manufacturers to stockpile machine guns, *i.e.,* maintain an inventory of manufactured machine guns, provided that subsequent transfers of such machine guns are to a federal, state, or local government entity for official use.[4] ATF reasoned that manufacturers must be able to maintain an inventory of manufactured machine guns because section 922(o) authorizes machine gun transfers after May 19, 1986, to government entities. The stockpiling authorization was specifically granted to manufacturers because of the breadth of section 922(o)(A)'s ''possession . . . under the authority of'' a government entity, and the fact that the statute contemplates manufacturers possessing machine guns prior to transferring to a government entity.

Pursuant to 27 CFR 479.105(d), ATF may approve applications to transfer and register a post-86 machine gun to a qualified dealer if the qualified dealer can establish that a government entity requests them to demonstrate the weapon (*i.e.,* a dealer sales sample). Section 479.105(d) provides that qualified dealers need to identify the governmental customers who would require them to demonstrate the weapon and provide information on the dealer's ability to fill any subsequent orders for the machine gun. Additionally, the qualified dealer must provide letters from the government entities expressing a need for a particular model or interest in seeing a particular weapon demonstrated (a ''law letter''). As described more fully below, currently the qualified dealer can use ATF Form 5320.24, Description of Firearm and Information on Request for Demonstration (''Form 5320.24''), as an alternative to a law letter drafted by a potential government customer. Applications to transfer more than one machine gun of a particular model to a dealer must also establish the dealer's need for the quantity of samples sought. Such dealer sales sample transfers fall under the exception provided by 18 U.S.C. 922(o)(2)(A) as transferring and possessing ''under the authority of the United States or any department or agency thereof or a State, or department, agency, or political subdivision thereof.''

In an attempt to prevent misuse of this dealer sales sample transfer procedure, ATF issued an open letter in 2023 titled ''Machinegun Dealer Sales Sample Letters'' [5] (''2023 open letter'') to all federal firearms licensees (''FFLs''). The purpose of the letter was to further explain and expand the law letter requirement contained in 27 CFR 479.105(d).

The open letter explained that ATF had been receiving legally insufficient law letters that delayed the process of transferring, importing, and demonstrating machine guns to interested government customers. Accordingly, the open letter explained what to include in a law letter for it to be legally sufficient under 18 U.S.C. 922(o)(2)(A) and 27 CFR 479.105(d). The open letter also explained that ATF would issue a form that qualified dealers could use as an alternative to a law letter drafted by a potential government customer. In November 2023, ATF issued Form 5320.24 for that purpose. The open letter and accompanying form established a guide for licensees to adequately articulate in their law letter submissions the government entity's bona fide interest in purchasing machine guns.

II. Proposed Rule

While it is true that the dealer sales sample transfer procedure established by 27 CFR 479.105(d) can be misused by unscrupulous dealers or law enforcement, ATF has reviewed the regulation and the 2023 open letter and determined that the regulation's interpretation of the 18 U.S.C. 922(o)(2)(A) exception departs from statutory language. Section 922(o)(2)(A) simply requires that transferring or possessing in this context be ''under the authority of the United States or any department or agency thereof or a State, or department, agency, or political subdivision thereof.'' ATF has determined that the plain text of the statute does not require an in-depth analysis of the government entity's intent or reason for requesting the demonstration.

For these reasons, ATF proposes simplifying its current regulatory language while incorporating some aspects of the open letter requirements to prevent fraud in or abuse of the dealer sales sample exception. Accordingly, ATF proposes to strike § 479.105(d)'s requirements that qualified dealers include the availability of the machine gun to fill future orders and establish the need for the requested quantity of machine guns. ATF proposes to require in § 479.105(d) only the basic information necessary in a law letter for ATF to approve a qualified dealer's application to transfer and register post-86 machine guns. The proposed rule would also incorporate into regulations the current process that ATF uses to confirm with the government entity that the law letter is a bona fide request.

In conjunction with the proposed amendments to § 479.105(d), ATF would also clarify throughout this section that the term ''government entity'' refers to the United States or any department or agency thereof, or a state,

[3] ATF final rule, ''Commerce in Firearms and Ammunition,'' 53 FR 10480, 10510 (Mar. 31, 1988).

[4] ATF Ruling 2014–1, *Marking Variance for Government Defense Contractors* (Sept. 4, 2014), *https://www.atf.gov/firearms/docs/ruling/2014-1-manufacturinginventory-machineguns-le-and-military/download* (last visited July 16, 2025) [*https://perma.cc/BH8G-4VVN*].

[5] ATF, *Open Letter to All Federal Firearms Licensees Regarding Machinegun Dealer Sales Sample Letters* (Jan. 11, 2023), *https://www.atf.gov/firearms/docs/open-letter/all-ffls-jan-2023-open-letter-machinegun-dealer-sales-sample-letters/download* [*https://perma.cc/4CF9-RDQZ*].

or department, agency, or political subdivision thereof. To this end, ATF is proposing to include this definition at the end of § 479.105(a) and to substitute the term ''government entity'' in paragraphs (a) and (c) where the definition is currently written in full multiple times. Along with this technical edit to these two paragraphs, ATF also proposes some minor plain writing edits to make them easier to read, and a plain writing edit to the section heading for the same reason.

Paragraph (e) of 27 CFR 479.105 also addresses 18 U.S.C. 922(o)(2)(A)'s exception regarding possessing post-86 machine guns. Specifically, 27 CFR 479.105(e) allows persons to apply to make and register a post-86 machine gun at the request and on behalf of a government entity if it is established by specific information that the machine gun is ''particularly suitable for use by Federal, State or local governmental entities and that the making of the weapon is at the request and on behalf of such an entity.''

As outlined above, 18 U.S.C. 922(o)(2)(A) contains no requirement as to the intent of a requesting government entity. ATF has determined that the clause ''particularly suitable'' is too vague and is unnecessary to implement the statutory exception. Therefore, ATF proposes to strike the requirement in § 479.105(e) that the maker establish that the machine gun is particularly suitable for use by a federal, state, or local governmental entity. The amended provision would require only that the application establish that making and registering the post-86 machine gun is at the request and on behalf of a federal, state, or local government entity.

Paragraph (f) of 27 CFR 479.105 allows a licensee to orderly liquidate inventory when going out of business. Specifically, it allows a qualified manufacturer, importer, or dealer to transfer post-86 machine guns to a federal, state, or local governmental entity, or another qualified manufacturer, importer, or dealer, when the qualified licensee discontinues business. Over time, ATF has received inquiries concerning the procedure to transfer post-86 machine guns by licensees that relinquish special occupational taxpayer (''SOT'') status but remain in business as an FFL under the GCA. As currently written, the regulation can be interpreted to require that licensees completely discontinue all business under both the GCA and NFA before they are eligible to avail themselves of this process under § 479.105(f).

Because the relevant inquiry is whether the licensee is discontinuing its NFA business, not whether the licensee intends to relinquish its GCA license as well, ATF has allowed licensees to maintain their GCA license as they transfer post-86 machine guns under § 479.105(d) when they intend to discontinue the NFA side of their business. Accordingly, ATF has determined that it is necessary to clarify in § 479.105(f) that a licensee may transfer post-86 machine guns when they discontinue their NFA firearms business and that the licensee can relinquish the SOT or let it expire while continuing business under a GCA license.

To expedite the transfer process, ATF further proposes to add language to § 479.105(f) to clarify the process for a licensee who wishes to transfer post-86 machine guns upon relinquishing SOT status. Under the proposed rule, licensees would use ATF Form 5320.3, Application to Transfer/Register NFA Firearm (Tax Exempt) to Special Occupational Taxpayer (''Form 3'') to both request approval to transfer their firearms and notify ATF of their intent to discontinue their NFA business. This change would obviate the need for these SOTs to provide two separate notices to ATF. Accordingly, if this rule is finalized as proposed, ATF would update Form 3 to include how SOTs may indicate that the transfer is pursuant to § 479.105(f)'s provision on discontinuing their NFA business.

Last, the industry frequently encounters scenarios in which a United States government entity wishes to furnish its own machine guns to a licensee for a number of reasons, such as further manufacturing, repairing, or testing. Because the United States government is not required to register its machine guns under the NFA, qualified licensees, who generally must have machine guns in their possession registered, currently may not lawfully receive U.S. government-furnished machine guns for such work. Accordingly, ATF proposes to create a new paragraph (g) under § 479.105 clarifying that a contract or letter from the government department or agency, written on the agency's or department's letterhead, may authorize the licensee to receive and possess the government-furnished, unregistered, NFA firearm for such work, as long as the letter or contract also stipulates that the firearm will be returned to the government.

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This proposed rule would amend 27 CFR 479.105 to bring regulations implementing the general statutory restriction on the possession and transfer of machine guns in line with the statute and to reduce burdens on the industry by simplifying the information licensees would need to provide on a law letter in order to receive approval of an application to transfer and register a post-86 machine gun. It would also reduce the burden on licensees to submit two notices when discontinuing their NFA business. The rule would instead allow them to use Form 3 to both request approval to transfer their firearms and notify ATF of their intent to discontinue their NFA business.

This proposed rule would provide qualitative benefits to the industry by providing more flexibility in complying with statutes and existing regulatory standards, but ATF does not have sufficient information to calculate quantifiable savings. Therefore, ATF requests more information from the public regarding economic effects this rule may have on the public and the regulated industries. The Office of Management and Budget (''OMB'') has determined that this rule would not be a ''significant regulatory action'' under Executive Order 12866. Therefore, it did not review this rule.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M–25–20 as a final significant regulatory action as defined in section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, this proposed

rule would not be an Executive Order 14192 regulatory action because it is not a significant regulatory action as defined by Executive Order 12866 and it would not impose total costs greater than zero. This proposed rule would bring the existing regulations on the possession and transfer of machine guns in line with the statute and would reduce burdens on the industry by simplifying the information licensees would need to provide on a law letter in order to receive approval of an application to transfer and register a post-86 machine gun. It would also reduce the burden on licensees when discontinuing their NFA business. In addition, because this information would streamline requirements for FFLs, ATF expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M–25–20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Director certifies, after consideration, that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would simplify the regulatory requirements for machine gun transfers to a dealer in response to a request by a government entity, and would reduce burdens when a licensee discontinues its NFA business. This proposed rule would therefore not impose any costs and would be deregulatory.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might 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, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule would impact two existing information collections under the PRA. One information collection that would be impacted by this proposed rule is OMB control number 1140–0124: Description of Firearm and Information on Request for Demonstration, which includes ATF Form 5320.24. This proposed rule would require qualified dealers to submit a law letter from the government entity to demonstrate that the transfer to, and possession by, the dealer is occurring under the authority of the government entity. This is already part of the existing process, but the rulemaking reduces the amount of information that would be provided in the letter. In addition, the proposed rule would eliminate Form 5320.24 as an alternative to submitting the law letter. As a result, the existing information collection would be revised to remove the Form 5320.24. This change would reduce this information collection's time burden because the rule would reduce the amount of information the dealers must submit for this purpose, but it would not have any other effect.

This proposed rule would also impact OMB control number 1140–0013: Application to Transfer/Register NFA Firearm (Tax Exempt) to Special Occupational Taxpayer, which includes ATF Form 5320.3 (''Form 3''). Currently, this information collection requires licensees to use this form as the mechanism by which they request approval to transfer NFA firearms and register them to another qualified licensee when they discontinue their NFA business. This proposed rule would require qualified licensees to also use Form 3 to notify ATF of their intent to discontinue their NFA firearms business, prior to the lapse or relinquishment of their special occupational taxpayer status. The form would be updated to allow licensees to notify ATF of their intent to discontinue and the planned date for doing so, thereby obviating the current requirement that they provide that information to ATF separately. The hourly burden would be transferred from a separate notice method to a statement in this form, so this change would reduce this collection's time burden, if finalized as proposed, by cutting out the time it would take to complete a separate notice while also completing this Form to transfer the firearms.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments Sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140–AA75 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on *https://www.regulations.gov.* However, if you include such personally identifying information (''PII'') in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, ''Confidentiality,'' regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on *https://www.regulations.gov.* ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with ''CUI//PRVCY'' at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140–AA75. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and in any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (''CUI''), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked ''CUI//PROPIN'' at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting Comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at *https://www.regulations.gov* and follow the instructions. 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 is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the **ADDRESSES** section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, ''Confidentiality.''

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at *https://www.regulations.gov* (search for RIN 1140–AA75).

Severability

Consistent with the Administrative Procedure Act, the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received. ATF has determined that this proposed rule implements and is fully consistent with governing law. However, in the event that this proposed rule is finalized, if any provision of that final rule, an amendment or revision made by that rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of that final rule, the amendments or revisions made by that rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

List of Subjects in 27 CFR Part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and record-keeping requirements, Seizures and forfeitures, Taxes, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 479 as follows:

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

■ 1. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5801–5812; 26 U.S.C. 7801; 26 U.S.C. 7805.

■ 2. Amend § 479.105 by:

■ a. Revising the section heading and paragraphs (a), (c), (d), (e), and (f); and

■ b. Adding paragraph (g).

The revisions and addition read as follows:

§ 479.105 Transferring and possessing machine guns.

(a) *General.* As provided by 26 U.S.C. 5812 and 26 U.S.C. 5822, an application to make or transfer a firearm must be denied if making, transferring, receiving, or possessing the firearm would place the maker or transferee in violation of law. Section 922(o), Title 18, U.S.C., makes it unlawful for any person to transfer or possess a machine gun, except that a government entity may transfer, receive, or possess a machine gun and persons may transfer to them under the government entity's authority; or persons may lawfully transfer or possess a machine gun that was lawfully possessed before May 19, 1986. Therefore, notwithstanding any other provision of this part, no application to make, transfer, or import a machine gun will be approved except as provided by this section. For purposes of this section, the term ''government entity'' means the United States or any department or agency thereof, or a state, or a department, agency, or political subdivision thereof.

(b) * * * * *

(c) *Importing and manufacturing.* Subject to compliance with the provisions of this part, importers and manufacturers qualified under this part may import and manufacture machine guns on or after May 19, 1986, to sell or distribute them to any government entity, or for qualified dealers to use as sales samples pursuant to paragraph (d) of this section. Importers and manufacturers may only register and subsequently transfer machine guns they imported or manufactured under this provision if they sell or distribute such weapons to a government entity for its official use, and do so solely for that purpose. Subject to compliance with the provisions of this part, qualified manufacturers may manufacture machine guns on or after May 19, 1986, to export them in compliance with the Arms Export Control Act (22 U.S.C. 2778) and implementing regulations prescribed by the Department of State.

(d) *Transferring to, and possession by, qualified dealers.*

(1) Subject to compliance with the provisions of this part, ATF will approve applications to transfer and register a machine gun manufactured or imported on or after May 19, 1986, to dealers qualified under this part if the dealers establish by specific information that they are requesting to transfer and possess the machine gun under a government entity's authority.

(2) Dealers may show they have such authority by a letter from a government entity, which must:

(i) Be written on the government entity's letterhead;

(ii) Include a request from the government entity that the dealer obtain a particular machine gun;

(iii) Affirm that transferring to the dealer, and the dealer possessing the machine gun is under the authority of the requesting government entity; and

(iv) Be signed by a person with authority to sign on behalf of the government entity, to include such person's contact information.

(3) ATF will confirm with the signing government official that the letter is a bona fide request by the government entity.

(e) *Making machine guns on or after May 19, 1986.* Subject to compliance with the provisions of this part, ATF will approve applications to make and register machine guns on or after May 19, 1986, for the benefit of a government entity if the applicant establishes by specific information that they are making the weapon at the request and on behalf of the government entity. Making a weapon on behalf of a government entity includes making weapons intended for actual sale to a government entity, developing an invention or prototype for possible future use by a government entity, and making a weapon in connection with research and development on behalf of a government entity.

(f) *Discontinuing NFA business.* Because 18 U.S.C. 922(o) makes it unlawful to transfer or possess a machine gun except as provided in the law, any qualified manufacturer, importer, or dealer intending to discontinue business involving firearms regulated by this part must notify ATF of their intent before relinquishing or allowing their special occupational taxpayer status to lapse. The licensee must also transfer, in compliance with the provisions of this part, any machine gun manufactured or imported after May 19, 1986, to a government entity or to a qualified manufacturer, importer, or dealer. The licensee must use ATF Form 5320.3, Application to Transfer/Register NFA Firearm (Tax-Exempt) to Special Occupational Taxpayer (''Form 3'') to notify ATF that they are discontinuing business and transferring the firearms.

(g) *Transfers from U.S. government to a qualified licensee.* The U.S. government may transfer an unregistered machine gun in its possession to any qualified licensee pursuant to a valid government contract or letter drafted on government letterhead. The contract or letter must specify that the U.S. government department or agency is transferring the government-furnished machine gun to the licensee to possess it under the department or agency's authority for a government purpose. Such purpose may include further manufacture, repair, or testing. For purposes of this paragraph, the licensee does not need to register the machine gun while they possess the machine gun, provided the government contract or letter states that the machine gun will be subsequently returned to the U.S. government.

Robert Cekada,

Director.

[FR Doc. 2026–08928 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2026–0080]

RIN 1625–AA08

Special Local Regulation; Neuse and Trent Rivers, New Bern, NC

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a special local regulation (SLR) for certain navigable waters of the Neuse and Trent Rivers near New Bern, NC. The SLR is needed to protect personnel, vessels, and the marine environment from potential hazards during annual raft races in New Bern, NC. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless specifically authorized by the Captain of the Port, North Carolina. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 18, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2026–0080.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact MSTC Shawn Stanley, Sector North Carolina Waterways Management Division, U.S. Coast Guard; telephone 571–607–6971, or email *shawn.w.stanley2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port for the North Carolina Captain of the Port Zone

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

Coast Guard regulations define ''regatta or marine parade'' as an organized water event of limited duration which is conducted according to a prearranged schedule. 33 CFR 100.05(a). And, as explained in 33 CFR 100.15, Coast Guard requires that an organization planning to hold a regatta or marine event apply for a permit if the event, by its nature, circumstances, or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States. These permits may be approved by the Coast Guard, or by the state in which the event is to take place, if there is a Coast Guard-State agreement in place. See 33 CFR 100.10. Upon the approval of an application, the Captain of the Port for the North Carolina Captain of the Port Zone (COTP) may promulgate such ''Special Local Regulations'' (SLR's) as he or she deems necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the event. *See* 33 CFR 100.35(a).

On February 5, 2026, the Coast Guard received a marine permit application from an organization wishing to sponsor a raft race on the Neuse and Trent Rivers, near New Bern, NC on June 6, 2026, and on one Saturday in June annually thereafter. The COTP has determined that potential hazards associated with the presence of numerous participants racing on rafts, and spectators within a concentrated area are a safety concern for anyone within this congested area. Therefore, the COTP is proposing this rule under the authority in 46 U.S.C. 70051 and 70124, to protect people, vessels, and the marine environment in the navigable waters within the area that would be regulated by the rule.

III. Discussion of the Rule

This proposed rule would amend Table 4 to paragraph (i)(4) of 33 CFR 100.501 to establish a special local regulation which would be subject to enforcement from 10 a.m. until 4 p.m. on June 6, 2026 and on one Saturday in June in subsequent years. As noted in paragraph (g) of § 100.501, if the event is held on an alternate date from that listed in paragraph (i), the Coast Guard will publish a notice in the **Federal Register** announcing the exact date and time of the enforcement period with respect to the special local regulation in addition to announcement in the Local Notices to Mariners and Broadcast Notice to Mariners. The regulated area would cover all navigable waters of the Neuse and Trent Rivers on a predetermined course near Union Point, in New Bern, NC. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed 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 Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic would be able to safely transit around this regulated area. This regulation will only impact a predetermined course for approximately six hours. In addition, the Coast Guard will issue a Broadcast Notice to Marines via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed 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).

B. Collection of Information

This proposed 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 proposed 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 proposed 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 proposed 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 proposed 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 proposed rule is a special local regulation under 33 CFR 100.35. It is categorically excluded from further review under paragraph L61.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period.

Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2026–0080 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. We will post public comments in our online docket. Additional information is on the *https://www.regulations.gov* Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided, except that contact information (such as email or mailing address) will not be available for public viewing, unless the submitter includes that information in the body of the docket submission. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. In § 100.501, amend Table 4 to paragraph (i)(4) by adding an entry, following the entry for the event titled ''The Crossing,'' for ''The Great Trent River Raft Race'' to read as follows.

§ 100.501 Special Local Regulations; Marine Events Within the Fifth Coast Guard District.

* * * * *

TABLE 4 TO Paragraph (i)(4)

Event	Regulated area	Enforcement [1] period(s)	Sponsor
*	* * * *	*	*
The Great Trent Raft Race.	All navigable waters of the Neuse and Trent River encompassed by a line connecting the following points beginning at 35°6.250′ N 77°2.067′ W; thence to 35°6.183′ N 77°2.083′ W, thence to 35°6.167′ N 77°2.217′ W, thence to 35°6.100′ N 77°2.233′ W, thence to 35°6.083′ N 77°2.017′ W, thence to 35°6.233′ N 77°1.983′ W, and back to the beginning point. This area is near Union Point in New Bern, NC.	Any Saturday in June.	New Bern Area Chamber of Commerce.

T.J. List,

Captain, U.S. Coast Guard, Captain of the Port, North Carolina COTP Zone.

[FR Doc. 2026–08902 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2025–1107]

RIN 1625–AA08

Special Local Regulation; East Passage, Narragansett Bay, Newport, RI

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes revising regulations for a special local regulation (SLR) established to protect personnel, vessels, and the marine environment from potential hazards inherent in a recurring sailboat race with a starting point on navigable waters of the Narragansett Bay, in Newport, RI. These revisions would modify the precise location of the starting point and make other changes. As under the current rule, non-participating persons and vessels would be prohibited from being in the regulated area unless specifically authorized by the Captain of the Port, Sector Southeastern New England. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 5, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2025–1107.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact MST2 Nicholas Easley, Sector Southeastern New England Waterways Management Division, U.S. Coast Guard; telephone 401–435–2335, or email *Nicholas.S.Easley@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Southeastern New England Captain of the Port Zone
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background and Authority

The Newport to Bermuda Race, established in 1906, is the world's oldest regularly scheduled ocean race, according to the Bermuda Race Foundation.[1] This biennially occurring sailboat race will hold its 54th edition in June 2026. But while the Coast Guard has had regulations governing the race area for decades,[2] these regulations have

[1] See *https://bermudarace.com/foundation/stories/.*

[2] See, *e.g.,* 33 CFR 100.119 (1996).

not all been identical. In 2024, for instance, we published a temporary final rule creating two alternative safety zones, the selection of which was based on weather conditions on the day of the event.[3] And, on June 3, 2021, we amended the size and location of the starting areas in 33 CFR 100.119, the rule we are proposing to amend now.[4]

On May 1, 2025, the event sponsor notified the Coast Guard that it will be conducting a sailboat race in the East Passage of Narragansett Bay, Newport, RI on June 19, 2026. The Captain of the Port, Southeastern New England Captain of the Port Zone (COTP) has determined that potential hazards associated with the sailboat race are a safety concern for anyone attempting to transit within the East Passage. Therefore, under the authority in 46 U.S.C. 70041, the COTP is proposing this rule to protect personnel, vessels, and the marine environment in the navigable waters within the regulated area. The regulatory text we are proposing appears at the end of this document.

III. Discussion of the Rule

This proposed rule would revise a special local regulation at 33 CFR 100.119. The regulation is only subject to enforcement biennially, for the third Friday or Saturday of June, in even-numbered years on a date and times published in a ''Notification of Enforcement'' in the **Federal Register** and in a Local Notice to Mariners. While the 2026 sailboat race will launch from the East Passage in Narragansett Bay south of Rose Island, Newport, RI, similar to the 2024 sailboat race starting locations, the coordinates of the regulated areas are different from those currently in § 100.119. The regulated area of the special local regulations subject to enforcement would cover one of two possible locations, depending on the weather. When the weather is expected to be good, the regulated area subject to enforcement would cover all navigable waters from an area just south of Rose Island near Fort Adams. When inclement weather is expected, the regulated area will cover all navigable waters near Brenton Point.

The proposed location of the Special Local Regulation is as follows:

Latitude	Longitude
41°29′08″ N	071°20′04″ W
41°29′25″ N	071°20′52″ W
41°28′42″ N	071°21′17″ W

[3] See ''Safety Zone; Narragansett Bay, Newport, RI'' (89 FR 48844).

[4] ''Special Local Regulation; East Passage, Narragansett Bay, RI'' (86 FR 29691).

Latitude	Longitude
41°27′16″ N	071°22′00″ W
41°27′27″ N	071°22′50″ W
41°27′56″ N	071°21′45″ W

(2) In the event that weather conditions prohibit a safe race from starting within the approach to Newport Harbor, the race will begin offshore and the following regulated area applies (NAD 83):

Latitude	Longitude
41°26′04″ N	071°22′16″ W
41°25′36″ N	071°21′58″ W
41°25′22″ N	071°22′39″ W
41°25′49″ N	071°22′56″ W

The starting line will take place within one of the proposed regulated areas and will be decided prior to the race pending current weather conditions. The starting line box will be the restricted part of the waterway within the regulated area and that exact location will be broadcasted prior to the race start. The duration of the special local regulation is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled sailboat race. No vessel or person is permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by phone at 866–819–9128. Persons and vessels permitted to enter this special local regulation must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative. The COTP or a designated representative will inform the public through Local Notice to Mariners of the enforcement period for the special local regulation as well as any changes in the planned schedule. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed 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 Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic will be able to safely transit around this regulated area. This regulation will only impact a small area for a few hours. In addition, the Coast Guard will issue a Broadcast Notice to Marines via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed 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).

B. Collection of Information

This proposed 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 proposed 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 proposed 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 proposed 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 proposed 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. 4321–4370f), 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 proposed rule is a special regulated area. It is categorically excluded from further review under paragraph L61.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2025–1107 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. We will post public comments in our online docket. Additional information is on the *https://www.regulations.gov* Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more information about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041, 4; 33 CFR 1.05–1.

■ 2. Revise and republish § 100.119 to read as follows:

§ 100.119 Special local regulation; East Passage, Narragansett Bay, Newport, RI.

(a) *Location.* (1) Unless, as determined by the Captain of the Port, weather conditions prohibit a safe race start within the approach to Newport Harbor, the regulated area includes all waters of Narragansett Bay, Newport, RI, within the points provided in Table 1 (NAD 83):

TABLE 1 TO PARAGRAPH (a)(1)

Latitude	Longitude
41°29′08″ N	071°20′04″ W
41°29′25″ N	071°20′52″ W
41°27′16″ N	071°22′00″ W
41°27′27″ N	071°22′50″ W

(2) In the event that weather conditions prohibit a safe race start within the approach to Newport Harbor, the race will begin offshore and the regulated area identified in Table 2 applies (NAD 83):

TABLE 1 TO PARAGRAPH (a)(2)

Latitude	Longitude
41°26′04″ N	071°22′16″ W
41°25′36″ N	071°21′58″ W
41°25′22″ N	071°22′39″ W
41°25′49″ N	071°22′56″ W

(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, Southeastern New England Captain of the Port Zone (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP or their 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 (508) 457–3211. Those in the special regulated area must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be subject to enforcement biennially on a date and at times published in the **Federal Register** and in the Local Notice to Mariners.

Y. Moon,

Captain, U.S. Coast Guard, Captain of the Port, Southeastern New England Captain of the Port Zone.

[FR Doc. 2026–08824 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

RIN 0596–AD68

Administrative Site Leases

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Proposed rule; request for public comment.

SUMMARY: The United States Department of Agriculture (Department), Forest Service (Forest Service or Agency), is proposing to amend its land use regulations to exempt administrative site leases from the regulations for special uses. The purpose of this deregulatory action is to better align Forest Service leasing activities with private real estate market practices.

DATES: Comments must be received in writing by June 5, 2026.

ADDRESSES: Please submit comments via the Federal eRulemaking Portal at *https://www.regulations.gov.* In the search box, enter 0596–AD68, which is the RIN for this proposed rulemaking. Then, in the search panel on the left side of the screen, under the Document Type heading, click on the ''Notice'' link to locate this document. You may submit a comment by clicking on the ''Comment'' button.

We request that you send comments only by the method described above. Comments should be confined to issues pertinent to the proposed rule, should explain the reasons for any recommended changes, and should reference the specific section and wording being addressed where possible. All timely comments, including names and addresses when provided, will be placed in the record and will be available for public inspection and copying. Comments may be viewed on the Federal eRulemaking Portal at *https://www.regulations.gov.* In the search box, enter 0596–AD68 and click the ''Search'' button. Note that personal information provided, such as name, phone number, and mailing address, will be included in the record.

FOR FURTHER INFORMATION CONTACT: Matthew Fountain, Sales and Leasing Program Manager, 202–205–1464 or *matthew.fountain1@usda.gov.* Individuals who are deaf, hard of hearing, or have a speech disability may call 711 to reach the Telecommunications Relay Service, then provide the phone number of the person named as a point of contact for further information.

SUPPLEMENTARY INFORMATION: Administrative sites are land or property controlled by the Forest Service used for administrative purposes. The 2018 Farm Bill provides that the Secretary of Agriculture may lease an administrative site that is under the Secretary's jurisdiction under Public Law 115–334 Sec. 8623. The Forest Service Facility Realignment and Enhancement Act of 2005 (FSFREA), Public Law 109–54, also provides that the Forest Service may dispose of administrative sites by sale, lease, exchange, and other methods. The Administrative Site Leasing Program, which includes leasing administrative sites under both the Farm Bill and FSFREA authorities, was initially classified as a special use authorization. This classification prevents the Agency from issuing leases that function as they are commonly legally defined, and the terms of the existing special use framework can discourage private-sector investment. For example, the standard lease form, due to special use authorization regulatory requirements, constrains use of the leasehold interest as collateral for loans, limits assignment and transfer of the lease, and provides for unilateral termination of the authorization by the Forest Service. These requirements limit financing options and negatively impact the marketability of leasing projects.

Reclassifying the Administrative Site Leasing Program as a non-special use activity will remove regulatory constraints incompatible with modern real estate leasing practices and reflect the unique statutory basis and long-term real property nature of these leases. Without this regulatory change, private developers will continue to face challenges in obtaining the financing needed to pursue affordable housing and other projects under this program.

These regulations are intended to provide a consistent framework for leases under both FSFREA and the 2018 Farm Bill. Where differences in statutory authority apply, such as with limitations on lease terms or revenue retention, implementing direction will clarify applicable requirements. Existing special use authorizations for administrative site leasing may remain in effect under their original terms or, at the authorized officer's discretion, be converted to the new lease structure upon mutual agreement with the lessee.

This rule proposes to remove Administrative Site Leasing Program authorities from 36 CFR 251 subpart B. This amendment moves administrative site leasing activities out of the regulations for special uses. This change is expected to increase flexibility in how leasing projects are administered by separating incompatible processes that are unnecessary, irrelevant, or do not add value, while retaining processes necessary for legal sufficiency and public accountability. Additional programmatic guidance on administrative site leases can be found in Forest Service Manual 2750.

Regulatory Certifications

Regulatory Planning and Review

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA has determined that this proposed rule is not significant as defined by E.O. 12866. 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. The Department has developed the proposed rule consistent with E.O. 13563.

Congressional Review Act

Pursuant to subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), OIRA has designated this proposed rule as not a major rule as defined by 5 U.S.C. 804(2).

National Environmental Policy Act

The proposed rule is purely administrative in nature and would better align the Administrative Site Leasing Program's practices with private-sector leasing practices, thereby increasing the viability of leasing-related investments (for example, collateralization and assignability). Departmental regulations at 7 CFR 1b.4(c)(20) exclude from documentation in an environmental assessment or environmental impact statement ''rules, regulations, or policies to establish servicewide administrative procedures, program processes, or instructions.'' The Department's preliminary assessment is that this proposed rule falls within this category of actions and that no extraordinary circumstances exist that would require preparation of an environmental assessment or environmental impact statement. A final determination will be made upon adoption of the final rule.

Regulatory Flexibility Act

The Department has considered this proposed rule under the Regulatory Flexibility Act (5 U.S.C. 602 *et. seq.*). This proposed rule would not have any direct effect on small entities as defined by the Regulatory Flexibility Act. This proposed rule would not impose any additional recordkeeping requirements on small entities, would not affect their competitive position in relation to large entities, and would not affect their cash flow, liquidity, or ability to remain in the market. Therefore, the Department has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act.

Federalism

The Department has considered this proposed rule under the requirements of E.O. 13132, *Federalism.* The Department has determined that the proposed rule conforms to the federalism principles set out in this E.O., would not impose

any compliance costs on the States; and would not have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department has concluded that this proposed rule would not have federalism implications.

Consultation and Coordination With Indian Tribal Governments

E.O. 13175, *Consultation and Coordination with Indian Tribal Governments,* requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, 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. This proposed rule is purely administrative in nature and would better align the Administrative Site Leasing Program practices with leasing practices in the private sector, thereby increasing viability of leasing associated investments. The Department has reviewed this proposed rule in accordance with the requirements of E.O. 13175 and has determined that this proposed rule would not have substantial direct effects on 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 and coordination with Indian Tribal governments is not required for this proposed rule.

Family Policymaking Assessment

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for a rule that may affect family well-being. The proposed rule would have no impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family Policymaking Assessment for the proposed rule.

Takings Implications

The Department has analyzed the proposed rule in accordance with the principles and criteria in E.O. 12630, *Governmental Actions and Interference with Constitutionally Protect Property Rights.* The Department has determined that the proposed rule would not pose the risk of a taking of private property.

Energy Effects

The Department has reviewed the proposed rule under E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.* The Department has determined that the proposed rule would not constitute a significant energy action as defined in E.O. 13211.

Civil Justice Reform

The Department has analyzed the proposed rule in accordance with the principles and criteria in E.O. 12988, *Civil Justice Reform.* Upon publication of the proposed rule, (1) all State and local laws and regulations that conflict with the proposed rule or that impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed rule; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of the proposed rule on State, local, and Tribal governments and the private sector. The proposed rule would not compel the expenditure of $100 million or more, adjusted annually for inflation, in any one year by State, local, and Tribal governments in the aggregate or by the private sector. Therefore, a statement under section 202 of the Act is not required.

Paperwork Reduction Act

The proposed rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. However, if implementation of this rule results in changes to current Forest Service forms or collections previously approved under the special uses Information Collection Request (ICR), a revised ICR may be submitted prior to the effective date of the final rule.

List of Subjects in 36 CFR Part 251

Land uses, National forests.

Therefore, for the reasons set forth in the preamble, the Forest Service proposes to amend chapter II of title 36 of the Code of Federal Regulations as follows:

PART 251—LAND USES

Subpart B—Special Uses

■ 1. The authority citation for part 251, subpart B, continues to read as follows:

Authority: 16 U.S.C. 460*l*–6a, 460*l*–6d, 472, 497b, 497c, 551, 580d, 1134, 3210; 30 U.S.C. 185; 43 U.S.C. 1740, 1761–1772.

■ 2. Amend § 251.50 (a) to read as follows:

§ 251.50 Scope.

(a) All uses of National Forest System lands, improvements, and resources, except those authorized by the regulations governing sharing use of roads (section 212.9); grazing and livestock use (part 222); the sale and disposal of timber and special forest products, such as greens, mushrooms, and medicinal plants (part 223); minerals (part 228); and administrative site leases (Pub. L. 115–334 Sec. 8623 and Pub. L. 109–54) are designated ''special uses.'' Before conducting a special use, individuals or entities must submit a proposal to the authorized officer and must obtain a special use authorization from the authorized officer, unless that requirement is waived by paragraph (c) through (e)(3) of this section.

* * * * *

■ 3. Amend § 251.51 by revising the definitions of lease and special use authorization to read as follows:

§ 251.51 Definitions.

* * * * *

Lease – A type of special use authorization (usually granted for uses other than linear rights-of-way) that is used when substantial capital investment is required and when conveyance of a conditional and transferable interest in National Forest System lands is necessary or desirable to serve or facilitate authorized long-term uses, and that may be revocable and compensable according to its terms. This definition does not apply to administrative site leases covered under Public Law 115–334 Sec. 8623 and Public Law 109–54.

* * * * *

Special use authorization—A written permit, term permit, lease, or easement that authorizes use or occupancy of National Forest System lands and specifies the terms and conditions under which the use or occupancy may occur. This definition does not apply to administrative site leases covered under

Public Law 115–334 Sec. 8623 and Public Law 109–54.

* * * * *

Michael K. Boren,

Under Secretary, Natural Resources and Environment.

[FR Doc. 2026–08937 Filed 5–5–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AS92

Veteran Readiness and Employment Program: Improving Development and Delivery of Individualized Rehabilitation Plans

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend the regulations pertaining to the Veteran Readiness and Employment (VR&E) Chapter 31 program to ensure the planning of rehabilitation programs for eligible veterans and dependents is based on information from current treatment providers and not individuals on a panel who never treated the veteran or dependent. Current regulations require consultation with a panel of individuals who are not involved in the direct care or treatment of the veteran or dependent. As such consultation is not statutorily required, VA proposes to eliminate this unnecessary process, which often adds avoidable delays to veterans' access to benefits, and streamline decision-making based on providers who actually know the veteran's needs.

DATES: Comments must be received by July 6, 2026.

ADDRESSES: You may submit comments through *www.regulations.gov* under RIN 2900–AS92. That website includes a plain language summary of this rulemaking. Instructions for accessing agency documents, submitting comments, and viewing the rulemaking docket are available on *www.regulations.gov* under ''FAQ.''

FOR FURTHER INFORMATION CONTACT: Loraine Spangler, Policy Analyst, Veteran Readiness and Employment Services, Veterans Benefits Administration, (202) 461–9600 or *loraine.spangler@va.gov.*

SUPPLEMENTARY INFORMATION: The Vocational Rehabilitation Panel (VRP) is entirely a creation of regulation and is not mandated by or mentioned in statute. See 38 CFR 21.60 and 21.62. The purpose of the VRP is to consult with Vocational Rehabilitation Counselors (VRC) to make professional recommendations for the services that will be included in a veteran's or dependent's rehabilitation plan. VA's regulations currently require consultation with a VRP in specific types of cases, such as: veterans with a serious employment handicap who may benefit from a program of Independent Living (IL) when achievement of a vocational goal is not currently reasonably feasible; dependents who require determination of the need for and types of assistance to be provided as part of special restorative training (SRT) or specialized vocational training (SVT) under VA's Chapter 35 Survivors' and Dependents' Educational Assistance program; and veterans and dependents who need determinations of the feasibility of a vocational goal and of the services to be provided under VA's Chapter 18 Spina Bifida and Birth Defects Benefit program. The members of a VRP must include a VRC from VR&E, a VR&E vocational rehabilitation specialist, a Veterans Health Administration (VHA) medical consultant, and a VHA social worker and may also include other VA specialists. The VRP's recommendations and suggestions are not legally binding.

In some circumstances, it is impossible to include on the VRP, VHA providers who have treated the individual. For example, SRT and SVT services can be requested for Chapter 35 dependents as early as age 14. VHA, however, only treats veterans; therefore, VHA providers serving on a VRP will not have treated the individual in such cases. Getting VHA providers on a VRP to render opinions about dependents they have never treated is difficult. Instead, the VRC may and does seek information from non-VA sources when evaluating such cases. These decisions can be more accurately made by VRCs gathering all necessary information, which may include documentation from current treating professionals, review of available records, consultations with current medical and/or service providers, consultations with school personnel, and review of Individualized Education Programs or other relevant documentation, rather than using a VRP that includes professionals who have not treated the dependents in such cases.

Even for veterans, given the sheer number of individuals served by VHA, it is unlikely that members of a VRP will have treated the individual in any given case. In contrast, professionals currently involved in the treatment of veterans and dependents provide information that is relevant and accurate. The individual's treating professionals are more aware of unique circumstances that must be considered when determining the feasibility and ability of the individual to participate in services needed for successful rehabilitation. Additionally, VA Regional Offices have difficulty assembling a VRP, since providers are hesitant to give input about individuals they may have never treated. The frequent inability or prolonged period needed to assemble a VRP results in delays of timely services to veterans and dependents. Again, VRCs currently contact providers the veterans and dependents are using to obtain the information needed to make decisions in vocational planning, reducing any need for the VRP.

By removing the VRP, VR&E would improve program administration, improve the quality of services provided, and provide more timely decisions. Rehabilitation services and outcomes would be improved since the information regarding individuals would be obtained from the most relevant sources and providers.

Because VR&E staff rely on current treatment and/or service providers to assist with recommendations for services provided in an individual's rehabilitation plan, VR&E proposes to remove 38 CFR 21.60 and 21.62. VR&E also proposes amendments in numerous other regulatory provisions to remove references to the VRP for the previously stated reasons. VR&E also proposes to remove § 21.198(b)(7), which lists the VRP as a potential resource the VR&E Officer may utilize when reviewing cases for which discontinuance is being considered for a veteran with a service-connected disability rated 50 percent or higher. This provision is unnecessary as all files are reviewed prior to discontinuance to ensure accuracy.

Pursuant to 38 U.S.C. 3104, VR&E has the authority to provide an evaluation to determine the need for services, the feasibility of achieving a vocational goal, and the assistance needed to successfully complete a rehabilitation program. Services and assistance are periodically reevaluated by the VRC to determine the most effective services to ensure successful completion of the rehabilitation program. Services and assistance can be more effectively and timely provided using current providers with relevant and current information, without the time-consuming process of assembling a VRP whose members have most likely not treated the individual.

To ensure other sections of part 21 conform to this change, VA proposes to amend §§ 21.3104(a), 21.3300(c),

21.3301, 21.3303(a), 21.3304(b)(2), 21.3306(b), 21.4232(a), 21.6052, 21.6310, 21.8032, and 21.8310 to remove references to the VRP. VA also proposes to amend §§ 21.3020(b), 21.3040(d), 21.3044, 21.3300(d), 21.3303(a), and 21.4232, to reflect a change made by the Harry W. Colmery Veterans Educational Assistance Act of 2017, Public Law 115–48, sec. 202, 131 Stat. 973, 989 (2017), in which Congress decreased the aggregate months of entitlement for Chapter 35 benefits from 45 months to 36 months. These proposed changes ensure VA regulations align with the statutory requirements at 38 U.S.C. 3511(a)(1). VA also proposes to make a housekeeping edit to remove § 21.4232(c) because there is no longer a § 21.4276.

Executive Orders 12866, 13563, and 14192

VA examined the impact of this rulemaking as required by Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. This proposed rule is expected to be an Executive Order 14192 deregulatory action.

Economic Impact: The proposed elimination of the VRP is cost neutral because it does not introduce new benefits, alter existing entitlements, or require additional administrative resources. Instead, it streamlines the decision-making process by allowing VRCs to rely on current treatment providers, who are more familiar with the individual's needs, rather than assembling a panel of professionals who may have never treated the veteran or dependent. This change would remove an outdated and inefficient procedural requirement and would reduce administrative delays. This rulemaking would also result in qualitative enhancements in service delivery without imposing new obligations or costs, thereby qualifying as a deregulatory action.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This certification is based on the fact that the changes made by this rulemaking would primarily impact VA employees, such as current treatment providers, as well as specialists and consultants from VR&E and VHA who may have otherwise been asked to serve on VRPs. VA anticipates that any impact to VR&E participants would be beneficial and non-economic. Additionally, benefits recipients are not considered small entities for the purposes of the Regulatory Flexibility Act. Therefore, under 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

This proposed rule would not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Claims, Colleges and universities, Conflict of interests, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on April 20, 2026, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Gabriela DeCuir,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 21 as set forth below:

PART 21—VETERAN READINESS AND EMPLOYMENT AND EDUCATION

Subpart A—Veteran Readiness and Employment

■ 1. The authority citation for part 21, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

§ 21.60 [Removed and Reserved]

■ 2. Remove and reserve § 21.60.

§ 21.62 [Removed and Reserved]

■ 3. Remove and reserve § 21.62.

§ 21.198 [Amended]

■ 4. In § 21.198, remove paragraph (b)(7).

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

■ 5. The authority citation for part 21, subpart C continues to read as follows:

Authority: 38 U.S.C. 501(a), 512, 3500–3566, and as noted in specific sections.

§ 21.3020 [Amended]

■ 6. In § 21.3020, remove in paragraph (b), in both the section heading and paragraph text, the text ''45'' in both places it appears and add in both places the text ''36''.

§ 21.3040 [Amended]

■ 7. In § 21.3040, remove in paragraph (d) the text ''45'' and add in its place the text ''36''.

§ 21.3044 [Amended]

■ 8. In § 21.3044:
■ a. Remove in paragraph (a) the text ''45'' and add in its place the text ''36''.
■ b. Remove in paragraph (b) the text ''45'' in both places it appears and add in both places the text ''36''.
■ c. Remove in paragraph (c), in the section heading, the introductory text, and paragraph (2), the text ''45'' in each place it appears and add in each place the text ''36''.
■ 9. In § 21.3104, revise paragraph (a) to read as follows:

§ 21.3104 Special training.

(a) *Initial counseling.* A counseling psychologist or vocational rehabilitation counselor in the Veteran Readiness and Employment (VR&E) Division will counsel an eligible person with a disability who is a child, spouse, or surviving spouse for consideration as to the child's, spouse's, or surviving spouse's need for a course of specialized vocational training or special restorative training. The counseling psychologist or vocational rehabilitation counselor will gather all necessary information, which

may include documentation from current treating professionals, review of available records, consultations with current medical and/or service providers, consultations with school personnel, and review of Individualized Education Programs (IEP) or other relevant documentation. If it is determined that the child, spouse, or surviving spouse requires specialized vocational training or special restorative training, the counseling psychologist or vocational rehabilitation counselor will prescribe an appropriate course in line with the goals of 38 U.S.C. chapter 35.

* * * * *

§ 21.3300 [Amended]

■ 10. In § 21.3300:

■ a. Remove in paragraph (c) introductory text the words '', after consulting with the Vocational Rehabilitation Panel,''.

■ b. Remove in paragraph (d) introductory text the text ''45'' in both places it appears and add in both places the text ''36''.

■ 11. In § 21.3301:

■ a. Revise paragraph (a) introductory text.

■ b. Remove paragraph (b) and redesignate paragraphs (c) through (e) as paragraphs (b) through (d), respectively.

■ c. Remove in newly redesignated paragraph (b) the words ''Following consultation with the panel and receipt of the panel's report, the'' and add in their place the word ''The''.

■ d. Revise newly redesignated paragraph (d).

The revisions read as follows:

§ 21.3301 Need.

(a) *Determination of need.* When special restorative training has been requested or is being considered for an eligible person with a disability who is a child, spouse, or surviving spouse, a counseling psychologist or vocational rehabilitation counselor will gather all necessary information, which may include documentation from current treating professionals, review of available records, consultations with current medical and/or service providers, consultations with school personnel, and review of Individualized Education Programs or other relevant documentation, to determine the need for and feasibility of special restorative training. After the counseling psychologist or vocational rehabilitation counselor completes this task, he or she will consider whether—

* * * * *

(d) *Reentrance after interruption.* The counseling psychologist or vocational rehabilitation counselor will determine if the eligible person may be permitted reentrance into special restorative training following interruption. The counseling psychologist or vocational rehabilitation counselor, in consultation with other treatment providers, will determine if there is a reasonable expectation that the purpose of special restorative training will be accomplished. See § 21.3306.

* * * * *

■ 12. In § 21.3303, revise paragraph (a) to read as follows:

§ 21.3303 Extent of training.

(a) *Length of special restorative training.* Ordinarily, special restorative training may not exceed 12 months. When the counseling psychologist or vocational rehabilitation counselor determines that more than 12 months of training is necessary, he or she will refer the program to the Executive Director, Veteran Readiness and Employment (VR&E) Service for prior approval. Where the plan for a program of special restorative training itself (not in combination with the program of education) will require more than 36 months (or its equivalent in accelerated payments), the plan will be included in the recommendation to the Executive Director, VR&E Service for approval.

(Authority: 38 U.S.C. 3542, 3543(b)).

§ 21.3304 [Amended]

■ 13. In § 21.3304, remove in paragraph (b)(2) the words ''Vocational Rehabilitation Panel'' and add in their place the words ''current treatment and/or service providers''.

§ 21.3306 [Amended]

■ 14. In § 21.3306:

■ a. Remove in the heading of paragraph (b) ''*Consultation with Vocational Rehabilitation Panel.*'' and add in its place ''*Other* reentrance considerations.''.

■ b. Remove in the introductory text of paragraph (b)(1) the words ''the Vocational Rehabilitation Panel'' and add in their place the words ''current treatment and/or service providers to determine if reentrance is appropriate''.

Subpart D—Administration of Educational Assistance Programs

■ 15. The authority citation for part 21, subpart D continues to read as follows:

Authority: 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 33, 34, 35, 36, and as noted in specific sections.

■ 16. In § 21.4232:

■ a. Remove in paragraph (a)(2)(i) the words ''After consulting with the Vocational Rehabilitation Panel, determine'' and add in their place the word ''Determine''.

■ b. Revise paragraph (a)(3).

■ c. Remove paragraph (c) and redesignate paragraph (d) as paragraph (c).

■ d. Remove in newly designated paragraph (c) the text ''45'' and add in its place the text ''36''.

The revision reads as follows:

§ 21.4232 Specialized vocational training—38 U.S.C. Chapter 35.

(a) * * *

(3) The CP or VRC will assist in developing the program, if it was previously determined that the course is in the eligible person's best interest.

* * * * *

Subpart I—Temporary Program of Vocational Training for Certain New Pension Recipients

■ 17. The authority citation for part 21, subpart I continues to read as follows:

Authority: Pub. L. 98–543, 38 U.S.C. 501 and chapter 15, sections specifically cited, unless otherwise noted.

§ 21.6052 [Amended]

■ 18. In § 21.6052, remove in paragraph (b)(2) the words ''by the Vocational Rehabilitation Panel''.

§ 21.6310 [Amended]

■ 19. In § 21.6310, remove in paragraph (c) the words ''the medical consultant and the Vocational Rehabilitation Panel'' and add in their place the words ''current medical and/or service providers''.

Subpart M—Vocational Training and Rehabilitation for Certain Children of Vietnam Veterans and Veterans With Covered Service in Korea—Spina Bifida and Covered Birth Defects

■ 20. The authority citation for part 21, subpart M continues to read as follows:

Authority: 38 U.S.C. 101, 501, 512, 1151 note, ch. 18, 5112, and as noted in specific sections.

§ 21.8032 [Amended]

■ 21. In § 21.8032, remove in paragraph (b)(2) the words ''by the Vocational Rehabilitation Panel''.

§ 21.8310 [Amended]

■ 22. In § 21.8310 remove in paragraph (c) the words ''also confer with the medical consultant and the Vocational Rehabilitation Panel described in §§ 21.60 and 21.62'' and add in their place the words ''consult with current medical and/or service providers''.

[FR Doc. 2026–08809 Filed 5–5–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 260430–0122]

RIN 0648–BN91

Reef Fish Fishery of the Gulf of America; Amendment 58B

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Amendment 58B to the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP) (Amendment 58B). For the deep-water grouper (DWG) complex, this proposed rule would revise the catch limits, set a recreational annual catch limit (ACL), and revise the recreational accountability measure (AM). Amendment 58B would also revise the status determination criteria and sector allocations for the DWG complex. The purpose of this proposed rule and Amendment 58B is to update catch levels, management measures, and sector allocations for the DWG complex consistent with the best scientific information available.

DATES: Written comments on the proposed rule must be received on or before June 5, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2026-0661.* You may submit comments on this document, identified by NOAA–NMFS–2026–0661, by either of the following methods:

- *Electronic Submission:* Submit comments electronically via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2026–0661 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Send written comments to Daniel Luers, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are 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.

An electronic copy of Amendment 58B is available from *https://www.regulations.gov* or from the Southeast Regional Office website at: *https://www.fisheries.noaa.gov/action/amendment-58b-modifications-deep-water-grouper-management-measures.* Amendment 58B includes an environmental assessment, a Regulatory Flexibility Act (RFA) analysis, regulatory impact review, and fishery impact statement.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *Daniel.Luers@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf of America (Gulf) reef fish fishery, which includes the DWG complex (composed of yellowedge grouper, snowy grouper, warsaw grouper, and speckled hind), is managed under the FMP. The FMP was prepared by NMFS and the Gulf Council (Council), and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires fishery management plans to prevent overfishing and achieve, on a continuing basis, the optimum yield (OY) from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the Nation, particularly with respect to providing food production, recreational opportunities, and protecting marine ecosystems.

This action is proposed under section 303(a)(1) of the Magnuson-Steven Act as necessary and appropriate for the conservation and management of the fishery to prevent overfishing, rebuild overfished stocks, and promote the long-term health and stability of the fishery.

Unless otherwise noted, all weights in this proposed rule are in pounds (lb), gutted weight.

The current species composition of the DWG complex was established in the Generic ACL and AM Amendment to the FMP (76 FR 82044, December 29, 2011). The current catch limits for the complex were also established in the Generic ACL and AM Amendment based on the results of a stock assessment for yellowedge grouper (Southeast Data, Assessment, and Review [SEDAR] 22) and using Tier 3b of the FMP's Acceptable Biological Catch (ABC) Control Rule for the other species. Tier 3b of the ABC Control Rule uses the mean of the landings from a representative time series. The current DWG complex overfishing limit (OFL) and ABC are 1.113 million lb (0.505 million kilogram (kg)) and 1.105 million lb (0.501 million kg), respectively. The DWG complex ACL equals the ABC. The current maximum sustainable yield (MSY) proxy for the DWG complex was established in Amendment 48 to the FMP. The MSY proxy is based on the yield associated with a fishing mortality rate (F) that would result in a spawning stock biomass (SSB) of 30 percent of the spawning potential ratio (SPR) ($F_{30\%SPR}$), where SPR is the ratio of the SSB to its unfished state.

In 2024, a stock assessment of yellowedge grouper was completed (SEDAR 85) and subsequently reviewed by the Council's Scientific and Statistical Committee (SSC). SEDAR 85 included recreational data from the Marine Recreational Information Program (MRIP)-Fishing Effort Survey (FES) rather than the previously used Marine Recreational Fishery Statistics Survey (MRFSS). MRIP–FES generally generates higher recreational effort and harvest estimates than MRFSS because MRIP–FES is designed to more accurately measure fishing effort.

The results of SEDAR 85 indicated that yellowedge grouper was not overfished but was experiencing overfishing. The SSC recommended updated status determination criteria for the DWG complex and new catch levels that would end overfishing of yellowedge grouper. Because SEDAR 85 assessed only the yellowedge grouper stock and did not assess the remaining species within the DWG complex (snowy grouper, warsaw grouper, and speckled hind), the SSC recommended new catch levels for these three species using Tier 3b of the FMP's ABC Control Rule and average landings from 2010 to 2022. Consistent with the data used in SEDAR 85, recreational landings were calibrated to MRIP–FES. The SSC also recommended keeping yellowedge grouper in the DWG complex to reduce discard mortality because the species inhabit similar environments. Thus, the proposed DWG complex OFL of 731,035 lb (331,592 kg) and ABC of 555,026 lb (251,756 kg) are equal to the sum of the recommended catch limits for yellowedge grouper based on SEDAR 85

and the recommended catch limits for the other DWG species. Because of the different recreational landings estimates used to determine the current and proposed stock complex catch limits, those catch limits are not directly comparable. However, the proposed catch limits are a significant reduction for the complex.

Commercial harvest of the DWG complex has been managed under the Grouper-Tilefish Individual Fishing Quota (IFQ) program since 2010 (74 FR 44732, August 31, 2009). The current commercial quota for the DWG complex is 1.024 million lb (0.464 million kg), 4 percent less than the commercial ACL of 1.070 million lb (0.485 million kg). The 4 percent buffer allows for flexibility measures between the DWG complex and the other shallow-water grouper (Other SWG) complex composed of scamp, yellowmouth grouper, black grouper, and yellowfin grouper to reduce discards and allow commercial fishermen to better use the allocation they have in a given fishing year. The flexibility measures allow a shareholder to land scamp under their DWG allocation as long as they have no Other SWG allocation remaining in their shareholder account or any associated vessel accounts. These measures also allow a shareholder to land warsaw grouper or speckled hind under their Other SWG allocation provided they have no DWG allocation remaining in their shareholder account or any associated vessel accounts. The IFQ program acts as the commercial AM and the DWG complex commercial quota has never been exceeded under the IFQ program.

Currently, there is no specified recreational ACL for the DWG complex. However, the commercial ACL is specified as 96.5 percent of the DWG complex ACL, so there is a portion of the stock (total) ACL that is unallocated. The commercial allocation is based on the sector's average landings from 2001 to 2004. At the time the current catch limits were adopted, the unallocated portion of the stock ACL was determined to be sufficient to allow historic recreational landings of the DWG complex to continue. However, recreational landings comprise an increasing proportion of the total DWG complex landings in recent years. Therefore, the Council reviewed the allocation in Amendment 58B and determined it was appropriate to revise the allocation based on the average recreational landings from the most recent 5 years (2019–2023). If NMFS approves Amendment 58B as proposed, the result would be a commercial allocation of 89.79 percent and a recreational allocation of 10.21 percent of the complex ACL.

The AM for the recreational sector requires that in the year following an overage of the complex ACL, the recreational sector will close when combined landings are projected to reach the complex ACL. Landings have never reached the complex ACL and, thus, no recreational AM closure has been necessary. However, because the recreational AM is based on reaching the complex ACL, it could allow overfishing to occur since the recreational (undefined) catch limit (*i.e.,* the difference between the complex ACL and the commercial ACL) could be exceeded prior to the commercial sector harvesting its commercial quota in the IFQ program. In this scenario, the commercial sector would still be permitted to harvest their commercial quota, thereby allowing for the complex ACL to be exceeded. This scenario would be more likely to occur in the future given the reductions in catch limits proposed in Amendment 58B and this rule.

To ensure management measures are based on the best scientific information available, end overfishing of the yellowedge grouper stock, and achieve the OY of the DWG complex, Amendment 58B would, for the DWG complex, revise the MSY proxy, OFL, ABC, and sector allocations. Also, the amendment and this proposed rule would revise the DWG complex commercial quota, the commercial ACL, and the complex ACL, establish a recreational ACL, and revise the recreational AM.

Management Measures Contained in This Proposed Rule

This proposed rule would revise the DWG complex commercial quota, the commercial ACL, and the complex ACL, establish a recreational ACL, and revise the recreational AM.

Catch Limits

This proposed rule would reduce the current DWG complex ACL from 1.105 million lb (0.501 million kg) to 555,026 lb (251,756 kg). As noted above, these catch limits are not directly comparable, but the proposed complex ACL is a significant reduction. This proposed rule would reduce the commercial ACL from 1.070 million lb (0.485 million kg) to 498,000 lb (225,889 kg), and the commercial quota would be reduced from 1.024 million lb (0.464 million kg) to 478,000 lb (216,817 kg). As is currently the case, the proposed commercial quota would be 4 percent less than the proposed commercial ACL.

Under the IFQ program, the commercial ACL and quota values are rounded down to the nearest thousand pounds (454 kg) to ensure that when allocation is distributed, the distributed allocation does not exceed the commercial quota. Without rounding, the distributed allocation could exceed the commercial quota based on how IFQ share percentages are calculated and the allocation is distributed. For this reason, the commercial and recreational ACLs do not sum to equal the stock ACL.

There is currently no specified recreational ACL. This proposed rule would set a recreational ACL at 56,668 lb (25,704 kg).

Recreational AM

This proposed rule would also modify the AM for the recreational sector, which states that in the year following an overage of the complex ACL, the recreational sector will close when combined landings reach or are projected to reach the complex ACL. This proposed rule would revise the recreational AM to use a moving 3-year average of DWG complex recreational landings compared to the average recreational ACL of the complex over the same 3 years and also compare a moving 3-year average of DWG total landings to the average complex ACL over the same 3 years. If at any point average landings exceed both the average complex ACL and average recreational ACL, then during the following fishing year, the length of the recreational fishing season would be reduced to ensure that the recreational ACL is not exceeded. The length of the recreational fishing season would not be reduced if NMFS determines, based on the best scientific information available, that no fishing season reduction is necessary. The revised recreational AM would help constrain recreational landings if needed to prevent successive overages of the complex ACL, which would reduce the risk of overfishing.

Management Measures in Amendment 58B That Would Not Be Codified by This Proposed Rule

In addition to the measures in this proposed rule, Amendment 58B would update the MSY proxy, the OFL, the ABC and the sector allocations for the DWG complex contained in the FMP.

MSY Proxy, OFL, and ABC

Amendment 58B would revise the MSY proxy, OFL, and ABC for the DWG complex based on the SSC recommendations. The MSY proxy would be the yield when fishing at an F that produces an SPR of 40 percent ($F_{40\%SPR}$). The complex OFL would be

731,035 lb (331,592 kg), and the ABC would be 555,026 lb (251,756 kg). The complex ACL would be set equal to the ABC.

Sector Allocations

Currently, the commercial sector is allocated 96.50 percent of the complex ACL based on the average sector landings from 2001 to 2004. As described in Amendment 58B, the sector allocations would be updated based on the average recreational landings from the most recent 5 years (2019–2023). This would result in a commercial allocation of 89.79 percent and a recreational allocation of 10.21 percent of the DWG complex ACL. The Council recommended this adjustment based on recent recreational landings in order to allow the commercial sector to harvest the majority of the DWG complex ACL while also recognizing the increase in recreational fishing effort.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 58B, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

The Magnuson-Stevens Act provides the legal basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the RFA. A copy of this analysis is available from NMFS (see **ADDRESSES**). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A summary of the IRFA follows. All monetary estimates in the following analysis are in 2024 dollars.

This proposed rule would revise the DWG complex ACL of 1.105 million lb (0.501 million kg) to a new complex ACL that is set equal to the new complex ABC, which is 555,026 lb (251,756 kg). This proposed rule would also update the allocation of the DWG complex ACL from previously having an unspecified recreational sector allocation, to a new recreational sector allocation based on the average recreational landings from the most recent 5 years (2019–2023). This would establish a new recreational ACL of 56,668 lb (25,704 kg), or 10.21 percent of the DWG complex ACL. To account for the new recreational ACL, this proposed rule also revises the commercial sector's allocation from 96.50 percent of the DWG complex ACL (based on landings during 2001–2004) to 89.79 percent of the complex ACL. This proposed change in the total complex ACL and the commercial allocation would reduce the DWG commercial ACL from 1.070 million lb (0.485 million kg) to 498,000 lb (225,889 kg), when rounded down to the nearest thousand pounds. The proposed rule also revises the commercial quota from 1.024 million lb (0.464 million kg) to 478,000 lb (216,817 kg), which is 4 percent less than the proposed commercial ACL (also rounded down to the nearest thousand pounds).

This proposed rule would also revise the DWG complex recreational AM. The current recreational AM for the DWG complex is a post-season AM requiring that in the year following an overage of the complex ACL, the recreational sector will close when combined landings reach or are projected to reach the complex ACL. This proposed rule would revise the recreational AM to require that if at any point during the course of a moving 3-year period, the average DWG recreational landings exceed the average recreational ACL and the average DWG total landings exceed the average complex ACL, then during the following fishing year the length of the recreational fishing season would be reduced to ensure that the recreational ACL is not exceeded. However, no reduction in the fishing season would be required if NMFS determined that the best scientific information available indicated it would be unnecessary.

This proposed rule would apply to all commercial fishing businesses, for-hire fishing businesses, and recreational fishers (anglers) that fish for Gulf DWG species in Federal waters. None of the proposed changes would directly apply to federally permitted dealers. Any change in the supply of DWG species available for purchase by dealers as a result of this proposed rule, and associated economic effects, would be an indirect effect of the proposed rule and would therefore fall outside the scope of the RFA. Additionally, the RFA does not consider recreational anglers to be entities, so they are outside the scope of this analysis (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(3)–(6)).

Although this proposed rule would apply to charter vessels and headboats (for-hire vessels), NMFS does not expect it to have any direct effects on these entities. From 2019 to 2023, there were an average of 60 target trips by charter vessels for DWG in the Gulf, which accounts for just over 2.5 percent of all recreational target trips for DWG in the Gulf. In contrast, an average of 6,244 catch trips by charter vessels for DWG in the Gulf were made from 2019 to 2023. This indicates that DWG fish are incidentally harvested species and charter vessels do not sell targeted trips for these fish. Virtually all recreational trips targeting DWG were made by private anglers, who are not considered entities under the RFA. In the Gulf, headboat trips take a diverse set of anglers on a single vessel, generally advertising a wide range of species to be caught. Gulf headboats typically do not sell targeted trips specifically for DWG species. Therefore, NMFS does not expect for-hire vessels to alter their services sold because of this proposed rule. Any change in demand for these fishing services and associated economic effects because of this proposed rule would be a consequence of a change in anglers' behavior, secondary to any direct effect of the proposed rule on anglers and, therefore, an indirect effect of the proposed rule. This indirect effect would fall outside the scope of the RFA. In summary, only the impacts on commercial fishing businesses will be discussed.

As of July 8, 2021, there were 825 limited access valid or renewable commercial reef fish permits. In order to commercially harvest species in the DWG complex, a vessel permit must also be linked to an IFQ account and possess sufficient allocation for the species in the DWG complex. IFQ accounts can be opened, and valid permits can be linked to IFQ accounts, at any time during the year. Eligible vessels can receive DWG allocation from other IFQ participants. On average, from 2019 to 2023 there were 451 IFQ accounts that held DWG allocation, and 70 percent of those accounts held DWG shares. During the same period, each year there was an average of 145 federally permitted commercial reef fish vessels with reported landings of DWG

species in the Gulf. Their average annual vessel-level gross revenue from all species for 2019–2023 was approximately $346,490, and Gulf DWG landings accounted for approximately 10 percent of this revenue. From 2019 to 2023, the maximum annual revenue from all species reported by a single commercial vessel that landed Gulf DWG species was approximately $4.56 million in 2023. NMFS estimates the economic profits for these commercial vessels to be 39.9 percent of their annual gross revenue, on average, or $138,250 per vessel during this period. Although many fishing businesses own only one federally permitted vessel, some hold or own multiple Federal permits and vessels. Since comprehensive ownership data are currently unavailable for vessels harvesting Gulf DWG species, this analysis assumes that each of the 145 vessels is independently owned by a single business. This assumption is expected to result in an overestimate of the actual number of businesses directly regulated by this proposed rule. Additionally, on average from 2019 to 2023, 261 IFQ shareholder accounts possessed DWG shares but did not report any landings of DWG species. These account holders either only transferred DWG allocation or were inactive. NMFS assumes that each of these accounts is independently owned by a single business as well. Revenue and cost data are not collected directly from Gulf IFQ shareholders; therefore, estimates of economic profits for the Gulf IFQ commercial fishing businesses that did not report landings are unavailable.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The information available to NMFS indicates that all of the commercial fishing businesses directly regulated by this proposed rule are small entities based on the NMFS size standard.

This proposed rule would set a new complex ACL that is equal to the complex ABC specified in Amendment 58B, which is 555,026 lb (251,755 kg). Under the status quo commercial sector allocation of 96.50 percent, the proposed complex ACL would result in a commercial ACL of 535,000 lb (242,672 kg), when rounded down to the nearest thousand pounds, and a commercial quota, as reduced 4 percent from the commercial ACL, of 514,000 lb (233,146 kg). Relative to average historical landings from 2018 to 2023 (excluding 2020 to remove the potential effects of COVID–19) of 746,230 lb (338,484 kg), this would result in an estimated reduction in landings of 232,230 lb (105,338 kg) per year. As discussed below, this proposed rule and Amendment 58B would also modify commercial and recreational allocation percentages and sector ACLs, and therefore, economic effects to small entities are quantified as part of that discussion.

Amendment 58B would revise the commercial sector allocation from 96.50 percent to approximately 89.7 percent of the complex ACL. This would result in a commercial ACL of 498,000 lb (225,889 kg) when rounded down to the nearest thousand pounds, and a commercial quota, as reduced 4 percent from the commercial ACL, of 478,000 lb (216,817 kg). Relative to average historical landings from 2018 to 2023, excluding 2020, this would result in an estimated reduction in commercial landings of 268,230 lb (121,667 kg) per year. NMFS anticipates that if the overall supply of DWG commercial landings decreases, the average price per lb would increase from the status quo average price of $6.66 per lb to $7.61 per lb. This is based on an uncompensated own-price flexibility for ''Gulf Other Grouper,'' inclusive of DWG species, of –0.396. The own-price flexibility is the percentage change in a product's price relative to the percentage change of a product's quantity sold. This shows the responsiveness of a product's price to the quantity being sold. Using the adjusted average price estimate of $7.61 and assuming the proposed quota would be harvested in full, annual ex-vessel revenue would be approximately $3.64 million, which represents a $1.33 million reduction relative to the status quo. The average vessel would experience a decrease of $9,172 in ex-vessel revenue and $3,669 in economic profits (approximately 3 percent of average annual ex-vessel revenue and economic profits).

The proposed rule may affect prices for DWG IFQ shares and allocation because it would make the fixed supply of DWG IFQ allocation scarcer. While these price changes cannot be quantified with current data, allocation transfer prices might increase. This would raise costs for some commercial fishing businesses that use transferred allocation to harvest DWG species or Other SWG species like speckled hind and warsaw grouper under the allowable flexibility measures. Assuming the percentage change in quantity of DWG IFQ allocation demanded is greater than the percentage change in price for DWG IFQ allocation, a market-driven increase in allocation prices would lead to a more than proportional drop in the volume of allocation moved, resulting in lower overall proceeds for DWG IFQ shareholders. Conversely, a decrease in prices would stimulate enough additional transfer volume to increase total proceeds. With respect to IFQ share value, if prospective DWG share buyers believe that a new commercial quota will result in lower future earnings from IFQ shares, then share prices would be expected to decrease. Otherwise, share values will stay the same or increase.

The following discussion describes the significant alternatives to the proposed rule that were not selected by NMFS.

One alternative, the no action alternative, was considered for the proposed action to modify the DWG complex ABC and complex ACL. This alternative would have retained the current ABC and complex ACL, both of which are equal to 1.105 million lb (0.501 million kg). These catch limits are based on the stock assessment results of SEDAR 22 for yellowedge grouper and Tier 3b of the FMP's ABC Control Rule for the other three species, which used recreational landings data from MRFSS. NMFS ceased using MRFSS to estimate recreational landings in 2013. Because this alternative would maintain the status quo catch limits for the DWG complex, no direct economic effects would be expected. This alternative was not selected because the catch limits under the no action alternative would exceed those currently recommended by the SSC, and thus, they are no longer consistent with the best scientific information available.

Three alternatives were considered for the proposed action to modify the DWG complex sector ACLs and sector allocations. The first alternative, the no action alternative, would retain the commercial sector allocation of 96.50 percent of the DWG complex ACL, which, when applied to the proposed DWG complex ACL, equates to 535,000 lb (242,672 kg) when rounded down to the nearest thousand pounds. This allocation would be based on landings during 2001–2004, and the recreational sector's ACL would remain unspecified. The commercial quota would be set

equal to the commercial ACL reduced by 4 percent or 514,000 lb (233,146 kg). NMFS calculates that this alternative, with its higher commercial catch limits relative to the proposed action, would result in a reduction in annual ex-vessel revenue that is approximately $210,000 less than what would be expected under the proposed action. This alternative was not selected because the recreational landings used to establish the status quo commercial sector allocation were based on recreational data from MRFSS, which do not account for the actual recreational removals that are present in both the MRIP–FES recreational data and the SEDAR 85 stock assessment. In addition, this alternative would not specify a recreational ACL, which is necessary to implement an effective recreational AM.

The second alternative would establish a recreational ACL and sector allocation based on the average recreational landings used in the Generic ACL/AM Amendment (2001–2004). This would result in a recreational ACL of 19,426 lb (8,811 kg), with a recreational sector allocation of 3.50 percent of the complex ACL. The second alternative would continue to allocate 96.50 percent of the complex ACL, or 535,000 lb (242,672 kg) when rounded down to the nearest thousand pounds, to the commercial sector. The commercial quota would be set equal to the commercial ACL reduced by 4 percent or 514,000 lb (233,146 kg). NMFS would expect this alternative, with its higher commercial catch limits relative to the proposed action, to result in a reduction in annual ex-vessel revenue that is approximately $210,000 less than what would be expected under the proposed action. Similar to the no action alternative, this alternative was not selected because the recreational landings used to establish the sector allocations would be based on recreational data from MRFSS, which do not account for the recreational removals that are present in both the MRIP–FES recreational data and the SEDAR 85 stock assessment.

The third alternative would establish a recreational ACL and sector allocation based on an equal reduction in the landings from the recreational and commercial sectors from the most recent 5 years (2019–2023), such that the resulting sector ACLs do not exceed the complex ACL. This would result in a recreational ACL of 37,964 lb (17,220 kg), with a recreational sector allocation of 6.84 percent of the complex ACL. The third alternative would allocate 93.16 percent of the complex ACL, or 517,000 lb (234,507 kg) when rounded down to the nearest thousand pounds, to the commercial sector. The commercial quota would be set equal to the commercial ACL reduced by 4 percent or 496,000 lb (224,982 kg). NMFS would expect this alternative, with its higher commercial catch limits relative to the proposed action, to result in a reduction in annual ex-vessel revenue that is approximately $100,000 less than what would be expected under the proposed action. This alternative was not selected because the smaller recreational ACL relative to the proposed rule would be more likely to be exceeded. Over the last 10 years (2014–2023), recreational landings would have exceeded the third alternative's recreational ACL seven times.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf, Recreational, Reef fish.

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

Dated: April 30, 2026.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.39, revise paragraph (a)(1)(ii) to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(ii) Deep-water grouper (DWG) combined (including yellowedge grouper, warsaw grouper, snowy grouper, and speckled hind)—478,000 lb (216,817 kg), gutted weight.

* * * * *

■ 3. In § 622.41, revise paragraph (f) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(f) *Deep-water grouper (DWG) combined (including yellowedge grouper, warsaw grouper, snowy grouper, and speckled hind)—*

(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of America serves as the AM for commercial DWG. The commercial ACT for DWG is equal to the applicable quota specified in § 622.39(a)(1)(ii). The commercial ACL for DWG is 498,000 lb (225,889 kg), gutted weight.

(2) *Recreational sector.* As described in the FMP, if over a moving 3-year period, the average DWG recreational landings exceed the average recreational ACL specified in this paragraph and the average DWG total landings exceed the average complex ACL specified in paragraph (f)(3) of this section, then during the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season to ensure that the recreational ACL is not exceeded, unless NMFS determines based on the best scientific information available that no fishing season reduction is necessary. The recreational ACL for DWG is 56,668 lb (25,704 kg), gutted weight.

(3) *DWG complex ACL.* The complex ACL for DWG is 555,026 lb (251,756 kg), gutted weight.

* * * * *

[FR Doc. 2026–08910 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 91, No. 87
Wednesday, May 6, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; 2030 Census Locate Address Test for Accessory Dwelling Units

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Department of Commerce.

Title: 2026 Locate Address Test for Accessory Dwelling Units.

OMB Control Number: 0607–1031.

Form Number(s): 2026 LAT ADU Script for Contact Made at the Address (no form number). D6–CN–LAT Confidentiality Notice.

Type of Request: Regular submission, Generic IC.

Number of Respondents: 750.

An estimated 750 respondents will spend 5 minutes reading a confidentiality statement and answering questions about the presence of additional units where people live or could live on their property.

Average Hours per Response: 0.083.

750 participants will give 750 responses.

Burden Hours: 62.5.

Needs and Uses: An essential component of planning for the constitutionally-required 2030 Census is planning for operations that ensure a complete and accurate address frame, including housing units that may be hard to identify or locate. Secondary units, commonly known as Accessory Dwelling Units (ADUs), are smaller self-contained, attached or detached, residential units that are located on a property with the main house. To enumerate people living in secondary units, which are not always represented on publicly available or U.S. Postal Service address lists, the 2030 Census will rely on a multifaceted approach involving address frame maintenance, enumeration methods through self-response and in-field data collection, and public promotion and outreach with local organizations. The 2026 Locate Address Test for Accessory Dwelling Units (LAT ADU) was designed to assess the feasibility of obtaining ADU addresses through local government partnerships and to identify potential challenges with locating ADUs during in-field census enumeration activities. The results will help refine strategies for the 2030 Census Local Update of Census Addresses (LUCA) operation, an address partnership program established by Congress through the enactment of Public Law 103–430 (The Census Address List Improvement Act of 1994), and the In-Field Enumeration (IFE) operation, a field activity that collects census responses in person. The LAT ADU local government outreach was conducted in September 2025 under the Spatial, Address, and Imagery Data (SAID) Program clearance (OMB control number 0607–1008). The field activity to locate and classify the ADUs will occur in September 2026.

The Census Bureau requests approval for Census Bureau employees to visit address locations with potential ADUs within a 25-mile radius of Census Bureau facilities in Suitland, Maryland and Jeffersonville, Indiana. The ADU addresses were identified by local governments and online address resources. Census Bureau employees will visit each ADU address location, attempt to contact the residents of the main house, confirm the existence of an additional unit where someone lives or could live with the respondent, and document the results of the data collection activity on their own to summarize the outcome of each visit.

The Census Bureau estimates that a maximum of 750 individuals will be contacted, including approximately 575 people in areas around Census Headquarters in Suitland, Maryland, and 175 people in areas around the National Processing Center in Jeffersonville, Indiana. Participation is mandatory and requires at most 5 minutes of time to hear about the purpose of the visit, read a Confidentiality Notice, and answer a few questions about the presence of additional units where people live or could live on their property and the address and location of those units. The Census Bureau staff interviewing and collecting the information will uphold the confidentiality of the data collected under Title 13 U.S.C.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, Sections 141, 191, and 193.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection or the OMB Control Number 0607–1031.

Sheleen Dumas,

Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–08807 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–42–2026]

Foreign-Trade Zone (FTZ) 288, Notification of Proposed Production Activity; Coilcraft, Inc.; (Ferrous Iron Pre-Fabrication Material); Hawarden, Iowa

Coilcraft, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Hawarden, Iowa within FTZ 288. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on April 28, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished product is ferrous iron pre-fabrication material (duty free).

The proposed foreign-status material/component is ferrous iron raw materials (duty free).

The request indicates that certain materials/components are subject to duties under section 122 of the Trade Act of 1974 (Section 122). The applicable section 122 decision requires subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is June 15, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Brian Warnes at *brian.warnes@trade.gov.*

Dated: May 1, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–08958 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–851–806]

Certain Freight Rail Couplers and Parts Thereof From the Czech Republic: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain freight rail couplers and parts thereof (freight rail couplers) from the Czech Republic are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through June 30, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Andrew Hart or Sofia Pedrelli, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1058 or (202) 482–4310, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 18, 2025.[1] Due to a lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of document that were electronically filed via Enforcement and Compliances' Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government Shutdown, November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] On February 23, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now April 27, 2026.[4]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Investigation

The products covered by this investigation are freight rail couplers from the Czech Republic. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the revised scope in Appendix I to this notice.

[1] *See Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and India: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 40059 (August 18, 2025) (*Initiation Notice*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and India: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 91 FR 8423 (February 23, 2026).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Freight Rail Couplers and Parts Thereof from the Czech Republic,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Less-Than-Fair-Value Investigations of Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and India and Countervailing Duty Investigation of Certain Freight Rail Couplers and Parts Thereof from India: Preliminary Scope Decision Memorandum,'' dated February 26, 2026 (Preliminary Scope Decision Memorandum).

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value for CKD Kutná Hora A.S. (CKD) is calculated using constructed value in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated weighted-average dumping margin, *i.e.,* the all-others rate, for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for CKD, the only individually examined exporter or producer in this investigation. Because the only individually calculated estimated weighted-average dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for CKD is the estimated weighted-average dumping margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter or producer	Estimated weighted-average dumping margin (percent)
CKD Kutná Hora A.S	60.05
All Others	60.05

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin, as follows: (1) The cash deposit rate for CKD will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not CKD, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for CKD; and (3) the cash deposit rate for all other producers and exporters will be equal to the estimated weighted-average dumping margin for all other producers and exporters.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination 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 accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[10]

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.[11] 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 executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. 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 the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of

[9] *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*).

[10] *See* 19 351.309(c)(2) and (d)(2).

[11] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[12] *See APO and Service Final Rule.*

exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On April 24, 2026, pursuant to 19 CFR 351.210(e), CKD requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[13] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: April 27, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of these investigations covers certain freight railcar couplers (also known as ''fits'' or ''assemblies'') and parts thereof. Freight rail couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (*e.g.,* coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts covered by these investigations include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E knuckles; and (5) F knuckles; as set forth by the Association of American Railroads (AAR). The freight rail coupler parts are included within the scope of these investigations when imported individually. Coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors are covered merchandise when imported in an assembly but are not covered by the scope when imported separately.

Subject freight rail couplers and parts are included within the scope whether finished or unfinished, whether imported individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of these investigations meet or exceed the AAR specifications of M–211, ''Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts,'' and/or AAR M–215 ''Coupling Systems,'' or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of these investigations are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8607.30.1010, 8607.30.1050, and 8607.30.1090. Subject merchandise attached to finished railcars may also enter under HTSUS statistical reporting numbers 7326.90.8688, 8606.10.0000, 8606.91.0000, 8606.92.0000, 8606.99.0130, or under subheading 8606.99.0160. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of these investigations is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation
V. Discussion of the Methodology
VI. Particular Market Situation
VII. Currency Conversion
VIII. Recommendation

[FR Doc. 2026–08954 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–DS–P

[13] *See* CKD's Letter, ''Request to Extend the Final Determination,'' dated April 24, 2026.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–867]

Welded Stainless Pressure Pipe From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that Suncity Metals & Tubes Private Ltd. (Suncity) made sales of welded stainless pressure pipe (WSPP) from India at less than normal value in the United States during the period of review (POR), November 1, 2023, through October 31, 2024. Additionally, Commerce is rescinding this administrative review with respect to certain companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Laura Delgado, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1468.

SUPPLEMENTARY INFORMATION:

Background

On November 17, 2016, Commerce published the antidumping duty (AD) order on WSPP from India in the **Federal Register**.[1] On November 1, 2024, Commerce published a notice of opportunity to request an administrative

[1] *See Welded Stainless Pressure Pipe from India: Antidumping and Countervailing Duty Orders,* 81 FR 81062 (November 17, 2016) (*Order*).

review of the *Order*.[2] On December 18, 2024, based on timely requests for review, in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order* covering five companies.[3] On March 4, 2025, we selected Jindal Saw Limited (Jindal Saw) and Suncity as the mandatory respondents in this administrative review.[4] On March 12, 2025, Jindal Saw timely withdrew its request for review.[5]

On December 9, 2024, Commerce tolled certain statutory and regulatory deadlines in this proceeding by a total of 90 days.[6] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[7] 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.[8] On December 9, 2025, Commerce extended the time limit for these preliminary results by 61 days, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).[9] On February 26, 2026, Commerce extended the time limit for these preliminary results by an additional 52 days.[10] Accordingly, the deadline for these preliminary results is now April 30, 2026.[11]

For a complete description of events that occurred since the initiation of this review, *see* the Preliminary Decision Memorandum.[12] A list of topics included in the Preliminary Decision Memorandum is included in the appendix 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/frnotices.*

Scope of the Order

The merchandise covered by the scope of the *Order* is WSPP from India. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, In Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Jindal Saw, Prakash Steelage Ltd. of India (Prakash Steelage), Seth Steelage Pvt. Ltd. (Seth Steelage), Ratnamani Metals & Tubes Ltd. (Ratnamani) timely withdrew their requests for review.[13] No other parties requested an administrative review of Jindal Saw, Prakash Steelage, Seth Steelage, and Ratnamani. Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this administrative review with respect to Jindal Saw, Prakash Steelage, Seth Steelage, and Ratnamani.

Preliminary Results of Review

We preliminarily find the following estimated weighted-average dumping margin exists for the period November 1, 2022, through October 31, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
Suncity Metals & Tubes Private Ltd	0.96

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 after the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.[14] 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.[15] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[16] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; and (2) a brief summary of the argument; and (3) a table of authorities.[17] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 89 FR 87338 (November 1, 2024).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 102856 (December 18, 2024).

[4] *See* Memorandum, ''Respondent Selection,'' dated March 4, 2025.

[5] *See* Jindal Saw's Letter, ''Withdrawal of Request for Antidumping Duty Administrative Review for the period of November 01, 2023 to October 31, 2024,'' dated March 12, 2025 (Jindal's Withdrawal Letter).

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[7] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[8] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[9] See Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2023–2024,'' dated December 9, 2025.

[10] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2023–2024,'' dated February 26, 2026 (Second Prelim Extension).

[11] *See* Second Prelim Extension at 2.

[12] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Welded Stainless Steel Pressure Pipe from India; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[13] *See* Jindal's Withdrawal Letter; *see also* Prakash Steelage's Letter, ''Withdrawal Request for Administrative Review of Anti-Dumping Duty of Prakash Steelage Ltd.,'' dated January 9, 2025; Seth Steelage's Letter, ''Withdrawal Request for Administrative Review of Anti-Dumping Duty of Seth Steelage Private Limited,'' dated January 9, 2025; and Ratnamani's Letter, ''Withdrawal Request for Administrative Review of Antidumping Duty of Ratnamani Metals & Tubes Ltd.,'' dated March 6, 2025.

[14] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

[15] Commerce is exercising its discretion to alter the time limit for filing of case briefs. *See* 19 CFR 351.309(c)(1)(ii).

[16] *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 Procedures*).

[17] *See* 19 CFR 351.309(c)(2) and (d)(2).

request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[18] Further, we request that interested parties limit their public 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).[19]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[20] 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 in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[21] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Assessment Rates

Upon completion of this administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.[22]

For Suncity, whose weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Suncity's final weighted-average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.[23]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Suncity Sheets for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate in the original less-than-fair-value (LTFV) investigation (*i.e.,* 8.35 percent) if there is no rate for the intermediate company(ies) involved in the transaction.[24]

For the companies listed above for which this review is being rescinded, antidumping duties shall be assessed on entries at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(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 deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate established in the LTFV investigation (*i.e.,* 8.35 percent).[26] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in any written briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR

[18] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[19] *See APO and Service Procedures.*

[20] *See* 19 CFR 351.310(c).

[21] *See* 19 CFR 351.310(d).

[22] *See* 19 CFR 351.212(b)(1).

[23] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[24] *See Order,* 81 FR at 81063; *see also 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.

[26] *See* section 751(a)(3)(A) of the Act; and 19 CFR 351.213(h).

351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(2) and 19 CFR 351.221(b)(4).

Dated: April 30, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Partial Rescission of Review
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2026–08953 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–224]

Truck Bed Covers From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Dusten Hom or Suresh Maniam, AD/CVD Operations, Offices I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5075 or (202) 482–0176, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 20, 2026, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of truck bed covers from the People's Republic of China (China).[1] Currently, the preliminary determination is due no later than May 21, 2026.

Postponement of Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination in a CVD investigation until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination.

Commerce has determined that both respondent companies involved in the proceeding are cooperating because both companies filed a request for an extension of time to respond to the Affiliated Companies portion of the Initial CVD Questionnaire,[2] and that the investigation is extraordinarily complicated.[3] Specifically, Commerce will require additional time to analyze the questionnaire responses and issue appropriate requests for clarification and additional information, particularly regarding questions of affiliation and cross-ownership and program use by the respondents (*i.e.,* Changzhou Sunwood International Trading Co., Ltd. (Sunwood) and Hangzhou Golden Sun Auto Parts Co., Ltd. (Golden Sun)). In accordance with section 703(c)(1)(B) of the Act, Commerce is postponing the due date for the preliminary determination of this investigation to 130 days after the date on which this investigation was initiated, *i.e.,* July 27, 2026.[4] Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: May 1, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2026–08949 Filed 5–5–26; 8:45 am]

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[1] *See Truck Bed Covers From the People's Republic of China: Initiation of Countervailing Duty Investigation,* 91 FR 13573 (March 20, 2026).

[2] *See* Golden Sun's Letter, ''Golden Sun's Extension Request for Affiliation Response,'' dated April 20, 2026. *See also* Sunwood's Letter, ''Sunwood's Request for Extension of Time to Respond to Section III Identifying Affiliated Companies,'' dated April 21, 2026.

[3] *See* section 703(b)(1) of the Act.

[4] Postponing the preliminary determination to 130 days after initiation would place the deadline on Saturday, July 25, 2026, a weekend. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended, 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–848]

Certain Stilbenic Optical Brightening Agents From Taiwan: Final Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the sole producer and/or exporter subject to this review, Teh Fong Min International Co., Ltd. (TFM), made sales of subject merchandise in the United States at less than normal value during the period of review (POR), May 1, 2023, through April 30, 2024.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Gemma Larsen, 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) 482–8125.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2025, Commerce published the preliminary results of the 2023–2024 administrative review of the antidumping duty order on stilbenic optical brightening agents (stilbenic OBAs) from Taiwan.[1] We invited

[1] *See Stilbenic Optical Brightening Agents from Taiwan: Preliminary Results of Antidumping Duty*

Continued

interested parties to comment on the *Preliminary Results*.[2] We received a case brief from the petitioner and a rebuttal case brief from TFM.[3] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[4] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[5] On February 10, 2026, Commerce extended the deadline for the final results by 43 days.[6] On April 23, 2026, Commerce extended the deadline for the final results by an additional 8 days.[7] Accordingly, the deadline for these final results is now May 1, 2026.

For a complete description of the events that followed the *Preliminary Results, see* the Issues and Decision Memorandum.[8] The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order [9]

The products covered by the *Order* are stilbenic OBAs. A full description of the scope of the *Order* is provided in the Issues and Decision Memorandum.[10]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as an appendix to this notice.

Change Since the Preliminary Results

Based on our analysis of the comments received, we made a certain change to the margin calculations for TFM. For a discussion of this change, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine that the following estimated weighted-average dumping margin exists for the period May 1, 2023, through April 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Teh Fong Min International Co., Ltd.[11]	7.61

Disclosure

We intend to disclose the calculations performed for TFM in these final results to parties in this proceeding within five days after the date of any public announcement or, if there is no public announcement, within five days after the date of publication of these final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[12]

We intend to instruct CBP, pending a final and conclusive court decision in *Archroma,* to apply the importer-specific *ad valorem* assessment rates we calculated for the *Preliminary Results* 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).[13] If the importer-specific assessment rate is zero or *de minimis,* then Commerce will instruct CBP to liquidate such entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by TFM, for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.,* 6.19 percent) [14] if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results 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 this notice [15] for all shipments of stilbenic OBAs from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for TFM will be 7.61 percent, the weighted-average dumping margin established in these final results;

Administrative Review; 2023–2024, 90 FR 42739 (September 4, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *Id.*

[3] *See* Petitioner's Letter, ''Archroma's Case Brief and Request for Hearing,'' dated September 25, 2025; *see also* TFM's Letter, ''Rebuttal Brief,'' dated November 17, 2025.

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[5] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[6] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023–2024,'' dated February 10, 2026.

[7] *See* Memorandum, ''Second Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023–2024,'' dated April 23, 2026.

[8] *See* Memorandum, ''Stilbenic Optical Brightening Agents from Taiwan: Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2023–2024,'' dated April 23, 2026 (Issues and Decision Memorandum).

[9] *See Certain Stilbenic Optical Brightening Agents from Taiwan: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27419 (May 10, 2012) (*Order*).

[10] *See Preliminary Results* PDM.

[11] Teh Fong Min International Co., Ltd. is also known as Teh Fong Ming International Co., Ltd. *See Preliminary Results,* 90 FR at 42739.

[12] Commerce remains enjoined from ordering the lifting of suspension of liquidation, and entries of subject merchandise will continue to be subject to suspension of liquidation at the cast deposit rate of zero and we will instruction CBP accordingly. *See Archroma U.S., Inc.,* v. *United States Dep't of Commerce and United States Int'l Trade Comm.,* CIT Ct. No. 22–00354, ECF No. 8 (appeal pending *sub. nom. Archroma U.S., Inc.* v. *Commerce,* CAFC Ct. No. 2024–2159) (collectively, *Archroma*) (challenging Commerce's determination in *Stilbenic Optical Brightening Agents from the People's Republic of China and Taiwan: Final Results of Sunset Review and Revocation of Order,* 87 FR 80162 (December 29, 2022); *see also Stilbenic Optical Brightening Agents From Taiwan and the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Sunset Reviews, Reinstatement of Antidumping Duty Orders, and Reconduction of Sunset Reviews,* 89 FR 53392, 53393 (June 26, 2024)).

[13] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[14] *See Order,* 77 FR at 27420.

[15] *See* n.13 *supra.*

(2) for previously investigated companies not subject to this review, the cash deposit rate will continue to be the company-specific rate published in the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established in the most recent completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 6.19 percent, the all-others rate established in the LTFV investigation.[16] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under the 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/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 351.221(b)(5).

[16] *See Order,* 77 FR at 27420.

Dated: May 1, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether Commerce Should Collapse TFM and One of Its Home Market Customers and Apply Adverse Facts Available
Comment 2: Whether Commerce Should Revise Its Conversion of Liquid State Sales to Powder State Equivalents
Comment 3: Whether Commerce Should Convert TFM's Comparison Market Billing Adjustments from Euros to New Taiwan Dollars
Comment 4: Whether Commerce Should Revise TFM's General and Administrative Expense Ratio
VI. Recommendation

[FR Doc. 2026–08957 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–845]

Certain Aluminum Foil From the Republic of Türkiye: Preliminary Results and Rescission, in Part, of Countervailing Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of certain aluminum foil (aluminum foil) from the Republic of Türkiye (Türkiye). The period of review (POR) is January 1, 2023, through December 31, 2023. In addition, Commerce is rescinding the review, in part, with respect to one company. Interested parties are invited to comment on these preliminary results.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Caroline Carroll or Ian Riggs, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4948 or (202) 482–3810, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.[1] On December 18, 2024, based on timely requests for review, Commerce initiated this administrative review of the countervailing duty (CVD) order on aluminum foil from Türkiye.[2] On March 10, 2025, Commerce issued the initial CVD questionnaire to the Government of Türkiye (GOT) and instructed the GOT to forward the questionnaire to Assan Aluminyum Sanayi ve Ticaret A.S. (Assan) and Panda Aluminyum A.S. (Panda).[3]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[4] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[5] Further, on December 11, 2025, Commerce extended the deadline for the preliminary results by an additional 78 days.[6] Finally, on March 10, 2026, Commerce extended the deadline for the preliminary results by an additional 35 days.[7] Accordingly, the deadline for the preliminary results is now April 30, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary

[1] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 102856 (December 18, 2024).

[3] Assan and Panda were the only companies remaining in the review after all parties timely withdrew their review requests for ASAS Aluminyum Sanayi ve Ticaret A.S. (ASAS); therefore, we did not issue a respondent selection memorandum. *See* ASAS's Letter, ''Withdrawal of Request for Administrative Review,'' dated February 14, 2025 (ASAS' Withdrawal); *see also* Petitioners' Letter, ''Petitioners' Partial Withdrawal of Request for Review,'' dated February 14, 2025 (Petitioners' Withdrawal).

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[5] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[6] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2023 Countervailing Duty Administrative Review,'' dated December 11, 2025.

[7] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2023 Countervailing Duty Administrative Review,'' dated March 10, 2026.

Decision Memorandum.[8] A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix 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 *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order [9]

The merchandise covered by the *Order* is aluminum foil from Türkiye. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, In Part

In accordance with 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested the review withdraw their request within 90 days of the date of publication of the notice of initiation. As noted above, Commerce received timely-filed withdrawal requests with respect to ASAS, and no other parties requested a review of this company.[10] Therefore, we are rescinding this administrative review with respect to ASAS, pursuant to 19 CFR 351.213(d)(1).

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[11] For a full description of the methodology underlying our conclusions, including our reliance, in part, on facts otherwise available with adverse inferences pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following net countervailable subsidy rates exist for the POR, January 1, 2023, through December 31, 2023: [12] [13]

Company	Subsidy rate (percent *ad valorem*)
Assan Aluminyum Sanayi ve Ticaret A.S.[12]	2.65
Panda Aluminyum A.S.[13]	3.82

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results 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

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 21 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs. Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[14] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[15] 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 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 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).[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain the party's name and address, the number of participants; and a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[17]

Verification

On March 21, 2025, the petitioners requested that Commerce conduct verification of Assan's responses.[18] Accordingly, in February 2026, as provided in section 782(i)(3) of the Act, we verified Assan's information relied upon for the preliminary results of this review.[19]

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess,

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Certain Aluminum Foil from the Republic of Türkiye; 2023,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] *See Certain Aluminum Foil from the Sultanate of Oman and the Republic of Turkey: Countervailing Duty Orders,* 86 FR 62782 (November 12, 2021) (*Order*).

[10] *See* ASAS' Withdrawal; *see also* Petitioners' Withdrawal.

[11] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[12] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Assan: Ispak Esnek Ambalaj Sanayi A.S.; and Kibar Holding A.S. We note that Assan has an affiliated trading company through which it exported certain subject merchandise, Kibar Dis Ticaret A.S. (Kibar Dis). Therefore, because Kibar Dis' subsidies are included as part of Assan's total subsidy rate, we have not assigned a subsidy rate to Kibar Dis. Entries of subject merchandise exported by Kibar Dis will receive the rate of the producer listed on the U.S. Customs and Border Protection (CBP) entry form.

[13] We note that Panda has an affiliated trading company through which it exported certain subject merchandise, Seherli Danışmanlık A.Ş. (Seherli). Seherli was not selected as a mandatory respondent but was examined in the context of Panda. Therefore, because Seherli's subsidies are included as part of Panda's total subsidy rate, we have not assigned a subsidy rate to Seherli. Entries of subject merchandise exported by Seherli will receive the rate of the producer listed on the CBP entry form.

[14] *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 Procedures*).

[15] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[16] *See APO and Service Procedures.*

[17] *See* 19 CFR 351.310(d).

[18] *See* Petitioners' Letter, ''Petitioners' Request for Verification,'' dated March 21, 2025.

[19] *See* Memornadum, '' Verification of the Questionnaire Responses of Assan Aluminyum Sanayi ve Ticaret A.Ş. in the 2023 Countervailing Duty Administrative Review of Certain Aluminum Foil from the Republic of Türkiye,'' dated April 22, 2026.

countervailing duties on all appropriate entries covered by this review.

For ASAS, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2023, through December 31, 2023, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue assessment instructions to CBP regarding ASAS no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

For Assan and Panda, 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

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.107(e), Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, as follows: (1) the cash deposit rate for the companies listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates assigned, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise has a company-specific estimated subsidy rate assigned, the applicable cash deposit rate will be that company's company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be continue to be 2.60 percent, the all-others rate established in the investigation.[20] These cash deposit instructions, when imposed, shall remain in effect until further notice.

Final Results of Administrative Review

Unless the deadline in extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h), Commerce intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in any written briefs, within 120 days after the date of publication of these preliminary results in the **Federal Register**.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: April 30, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Diversification of Türkiye's Economy
V. Subsidies Valuation
VI. Application of Facts Available and Adverse Inferences
VII. Benchmarks and Interest Rates
VIII. Analysis of Programs
IX. Recommendation

[FR Doc. 2026–08951 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–815]

Certain Aluminum Foil From the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Oman Aluminium Rolling Company SPC (OARC) sold certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) in the United States at prices below normal value (NV) during the period of review (POR) November 1, 2023, through October 31, 2024. Interested parties are invited to comment on these preliminary results.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Alex Cipolla, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4956.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2021, Commerce published in the **Federal Register** the antidumping duty (AD) order on aluminum foil from Oman.[1] On November 1, 2024, Commerce published a notice of opportunity to request an administrative review of the *Order* for the POR in the **Federal Register**.[2] On December 18, 2024, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the *Order* with respect to OARC.[3]

On December 9, 2024, Commerce tolled the deadline to issue the preliminary results in administrative reviews for which the opportunity to request the review was published in December 2024, by 90 days.[4] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[5] 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.[6] On December 18, 2025, Commerce extended the deadline to issue these preliminary results by 61

[20] *See Order.*

[1] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Antidumping Duty Orders,* 86 FR 62790 (November 12, 2021) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List,* 89 FR 87338 (November 1, 2024).

[3] *See Initiation of Antidumping Duty and Countervailing Duty Administrative Reviews*, 89 FR 102856 (December 18, 2024).

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Proceedings,'' dated December 9, 2024.

[5] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[6] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

days.[7] Finally, on February 9, 2026, Commerce extending the deadline to issue these preliminary results by an additional 52 days.[8] The deadline for these preliminary results is now April 30, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[9] A list of topics included in the Preliminary Decision Memorandum is included as an appendix 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/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is aluminum foil from Oman. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin for the period of November 1, 2023, through October 31, 2024:

Producer or exporter	Weighted-average dumping margin (percent)
Oman Aluminium Rolling Company SPC	0.58

[7] *See* Memorandum, ''Extension of Deadline for the Preliminary Results of Antidumping Duty Administrative Review,'' dated December 18, 2025.

[8] *See* Memorandum, ''Second Extension of Deadline for the Preliminary Results of Antidumping Duty Administrative Review,'' dated February 9, 2026.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from the Sultanate of Oman; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Disclosure

Commerce intends to disclose the calculations 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 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)(l)(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.[10] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[11] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; and (2) a table of authorities.[12] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

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.[13] 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 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 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).[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, by 5 p.m. Eastern Time, within 30 days after the date of publication of this notice in the **Federal Register**. Requests should contain: (1) the requesting 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 the issues the party intends to discuss at the hearing. Oral presentations at the hearing will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[15] Parties should confirm the date, time, and location of the hearing two days before the scheduled hearing date.

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act, upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[16] If the weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[17] Where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of the review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[18] If OARC's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of the review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [19]

In accordance with Commerce's ''automatic assessment'' practice, for

[10] *See* 19 CFR 351.309.

[11] *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*).

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

[13] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[14] *See APO and Service Final Rule.*

[15] *See* 19 CFR 351.310(d).

[16] *See* 19 CFR 351.212(b)(1).

[17] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[18] *Id.,* 77 FR at 8102; *see also* 19 CFR 351.106(c)(2).

[19] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

entries of subject merchandise during the POR produced by OARC for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate (*i.e.,* 3.89 percent) [20] if there is no rate for the intermediate company (or companies) involved in the transaction.

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.[21] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication in the **Federal Register** of the notice of final results final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.89 percent, the all-others rate established in the LTFV investigation.[22] These deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also 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 and/or countervailing 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 and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: April 30, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–08780 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–DS–P

[20] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Antidumping Duty Orders,* 86 FR 62790 (November 12, 2021) (*Order*).

[21] *See* section 751(a)(2)(C) of the Act.

[22] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–940]

Certain Freight Rail Couplers and Parts Thereof From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain freight rail couplers and parts thereof (freight rail couplers) from India are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through June 30, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Eliza DeLong or Colin Thrasher AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3878 or (202) 482–3004, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 18, 2025.[1]

Due to a lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliances' Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government Shutdown, November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an

[1] *See Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and India: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 40059 (August 18, 2025) (*Initiation Notice*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

additional 21 days.[3] On February 23, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now April 27, 2026. [4]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Investigation

The products covered by this investigation are freight rail couplers from India. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the revised scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value for both Texmaco Rail and Engineering Limited (Texmaco) and Kharagpur Metal Reforming Industries Pvt Ltd is calculated using constructed value in accordance with section 773 of the Act. Furthermore, pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences to assign preliminary dumping margins to two companies that failed to respond to Commerce's quantity and value questionnaire (*i.e.,* Bhilai Engineering Corporation Ltd. and Jupiter Wagons Ltd.). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated estimated weighted-average dumping margins for Texmaco and Kharagpur that are not zero, *de minimis,* or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the publicly-ranged estimated weighted-average dumping margins calculated for the examined respondents.[9]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Bhilai Engineering Corporation Ltd	*71.01	71.01
Jupiter Wagons Ltd	*71.01	71.01
Kharagpur Metal Reforming Industries Pvt Ltd	4.68	0.93
Texmaco Rail and Engineering Limited	7.63	4.14
All Others	5.32	1.63

* Rate based on facts available with adverse inferences.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and India: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 91 FR 8423 (February 23, 2026).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Freight Rail Couplers and Parts Thereof from India'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Less-Than-Fair-Value Investigations of Certain Freight Rail Couplers and Parts Thereof from the Czech Republic and India and Countervailing Duty Investigation of Certain Freight Rail Couplers and Parts Thereof from India: Preliminary Scope Decision Memorandum,'' dated February 26, 2026 (Preliminary Scope Decision Memorandum).

[9] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. In this investigation, Commerce based the all-others rate on the publicly-ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* Memorandum, ''Preliminary Calculation of All-Others Rate,'' dated concurrently with this determination.

deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the ''Preliminary Determination'' section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination 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 accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[10] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[11]

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.[12] 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 executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On February 3, 2026, pursuant to 19 CFR 351.210(e), Texmaco requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[14] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

[10] *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*).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[13] *See APO and Service Final Rule.*

[14] *See* Texmaco's Letter, ''Request to Postpone the Deadline for Final Determination,'' dated February 3, 2026.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: April 27, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers certain freight railcar couplers (also known as ''fits'' or ''assemblies'') and parts thereof. Freight rail couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (*e.g.,* coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts covered by this investigation include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E knuckles; and (5) F knuckles; as set forth by the Association of American Railroads (AAR). The freight rail coupler parts are included within the scope of this investigation when imported individually. Coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors are covered merchandise when imported in an assembly but are not covered by the scope when imported separately.

Subject freight rail couplers and parts are included within the scope whether finished or unfinished, whether imported individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of this investigation meet or exceed the AAR specifications of M–211, ''Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts,'' and/or AAR M–215 ''Coupling Systems,'' or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of this investigation are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8607.30.1010, 8607.30.1050, and 8607.30.1090. Subject merchandise attached to finished railcars may also enter under HTSUS statistical reporting numbers 7326.90.8688, 8606.10.0000, 8606.91.0000, 8606.92.0000, 8606.99.0130, or under subheading 8606.99.0160. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Application of Facts Available and Use of Adverse Inference
V. Particular Market Situation
VI. Discussion of the Methodology
VII. Adjustments to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2026–08956 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–221, C–533–949]

Large Diameter Graphite Electrodes From the People's Republic of China and India: Postponement of Preliminary Determinations in the Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Joseph Molokwu at (202) 482–8043 (the People's Republic of China (China)) and Nathan James and Olivia Woolverton (India) at (202) 482–5305 and (202) 482–7453, respectively, AD/CVD Operations, Offices IV and V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 16, 2026, the U.S. Department of Commerce (Commerce) initiated countervailing duty (CVD) investigations of imports of large diameter graphite electrodes from China and India.[1] Currently, the preliminary determinations are due no later than May 20, 2026.

Postponement of Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) the petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination.

Commerce has determined that the parties involved in these proceedings are cooperating because the respondents have submitted portions of their questionnaire response or have requested extensions to respond and, further, finds that the investigations are extraordinarily complicated within the meaning of section 703(c)(1)(B)(i) of the Act and that Commerce requires additional time to make a preliminary determination.

Section 703(c)(1)(B)(i)(I) provides that ''the number and complexity of the alleged countervailable subsidy practices'' is a consideration in determining whether a case is extraordinarily complicated. In this case, Commerce is investigating an unusually high number of alleged subsidy programs in both China and India and Commerce will require additional time to analyze the questionnaire responses, once received, and to issue appropriate requests for clarification and additional information, particularly regarding questions of affiliation and cross-ownership and program use by the respondents. In accordance with section 703(c)(1)(B) of the Act, Commerce is postponing the deadline for the preliminary determinations of these investigations to

[1] *See Large Diameter Graphite Electrodes from the People's Republic of China and India: Initiation of Countervailing Duty Investigations,* 91 FR 13577 (March 20, 2026).

130 days after the day on which the investigations were initiated, *i.e.,* July 24, 2026. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations in these investigations will continue to be 75 days after the date of the preliminary determinations.

Notification to Interested Parties

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 30, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2026–08952 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF672]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The EFP would allow federally permitted fishing vessels to fish outside fishery regulations in support of exempted fishing activities proposed by the Commercial Fisheries Research Foundation. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before May 21, 2026.

ADDRESSES: You may submit written comments by email: *nmfs.gar.efp@noaa.gov.* Include in the subject line ''Bait Skate Utilization in the LAGC Scallop Fishery.'' All comments received are a part of the public record and may be posted for public viewing 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 ''anonymous'' as the signature if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Ashley Trudeau, Fishery Resource Management Specialist, *ashley.trudeau@noaa.gov,* (978) 281–9252.

SUPPLEMENTARY INFORMATION: The applicant has submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict. This EFP would exempt the participating vessels from the following Federal regulations:

TABLE 1—REQUESTED EXEMPTIONS

CFR Citation	Regulation	Need for exemption
648.80(h)(3)(iii)(A)	Vessels fishing in the Scallop Dredge Fishery Exemption Areas may not fish for, possess, or land any species of fish other than scallops and monkfish..	Allowing Limited Access General Category (LAGC) scallop vessels to possess bait skate (*i.e.,* whole skates less than 23 inches (58.4 centimeter (cm)) total length) while dredging in the Northern Gulf of Maine (NGOM) Management Area, Scallop Dredge Fishery Exemption Areas, or the Mid-Atlantic Exemption Area.

TABLE 2—PROJECT SUMMARY

Project title	From Discards to Resource: Bait Skate Utilization in the LAGC Scallop Fishery.
Project start	Upon approval.
Project end	March 31, 2027.
Project objectives	Quantifying bait skate bycatch and identifying practical pathways for its utilization by LAGC Atlantic sea scallop vessels.
Project location	Georges Bank (GB), Gulf of Maine, Southern New England (SNE), Mid-Atlantic.
Number of vessels	12.
Number of trips	1,200.
Trip duration (days)	1–2 days.
Total number of days	1,200–2,400.
Gear type(s)	Dredge.
Number of tows or sets	10–20 per trip.
Duration of tows or sets	1–2 hours.

Project Narrative

The Commercial Fisheries Research Foundation (CFRF) is requesting an EFP in support of a study that would evaluate the feasibility of converting bait skate discards to landings in the LAGC Atlantic sea scallop fishery by (1) quantifying bait skate bycatch, and (2) identifying practical pathways for its utilization, including sale to dealers and other vessels or retention for use in the lobster and/or crab fishery. Allowing the landing of underutilized species that would normally be discarded could allow scallop vessels to supplement their income during times of reduced scallop abundance. These additional

landings would have a potential ex-vessel value of approximately $425,700.

LAGC scallop vessels may dredge for scallops in the NGOM Management Area, the GB/SNE Scallop Dredge Exemption Area, and the Mid-Atlantic Exemption Area. In the NGOM and the GB/SNE Scallop Dredge Exemption Area, LAGC vessels are prohibited from possessing any fish species other than scallops and monkfish. This prohibition results in a high rate of regulatory discards of skate. The skate bait resource (landing whole skates less than 23 inches (58.4 cm) in total length for use as bait) is considered underutilized. This study would evaluate the feasibility of increasing utilization of the fishery by converting regulatory discards to landings.

Based on NMFS' annual monitoring reports for fishing years 2020–2024 and monitoring reports to date for fishing year 2025, the percentage of the bait skate quota used has ranged from 16 percent of the skate bait total allowable landings (TAL) in 2021 to 63 percent in 2024. Landings of bait skate in the 2025 fishing year so far have been lower than those recorded in 2024. The requested exemption would allow vessels fishing for scallops under an LAGC permit to land up to 1,419 lbs (644 kilograms (kg)) of whole skate, which is the trip limit for vessels with a federal skate permit that are not fishing under a monkfish, Northeast multispecies, or scallop day-at-sea (50 CFR 648.322(b)(4)). This EFP would authorize a maximum of 1,200 trips, which could result in a maximum increase in landings of 1,702,800 lb (772 metric ton (mt)) bait skate, or 15 percent of the fishing year 2025 bait skate TAL. Reaching 90 percent of the skate bait fishery seasonal quota or 80 percent of the annual skate bait fishery TAL would result in a trip limit reduction for the skate bait LOA fishery. However, in the last 5 years of the skate bait fishery, these additional landings would not have caused landings to reach the 80 percent of annual TAL threshold. This 1.7 million-lb (771 mt) increase in bait skate landings is also a ceiling; depending on seasonal variability of skate abundance, operators expect to catch between 200 and 800 lb (90.7 and 362.9 kg) of bait skate during experimental fishing trips, well below the 1,419-lb (644 kg) trip limit. This estimate aligns with bycatch estimates from observer data collected over the past 5 years of the LAGC fishery. For observed trips between 2020 and 2025, skate bycatch varied seasonally, with median skate bycatch ranging from 0 lb in April to 614 lb in September.

Participating vessels would record data on their fishing effort and location; scallop and bait skate catch, landings, and discards; utilization of bait skate (*i.e.,* whether it was sold to a dealer, or retained for immediate or later use in the crab/lobster fishery); the ex-vessel value of landed and sold bait skate; and the vessel's home and landing port locations. CFRF would then use this data to evaluate the viability of a bait skate bycatch fishery for LAGC scallop vessels, which has the potential to increase economic resilience for small vessels while promoting efficient utilization of the historically underutilized skate bait quota.

All 12 participating LAGC vessels would follow effort, trip limit, and annual quota requirements under the current LAGC scallop fishery regulations with no gear modifications. All vessels would hold valid Federal skate permits and would be subject to all bait skate fishery regulations. This EFP would not authorize transfers-at-sea of bait catch between vessels. Allowing landings of skate bycatch that would normally be discarded is not expected to alter vessels' number or duration of trips.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: May 1, 2026.

Kelly Denit,

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

[FR Doc. 2026–08817 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF721]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a webinar of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Wednesday, June 3, 2026, at 1 p.m. EDT. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/k9dzsxYqTcy-OwOgDAaZOQ.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Risk Policy Working Group will meet to finalize recommended updates to the Risk Policy Concept document and appendices. They will consider use of the Risk Policy in 2026, including qualitative and quantitative approaches. The Working Group will prepare for a Council weightings exercise in June 2026. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 1, 2026.

Anna Michelle Harrison,

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

[FR Doc. 2026–08814 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF731]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, June 3, 2026 at 9 a.m. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/Td6KfkPiTzmQI0Sts3nyOg.*

ADDRESSES: This meeting will be held at Hilton Garden Inn Providence, 220 Portugal Way, Providence, RI 02903; Phone (401) 272–5577.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will meet to develop recommendations for Scallop Research Set-Aside priorities for 2027/2028 and 2028/2029. They also plan to discuss Scallop Framework 42: Receive an update on the timeline and provide input on the development of expected measures. This action will be initiated at the June 2026 Council meeting. Also on the agenda is Scallop Long-Term Strategic Plan: Develop recommendations for sequencing Scallop Strategic Plan work items for 2027–2029. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 1, 2026.

Anna Michelle Harrison,

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

[FR Doc. 2026–08815 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF730]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, June 2, 2026 at 9 a.m.

Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/Td6KfkPiTzmQI0Sts3nyOg.*

ADDRESSES: This meeting will be held at Hilton Garden Inn Providence, 220 Portugal Way, Providence, RI 02903; Phone (401) 272–5577.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel will meet to develop recommendations for Scallop Research Set-Aside priorities for 2027/2028 and 2028/2029. They also plan to discuss Scallop Framework 42: Receive an update on the timeline and provide input on the development of expected measures. This action will be initiated at the June 2026 Council meeting. Also on the agenda is Scallop Long-Term Strategic Plan: Develop recommendations for sequencing Scallop Strategic Plan work items for 2027–2029. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 1, 2026.

Anna Michelle Harrison,

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

[FR Doc. 2026–08810 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF743]

Fisheries of the South Atlantic, Gulf and Caribbean; Southeast Data, Assessment, and Review; Public Meeting

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

ACTION: Notice of webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 101 assessment process of will consist of a Data Workshop, an internal agency led assessment stage, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 101 Post-Data Workshop Webinar will be held from 3 p.m. until 5 p.m. EDT May 27, 2026.

ADDRESSES: *SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. *https://www.sedarweb.org. Meeting address:* The SEDAR 101 Post-Data Workshop Webinar will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. The process may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. The product of the Data stage is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment stage is a report which compiles and evaluates recommended model configurations that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks and projects future population conditions. The product of the Review Workshop is a Review Summary documenting panel opinions regarding the strengths and weaknesses of the products reviewed. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations; International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion in the Post-Data Workshop Webinar are as follows:

The Panel will finalize data decisions that were not completed at the in-person data workshop. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: May 1, 2026.

Anna Michelle Harrison,

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

[FR Doc. 2026–08816 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO–P–2020–0027]

Extension and Modification of the Fast-Track Appeals Pilot Program

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) is extending the Fast-Track Appeals Pilot Program, initiated on July 2, 2020, and previously extended on July 12, 2021, and October 4, 2022. The Fast-Track Appeals Pilot Program permits appellants with a docketed *ex parte* appeal before the Patent Trial and Appeal Board (PTAB or Board) to file a petition to expedite the review of the appeal. The Fast-Track Appeals Pilot Program previously set a target of reaching a decision on each *ex parte* appeal within six months from the date the appeal entered the program. Effective in this extension, the Fast-Track Appeals Pilot Program will set a target of reaching a decision on each *ex parte* appeal within four months from the date the appeal enters the program.

DATES:

Applicability Date: May 6, 2026.

Duration: The Fast-Track Appeals Pilot Program will run until May 6, 2028. After that date, the USPTO may temporarily or permanently extend the Fast-Track Appeals Pilot Program (with or without modification) or discontinue the program.

FOR FURTHER INFORMATION CONTACT: Megan Carlson, PTAB, by telephone at 571–272–9797 or by email at *fasttrackappeals@uspto.gov.*

SUPPLEMENTARY INFORMATION:

Ex parte appeals to the Board are normally taken up for decision in the order in which they are docketed. *See* USPTO Standard Operating Procedure 1, Rev. 16, Assignment of judges to panels (June 12, 2024), available at *www.uspto.gov/patents/ptab/resources.* Currently, average appeal pendency is about 8.5 months, down from 15 months in 2020, and 30 months in 2015. *See* the PTAB statistics available at *https://www.uspto.gov/dashboard/ptab/.* A small number of *ex parte* appeals are advanced out of turn, for example, because the appealed case is a reissue application or a reexamination proceeding, or because the appealed case was accorded special status in light of an inventor's advanced age or poor health.

On July 2, 2020, the PTAB adopted, on a temporary basis, the Fast-Track Appeals Pilot Program, where appellants may have an *ex parte* appeal to the Board advanced out of turn by filing a petition under 37 CFR 41.3 *and paying the* petition fee specified in 37 CFR 41.20(a). *See* Fast-Track Appeals Pilot Program (85 FR 39888, July 2, 2020) (Fast-Track Notice). The PTAB extended the Fast-Track Appeals Pilot Program on July 12, 2021. *See* Extension of the Fast-Track Appeals Pilot Program (86 FR 36530, July 12, 2021) (First Extension). The PTAB again extended the Fast-Track Appeals Pilot Program on October 4, 2022. *See* Extension of the Fast-Track Appeals Pilot Program (87 FR 60135, October 4, 2022) (Second Extension). The Fast-Track Appeals Pilot Program permits appellants to accelerate the Board's decision on an *ex parte* appeal, hastening patentability

determinations and the potential for commercialization of goods or services embodying those patented inventions. This helps contribute to follow-on innovation, economic growth, and job creation. The USPTO's form for the Fast-Track Appeals Pilot Program petition, Form PTO/SB/451, is available at *https://www.uspto.gov/patents/apply/forms/*.

The Fast-Track Notice required, among other things, that appellant(s) file a petition before July 2, 2021, to participate in the program. The Fast-Track Notice also set a maximum number of 500 appeals that may be advanced through Fast-Track petitions. The First Extension required that a petition be filed before July 2, 2022, to participate in the program. The Second Extension required that a petition be filed before July 2, 2024, to participate in the program. The First and Second Extensions removed the maximum number of 500 appeals, but they maintained a maximum number of 125 Fast-Track petitions granted per quarter.

The Fast-Track Appeals Pilot Program is hereby extended to accept petitions for advancing *ex parte* appeals out of turn (*i.e.,* providing ''Fast-Track status'') through May 6, 2028. The requirements for the program remain the same as those established in the Fast-Track Notice (*see* 85 FR 39888), with the following modifications regarding the petition limit and the target timeframe to reach a decision.

Consistent with the First and Second Extensions, there is no upper limit of 500 total granted Fast-Track petitions. However, to maintain the Board's ability to provide this faster appeal option while timely resolving other appeals, the number of granted petitions in the Fast-Track Appeals Pilot Program remains limited to 125 granted petitions per quarter. If a quarterly limit is reached, the PTAB retains the flexibility to accept additional petitions, either for consideration in that quarter or in the next quarter.

Effective in this extension, the Fast-Track Appeals Pilot Program will set a target of reaching a decision on each *ex parte* appeal within four months from the date the appeal enters the program.

Although the previous extension expired on July 2, 2024, the PTAB has been processing petitions to join the program as if the Second Extension period remained in effect. The PTAB will continue to do so under the terms provided in this notice.

The USPTO tracks the number of petitions it grants, the average time it takes to answer petitions, and the average time for the Board to render a decision on the merits of the *ex parte* appeal after a petition grant. These statistics may be viewed at *www.uspto.gov/PTABFastTrack.*

John A. Squires,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2026–08798 Filed 5–5–26; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Commodity Futures Trading Commission (CFTC or Commission) is establishing a new Privacy Act system of records titled ''CFTC–59, Insider Risk Program Records.'' This system of records contains information that the Commission collects, maintains, and uses to administer its Insider Risk program and to detect, deter, and mitigate risks to individuals, facilities, information, equipment, networks, and systems within the CFTC. This newly established system of records will be included in the CFTC's inventory of record systems.

DATES: This system of records, including the routine uses, is effective June 15, 2026. Please submit comments on or before June 5, 2026.

ADDRESSES: You may submit comments, identified as pertaining to CFTC–59 Insider Risk Program, by any of the following methods:

- *Regulations.gov:* Go to *https://www.regulations.gov* and press the ''Search'' button, then proceed as follows:

1. Under Refine Documents Results—check the box to ''Only show documents open for comment'';

2. Under Agency—select ''See More'' and check the box for ''Commodity Futures Trading Commission,'' then press the Apply button;

3. Identify this proposal in the list of CFTC documents open for comment, press the ''Comment'' button to open the submission form, and follow the instructions on the form.

Alternatively, if you are viewing this proposal on *www.federalregister.gov,* click the ''Submit A Public Comment'' button at the top of the page to open the comment form. Follow the instructions on the form to submit your comment to *Regulations.gov*.

- *Mail:* Send to—Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Address to—CFTC Comment Submission, Attn: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through *Regulations.gov* are encouraged.

All comments must be submitted in English or, if not, accompanied by an English translation. Do not include in your comment text or attachments any personal identifying information or business information that you do not want published online. Comments (regardless of submission method) will be published without review for, and without removal of, any personal identifying information or information your business may consider confidential.

If you wish to submit confidential information for the Commission's consideration, please contact the CFTC personnel listed in this Notice under **FOR FURTHER INFORMATION CONTACT** before making any submission. Please also carefully review the Commission's procedures in 17 CFR 145.9 for requesting confidential treatment under the Freedom of Information Act (FOIA) of information submitted to the Commission.

The CFTC reserves the right, but shall have no obligation, to review, pre-screen, filter, or redact all or any part of your comment submission. The CFTC also reserves the right, without further notification, to refuse to publish or to remove from public view all or any part of your submission to the extent it contains content inappropriate for publication in a comment file, such as—without limitation—obscene language, threats of violence, solicitations for commercial sales or illegal activity, or obvious spam. If a submission that is refused for or withdrawn from publication because of inappropriate content also contains comments on the merits of this proposal, such submission will be retained in the record for the matter and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Kellie Cosgrove Riley, Chief Privacy Officer, *privacy@cftc.gov,* (202) 418–5610, Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Commodity Futures Trading Commission (CFTC or Commission) is establishing a new system of records titled ''CFTC–59, Insider Risk Program Records.'' The Commission recently established an Insider Risk Program responsible for detecting insider risks; preventing insider risks by establishing a secure operating environment that protects individuals, facilities, information, equipment, networks, and information systems; responding to insider risks; and implementing response measures. An Insider is any person who has or had authorized access to or knowledge of the CFTC's resources, including employees, facilities, information, equipment, networks, and systems. An Insider Risk is a risk that an insider will use their authorized access, wittingly or unwittingly, to harm the security of organizational operations and assets, individuals, other organizations, or the Nation. This risk or threat can include damage through espionage, terrorism, unauthorized disclosure, or through the loss or degradation of organizational resources or capabilities. An Insider Risk may be identified through examination of network activity or other logs that reveal an individual's access to information the individual does not have a need-to-know; access to physical spaces or the network at hours outside of normal work habits/hours; out-of-the-ordinary downloading, printing, or emailing of large volumes of materials; or other identified anomalies in an individual's workplace behavior.

The Commission's Insider Risk Program is made up of an Insider Risk Response Team within the CFTC's Cyber and Physical Security Branch and an Insider Risk Working Group, which includes representatives from a small number of CFTC stakeholder offices, that reviews and approves the activities of the Insider Risk Response Team. The Insider Risk Program collects information about individuals who pose a potential or actual Insider Risk in the course of investigating and mitigating that risk. This includes information from a variety of sources, including via the use of network monitoring tools, from CFTC employees who report suspected or potential insider risk activity, and from various records maintained by the Commission or by others, such as personnel records, incident reports, disciplinary records, access and print logs, and physical security records. The Insider Risk Program records are generally not intended to be disclosed outside of the Commission and, therefore, the routine uses in the SORN are limited to those instances where disclosure is necessary for, *e.g.,* litigation, law enforcement, breach response, obtaining information relevant to an insider risk investigation, and to meet audit and records requirements.

This newly established system of records will be included in CFTC's inventory of record systems. In accordance with 5 U.S.C. 552a(r), the CFTC has provided a report of this system of records to the Office of Management and Budget and to Congress. In addition, the CFTC is issuing a Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act elsewhere in the **Federal Register**.

SYSTEM NAME AND NUMBER:

Insider Risk Program Records, CFTC–59.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Cyber Security Section, Cyber and Physical Security Branch, Division of Administration in the CFTC office at Three Lafayette Centre, 1155 21st Street NW, Washington, DC, is responsible for the collection and maintenance of the records in this system of records.

SYSTEM MANAGER(S):

Deputy Chief Information Security Officer, Cybersecurity Section, Cyber and Physical Security Branch, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the maintenance of this system of records is derived from Executive Order 13587, *Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information,* from 15 U.S.C 278g–3, Computer standards program, and from threat- and risk-related procedural requirements indicated in National Institute of Standards and Technology Special Publication 800–53, Rev. 5, *Security and Privacy Controls for Information Systems and Organizations.*

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to detect, deter, and mitigate insider risks and to protect individuals, facilities, information, equipment, networks, and systems from insider risks. The records in this system of records will be used to manage insider risk inquiries and complaints; identify and track potential insider risks to the CFTC; manage referrals of potential insider risks to and from external partners; facilitate the creation of statistical reports and meet any insider risk reporting requirements; and support the identification of systemic insider risk issues and challenges to develop solutions for detecting, deterring, and mitigating those challenges.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CFTC employees, contractors, and any other individuals who have or had been granted access to CFTC facilities and networks.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system of records include all information collected in the context of investigating a potential or actual insider risk. That information may include:

- Name, including alias(es) and former names.
- Physical mailing addresses.
- Email addresses.
- Phone numbers.
- Sex.
- Height and weight.
- Hair and eye color.
- Biometric data (*e.g.,* fingerprints, iris scans).
- Other distinguishing physical attributes.
- Race, national origin, and ethnicity.
- Citizenship.
- Date and place of birth.
- Social Security number.
- Driver license number(s).
- Vehicle Identification Number(s).
- License plate number(s).
- Passport number(s).
- Personal Identity Verification (PIV) information.
- Other unique identifiers.
- Education history.
- Work history.
- Performance information and evaluations.
- Background investigation reports and supporting documentation.
- Briefing and debriefing statements for special programs and sensitive positions.
- Courier authorization requests.
- Current and former clearance status(s).
- Document control registries.

- Facility access records.
- CCTV footage.
- Nondisclosure agreements.
- Records reflecting personal and official foreign travel.
- Requests for access to proprietary, sensitive, or Controlled Unclassified Information (CUI).
- Time and attendance information.
- Drug test results.
- Incident reports.
- Individuals' statements or affidavits and correspondence.
- Investigative records of a criminal, civil, or administrative nature.
- Letters, emails, memoranda, and reports.
- Records obtained from the Intelligence Community, law enforcement partners, or from other agencies or organizations as collaborators.
- User Activity Monitoring records.
- Financial records obtained from Financial Crimes Enforcement Network.

RECORD SOURCE CATEGORIES:

Records in this system of records are obtained from a variety of sources, to include software that monitors users' activity on the CFTC computer network; individuals or their employers; CFTC offices and divisions; public open-source platforms; and other federal, state, or local government or private sector entities. Records in this system of records may also be obtained from individuals who report insider risks to the Insider Risk Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside of the Commission as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To the Department of Justice when:

(i) the Commission, or any component thereof; or

(ii) any employee of the Commission in their official capacity; or

(iii) any employee of the Commission in their individual capacity where the Department of Justice has agreed to represent the employee; or

(iv) the United States, where the Commission determines that litigation is likely to affect the Commission or any of its components,

is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the Commission to be relevant and necessary to the litigation.

b. In a proceeding before a court or adjudicative body before which the Commission is authorized to appear, during a proceeding before that court or adjudicative body, when:

(i) the Commission, or any component thereof; or

(ii) any employee of the Commission in his or her official capacity; or

(iii) any employee of the Commission in his or her individual capacity where the Commission has agreed to represent the employee; or

(iv) the United States, where the Commission determines that litigation is likely to affect the Commission or any of its components,

is a party to litigation or has an interest in such litigation, and the Commission determines that use of such records is relevant and necessary to the litigation.

c. To the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity, when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—whether criminal, civil, or regulatory in nature—and the authority or entity to whom the record is disclosed is charged with the responsibility for investigating or prosecuting such violation or is charged with enforcing or implementing such law.

d. To the National Archives and Records Administration (NARA) for records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

e. To contractors, grantees, experts, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Commission when necessary to accomplish a Commission function related to this system of records.

f. To a member of Congress from the record of an individual in response to an inquiry made at the request of the individual to whom the record pertains, but only to the extent that the record would be legally accessible to that individual.

g. To appropriate agencies, entities, and persons when (1) the Commission suspects or has confirmed that there has been a breach of the system of records, (2) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

h. To another Federal agency or Federal entity, when the Commission determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

i. To any third party when the Commission determines that the third party has or potentially has relevant information about the subject of an insider risk investigation, but only those records necessary to identify the individual and obtain information pertinent to the investigation.

j. To the National Insider Threat Task Force (NITF) for the purpose of conducting an audit of the Insider Risk Program pursuant to Executive Order 13587, Sections 6.3(f) and 7(d), but only to the extent necessary to meet the parameters of the audit.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records in this system are maintained electronically or on paper in secure facilities and available only to those with a business need to know. Electronic records are stored on the Commission's secure network and access is controlled via role-based permissions.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The records in this system are retrieved by an individual's name or associated case file number, email address, computer assigned identification number, business affiliation, event name, or other personal identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this system are maintained and disposed of in accordance with the National Archives and Records Administration (NARA) General Records Schedule GRS 5.6 Security Management Records. Specifically, items 210 Insider threat administrative and operations records, 220 Insider threat inquiry records, and 230 Insider threat information. All electronic records, files, and data are destroyed either by physical destruction of the electronic storage media or by

erasure of the data. Any paper records are disposed of by shredding.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are protected from unauthorized access and improper use and disclosure through administrative, technical, and physical security measures employed by the CFTC. Administrative safeguards include maintenance of written policies, standards, and procedures reinforced by training and periodic auditing. Technical security safeguards include restrictions on computer access to authorized individuals who have a legitimate need to know the information, required use of strong passwords that are frequently changed, multi-factor authentication for remote access and access to many network components, use of encryption for certain data types and transfers, and firewalls and intrusion detection applications. Physical safeguards include restrictions on building access to authorized individuals, use of security guard services, and video surveillance.

RECORD ACCESS PROCEDURES:

The Commission has exempted this system of records from the access provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) and subject to the limitations and requirements therein. However, the Commission will consider individual requests for access and determine on a case-by-case basis whether the records may be released. Individuals seeking access to records about themselves in this system should address written inquiries to the Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. *See* 17 CFR 146.3 for full details on what to include in a Privacy Act access request.

CONTESTING RECORD PROCEDURES:

The Commission has exempted this system of records from the notification, access, and amendment provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) and subject to the limitations and requirements therein. Individuals contesting the content of records about themselves contained in this system should address written inquiries to the Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. *See* 17 CFR 146.8 for full details on what to include in a Privacy Act amendment request. The Commission will determine on a case-by-case basis whether to accept such a request.

NOTIFICATION PROCEDURES:

The Commission has exempted this system of records from the notification, access, and amendment provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) and subject to the limitations and requirements therein. However, the Commission will consider individual requests for notification and determine on a case-by-case basis whether to provide the requested notification. Individuals seeking notification of any records pertaining to themselves contained in this system should address written inquiries to the Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. *See* 17 CFR 146.3 for full details on what to include in a Privacy Act notification request.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Commission, pursuant to 5 U.S.C. 552a(k)(2) and subject to the limitations and requirements set forth therein, has exempted this system of records from the following provisions of the Privacy Act: (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f). To the extent a record contains information from other systems of records to which additional exemptions apply, the Commission will also recognize and apply those exemptions.

HISTORY:

None.

Issued in Washington, DC, on May 4, 2026, by the Commission.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2026–08978 Filed 5–5–26; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2026–0100]

Request for Information on Counterfeit Certification Markings

AGENCY: Consumer Product Safety Commission.

ACTION: Request for information.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) seeks public comment on the prevalence and safety risks of mislabeling or unauthorized use of counterfeit certification marks, specifically CPSC and consumer reliance on these marks as indicia of safety, and the financial impacts on affected stakeholders.

DATES: Submit comments by July 6, 2026.

ADDRESSES: You can submit comments, identified by Docket No. CPSC- 2026–0100, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: *cpsc-os@cpsc.gov.*

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit to this website confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov,* insert docket number CPSC- 2026–0100 into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT:

Andrew Newens, Mechanical Engineer, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2248; email: *anewens@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Consumer Product Safety Act (CPSA) was enacted in 1972 and codified at 15 U.S.C. 2051–2089. CPSA Section 19(a)(12) prohibits counterfeit certification markings on any consumer product, stating, ''It shall be unlawful

for any person to . . . sell, offer for sale, distribute in commerce, or import into the United States any consumer product bearing a registered safety certification mark owned by an accredited conformity assessment body, which mark is known, or should have been known, by such person to be used in a manner unauthorized by the owner of that certification mark.'' 15 U.S.C. 2068(a)(12).

The Commission is aware of instances in which the misuse of certification marks appears to be part of broader efforts to evade U.S. safety requirements, including conduct that may involve coordinated or cross-border activity. In certain cases, such conduct may raise concerns implicating fraud, conspiracy, or other violations of federal law, particularly where actors knowingly misrepresent compliance to facilitate entry of noncompliant or hazardous products into U.S. commerce.

This request for information (RFI) seeks public input to better understand the prevalence of mislabeling or unauthorized use of counterfeit certification marks, associated safety risks, CPSC and consumer reliance on these marks as indicia of safety, and the financial impact of the unauthorized use of counterfeit certification marks on manufacturers, importers, testing laboratories, and consumers.

II. Information Requested

The Commission seeks comment on the following questions:

- What types of consumer products are most likely to bear counterfeit Certification Marks?
- What Certification Marks are counterfeited most often?
- What steps are testing labs/certifying bodies taking to protect the integrity of their Certification Marks?
- What are the most serious safety concerns with counterfeit Certification Marks?
- We request that certifying bodies—such as UL, ETL, and CSA—provide real examples of counterfeit Certification Marks.
- What is the loss/cost to manufacturers, importers, testing labs, and consumers from counterfeit Certification Marks?
- What are the main obstacles to preventing/combating counterfeit Certification Marks?
- What is the prevalence of counterfeit Certification Marks on products purchased through e-commerce platforms compared to retail stores?
- Are there country of origin trends related to counterfeit Certification Marks?
- What Certification Marks are officially recognized or legitimately used to indicate that a consumer product complies with applicable safety standards, and what criteria or processes determine their legitimacy?
- Are there known examples of fraudulent or fabricated certification marks—symbols that are neither associated with any legitimate standards body nor recognized by any certification body—and how prevalent is their use on consumer products in U.S. commerce?

The Commission encourages commenters to provide supporting data, examples, or analysis where practicable. Instructions for submitting comments are provided in the **ADDRESSES** section of this document.

The Commission will review the information submitted in response to this request to determine whether further action is appropriate to assist CPSC staff regarding counterfeit certification marks.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2026–08781 Filed 5–5–26; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Comment Request; AmeriCorps VISTA Application and Reporting Forms

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to revise an information collection for AmeriCorps VISTA application and reporting forms.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by July 6, 2026.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) Electronically through *www.regulations.gov* (preferred method).

(2) By mail sent to: Orlaith Duggan, AmeriCorps VISTA, 250 E Street SW, Washington, DC 20525.

(3) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (2) above, between 9 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Comments submitted in response to this notice may be made available to the public through *regulations.gov.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Orlaith Duggan, AmeriCorps VISTA, 202–606–6658, *ODuggan@americorps.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: AmeriCorps VISTA Application and Reporting Forms.

OMB Control Number: 3045–0038.

Type of Review: Revision.

Respondents/Affected Public: Businesses and Organizations, State, Local or Tribal Governments.

Total Estimated Number of Annual Responses: 750.

Total Estimated Number of Annual Burden Hours: 13,763.

Abstract: AmeriCorps seeks to revise the concept paper and project application instructions, continuation application instructions, project progress report instructions, and support grant budget instructions in the current information collection. The revisions streamline content, ensure use of plain English with use of the second person, separate systems instructions from content explanations, update terminology, and divide narrative fields into clearer subsections to organize content. No revisions are being made to the VISTA Progress Report Supplement (VPRS) instructions. The information collection will otherwise be used in the same manner as the existing application and reporting forms. AmeriCorps also seeks to continue using the current forms until the revised forms are approved by OMB. The currently approved information collection is due to expire on March 31, 2027.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB

approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Brendan Murphy,

Acting Director, AmeriCorps VISTA.

[FR Doc. 2026–08968 Filed 5–5–26; 8:45 am]

BILLING CODE 6050–28–P

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

Notice of Public Hearing

AGENCY: U.S. International Development Finance Corporation.

ACTION: Announcement of public hearing.

SUMMARY: The Board of Directors of U.S. International Development Finance Corporation (DFC), in accordance with the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, as amended by the DFC Modernization and Rehabilitation Act of 2025, will hold a public hearing to provide an opportunity for stakeholders to present their views. Those wishing to attend, present at, or submit a written statement to the Board prior to the public hearing must provide advance notice to the agency as detailed below.

DATES: 10:30 a.m. EST, Wednesday, June 3, 2026.

ADDRESSES: The public hearing will take place virtually. Access information will be provided following attendee registration.

Registration: To attend, present at, or submit a written statement to the Board prior to the public hearing, individuals must notify DFC Corporate Secretary Heather Carroll at *corporate.secretary@dfc.gov* by 5:00 p.m. EST, Wednesday, May 27, 2026.

Notices of intent to attend or present at the public hearing must include the individual's name, title, organization, address, email address, phone number, and a concise summary of the subject matter to be presented. Oral presentations may not exceed five minutes and may be reduced proportionately, if necessary, to afford all participants an opportunity to be heard.

Written statements submitted to the Board prior to the public hearing must include the individual's name, title, organization, address, email address, and phone number. Statements must be typewritten, double-spaced, and less than ten pages in length.

Heather Carroll,

Corporate Secretary, U.S. International Development Finance Corporation.

[FR Doc. 2026–08789 Filed 5–5–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0958]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the (OUSD(P&R)), announces proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 6, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of War, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Department of War, Office of the Under Secretary of War for Personnel and Readiness, 4000 Defense Pentagon, Washington DC 20301–4000, LTC Patricia Passman, (703) 693–3985.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Certificate of Medical Qualification Examination; DD Form 3207; OMB Control Number 0704–CMQE.

Needs and Uses: This form is used to collect preplacement and medical information about individuals who are incumbent of positions in the Department of Defense who require medical examination(s) or individuals who have been selected for such a position contingent upon successful completion of medical examinations as a condition of their employment as required by Title 5 Code of Federal Regulations Part 339, Medical Evaluation Programs. This information is needed to ensure fair and consistent treatment of employees and job applicants, to adjudicate the medically based pass-over of a preference eligible, and to adjudicate claims of

discrimination under the Americans with Disabilities Act.

Affected Public: Federal Agencies.

Annual Burden Hours: 9,200.

Number of Respondents: 9,200.

Responses per Respondent: 1.

Annual Responses: 9,200.

Average Burden per Response: 1 hour.

Frequency: As required.

Information collected includes the Agency's input by providing the functional and environmental requirements of the duties of the position of employment; responses by the candidate employee detailing any specific safety or health conditions that could negatively impact the performance of assigned duties, and the results of medical qualification examination performed by the occupational medicine practitioner to assess whether the candidate employee can cope with the job duties, functional requirements and environmental factors of the assigned position.

Dated: May 1, 2026.

Stephanie J. Bost,

Alternate OASD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–08802 Filed 5–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–HA–0961]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DHA announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 6, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of War, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042, Amanda Grifka, 703–681–1771.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Health Related Behaviors Survey; OMB Control Number 0720–0072.

Needs and Uses: The DoD's Health Related Behaviors Survey (HRBS) is the largest population-based health survey of service members and gives service members an opportunity to answer questions about their health, health behaviors, and well-being. The HRBS has been fielded every few years since 1980 in order to assess trends in a wide range of military health behaviors. Results from this survey may identify areas where the Agency may need to augment or develop care, programs, or services provided to the force in order to maintain and enhance health and readiness.

Affected Public: Active-Duty Service Members.

Annual Burden Hours: 7,367.

Number of Respondents: 22,100.

Responses per Respondent: 1.

Annual Responses: 22,100.

Average Burden per Response: 20 minutes.

Frequency: Annually.

Dated: May 1, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–08801 Filed 5–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–HA–0960]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DHA announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 6, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of War, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any

personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042, Amanda Grifka, 703–681–1771.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Continued Health Care Benefit Program (CHCBP); DD Form 2837; OMB Control Number 0720–0066.

Needs and Uses: The information collection requirement is necessary for individuals to apply for enrollment in CHCBP. CHCBP is a program of temporary health care benefit coverage that is made available to eligible individuals who lose health care coverage under the Military Health System.

Affected Public: Individuals or households.

Annual Burden Hours: 369.

Number of Respondents: 1,475.

Responses per Respondent: 1.

Annual Responses: 1,475.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Dated: May 1, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–08800 Filed 5–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–HA–0959]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DHA announces proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 6, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of War, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042, Amanda Grifka, 703–681–1771.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Third Party Collection Program (Insurance Information); DD Form 2569; OMB Control Number 0720–0055.

Needs and Uses: The DoD is authorized to collect ''reasonable charges'' from third party payers for the cost of inpatient and outpatient services rendered at military treatment facilities (MTFs) to military retirees, all dependents, and other eligible beneficiaries who have private health insurance. The DoD may also collect the cost of trauma or other medical care provided from civilians (or their insurers), and/or the average cost of health care provided to beneficiaries at DoD MTFs from other federal agencies. For DoD to perform such collections, eligible beneficiaries may elect to provide DoD with other health insurance information. For civilian nonbeneficiary and interagency patients, DD Form 2569 is necessary and serves as an assignment of benefits, approval to submit claims to payers on behalf of the patient and authorizes the release of medical information. This form is available to third-party payers upon request. The collection of personal information from individuals of the public for use in medical services is authorized by title 10 United States Code (U.S.C.) 1095, ''Health Care Services Incurred on Behalf of Covered Beneficiaries: Collection from Third-Party Payers''; Title 32 Code of Federal Regulations part 220, ''Collection From Third Party Payers of Reasonable Charges for Healthcare Services''; Title 10 U.S.C. 1079b(a), ''Procedures for Charging Fees for Care Provided to Civilians; Retention and Use of Fees Collected''; and Title 10 U.S.C. 1085, ''Medical and Dental Care from Another Executive Department: Reimbursement.''

Affected Public: Individuals or households.

Annual Burden Hours: 357,000.

Number of Respondents: 3,570,000.

Responses per Respondent: 1.5.

Annual Responses: 5,355,000.

Average Burden per Response: 4 minutes.

Frequency: On occasion.

Dated: May 1, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–08803 Filed 5–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of War Federal Advisory Committee—Department of the Air Force Scientific Advisory Board

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of War (DoW) is publishing this notice to announce that it is renewing the Department of the Air Force Scientific Advisory Board (DAF SAB) as a discretionary Federal advisory committee.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of War, 703–692–5952.

SUPPLEMENTARY INFORMATION: The DAF SAB is being renewed in accordance with chapter 10 of title 5, United States Code (commonly known as ''the Federal Advisory Committee Act'' or ''FACA'')

and 41 Code of Federal Regulations (CFR) 102–3.50(d). The public or interested organizations may submit written statements about the DAC–MPT mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meetings of the DAC–MPT. All written statements shall be submitted to the DAF SAB's Designated Federal Officer (DFO), and this individual will ensure that the written statements are provided to the membership for their consideration. The DAF SAB'S DFO Lieutenant Colonel Steven Ingraham, and he can be reached at 240–612–5643, or *steven.ingraham@us.af.mil.*

Consistent with 41 CFR 102–3.65(a), the DoW is publishing the DAF SAB's 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 DAF SAB Board is provided to the Secretariat to demonstrate that reestablishing the DAF SAB is in the public interest:

1. *Annual budget.*

The DoW estimates annual operating costs to support the DAF SAB are $3,873,592, which includes personnel travel, meetings, and contract support.

a. *Federal personnel on a full-time equivalent basis.*

The estimated annual personnel costs to the DoW are 5.0 full-time equivalent at $780,640, which includes basic pay with cost-of-living allowance.

b. *Other Federal internal costs.*

Program element to support DAF SAB contract costs is $2,181,252 and supplies costs are $17,000.

c. *Proposed payments to members.*

Consistent with 10 U.S.C. 173, members of the DAF SAB are not compensated for their services, except for travel and per diem reimbursement for official DAF SAB related business.

d. *Proposed number of members.*

As authorized by the Secretary of War (SecWar), the DAF SAB will be composed of not more than 20 members.

e. *Reimbursable costs.*

The estimated reimbursement costs, to include travel, for DAF SAB staff and members are $894,700.

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.*

As described in its proposed charter and membership balance plan, the DAF SAB is composed of members who are eminent authorities in the fields of science, technology, manufacturing, acquisition processes, and other matters of special interest to the DoW and the DAF. Unless otherwise stated, the acroynm DAF means the DAF and the U.S. Space Force.

In selecting members, the DoW seeks to capitalize on recognized talented, innovative private and public sector leaders to provide the broadest knowledge and expertise based on a balanced DAF SAB membership composition. The DAF SAB membership is not static, and the SecWar and Deputy Secretary of War (''the DoW Appointing Authority''), independently or upon the recommendation of the Secretary of the Air Force, as the DAF SAB's DoW Sponsor, may change the membership based upon work assigned to the DAF SAB.

4. *List of all other DoW Federal Advisory Committees:* A complete listing of DoW Federal advisory committees can be located at: *https://www.facadatabase.gov/FACA/s/account/001t000000DCAooAAH/department-of-defense.*

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 DAF SAB provides an unparalleled contribution to the DAF through its unwavering commitment to advancing technological superiority for both the U.S. Air Force and, more recently, the U.S. Space Force. Comprised of recognized, talented, innovative private and public sector leaders the DAF SAB provides independent technical advice on DAF issues that cannot be duplicated elsewhere. Furthermore, DAF SAB has a proven record and inherent ability to adapt and evolve in parallel with the DAF's mission to ensure its recommendations remain acutely relevant, empowering the DoW to address emerging technological challenges with both speed and agility.

6. *If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue* (If not applicable, enter ''N/A.'')

The studies and technical reviews by the DAF SAB have had strong impacts on the science and technology (S&T) programs conducted by the DAF, and on the resulting capabilities that have emerged from these programs to support the DAF mission.

The DAF SAB's significance within the DAF is demonstrably evident in its execution of two key functions:

(1) S&T Decision Support for Senior-Leader-Directed Topics: The DAF SAB conducts rigorous and impartial evaluations of DAF operational needs in the context of advanced threats and emerging technologies that may yield solutions. These evaluations provide the DAF (including the Secretary of the Air Force) with objective insight into potential S&T applications and limitations, informing acquisition and operations.

(2) Periodic Air Force Research Lab (AFRL) S&T Reviews: By meticulously assessing the maturity and utility of developing technologies, the DAF SAB advises the DAF on suitability of advanced S&T concepts for operational deployment, thereby mitigating risks and maximizing effectiveness. Additionally, DAF SAB's findings and recommendations assist the DAF in strategically allocating resources and prioritizing S&T investments in technologies specifically tailored to meet the DAF's unique requirements.

The DAF SAB's mandate is to evaluate technologies—not for technologies' sake but for technologies' contributions to DAF warfighting effectiveness. In many instances, the DAF SAB contributes directly to the DAF leadership's decisions to increase the lethality of the force. Examples include:

(1) Collaborative Combat Aircraft (CCA) Study—delivering more weapons more affordably to the air fight.

(2) Air and Ground Moving Target Indication Study—supporting long range kill chains.

(3) War-Winning Weapons Study—exquisite weapons to penetrate the most capable defenses and affordable cruise missiles to overwhelm the threat and to support a prolonged war.

(4) Developmental & Operation Test study—where the DAF SAB recommended test organizations have an alternative plan, in addition to their

exhaustive baseline test plans, to pivot to quickly testing key weapons systems upon strategic warning of war.

(5) Enhancing Operational Cybersecurity Study—where the DAF SAB advocated for identifying the most critical cyber systems for fighting a war in the Pacific and hardening those systems, on timeline compatible with the danger of war, in preference to other systems.

Additionally, DAF SAB's recommendations promote that economics is essential to warfighting and that technology can be used to reduce the cost of weapon systems. Many DAF SAB studies recommend innovative ways to enhance system performance at low cost. A specific example includes the SAB advocating for AFRL programs to produce low-cost mission systems for CCAs and even lower cost systems for Low-Cost Cruise Missiles (LCCMs) which ultimately lead to AFRL taking up the challenge.

7. *Explanation of why the committee/subcommittee is essential to the conduct of agency business.*

Since its establishment in 1944, the DAF SAB has continuously served as the principal external advisory body to the Secretary of the Air Force and to senior leaders in Headquarters Air Force, Air Force Major Commands, and more recently U.S. Space Force Field Commands, for S&T matters relating to the DAF mission. The DAF SAB renewal is essential to the DAF, the broader DoW mission, and the Nation.

Dated: May 4, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–08933 Filed 5–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of War Federal Advisory Committee-U.S. Strategic Command Strategic Advisory Group

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of War (DoW) is publishing this notice to announce that it is renewing the U.S. Strategic Command Strategic Advisory Group (USSTRATCOM SAG) as a discretionary Federal advisory committee.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of War, 703–692–5952.

SUPPLEMENTARY INFORMATION: The USSTRATCOM SAG is being renewed in accordance with chapter 10 of Title 5, United States Code (U.S.C.) (commonly known as ''the Federal Advisory Committee Act'' or ''FACA'') and 41 Code of Federal Regulations (CFR) 102–3.50(d). The public or interested organizations may submit written statements about the USSTRATCOM SAG mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meetings of the USSTRATCOM SAG. All written statements shall be submitted to the USSTRATCOM SAG's Designated Federal Officer (DFO), and this individual will ensure that the written statements are provided to the membership for their consideration. The USSTRATCOM SAG'S DFO is Mr. Derrick Besse, and he may be contacted at (402) 912–0322, or *derrick.j.besse.civ@mail.mil.*

Consistent with 41 CFR 102–3.65(a), the DoW is publishing the USSTRATCOM SAG's Public Interest Determination.

Pursuant to 41 U.S.C. 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 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that merging the committee is in the public interest:

1. *Annual Budget:* The DoW estimates annual operating costs to support the USSTRATCOM SAG are $400,000, which includes personnel travel, meetings, and contract support.

a. *Federal Personnel on a Full-Time Equivalent (FTE) Basis:* The estimated annual personnel costs to the DoW are 3.0 FTE at $330,000, which includes basic pay with cost-of-living allowance.

b. *Other Federal Internal Costs:* $0.

c. *Proposed Payments to Members:* Consistent with 10 U.S.C. 173, members of the USSTRATCOM SAG are not compensated for their services, except for travel and per diem reimbursement for official USSTRATCOM SAG-related business.

d. *Proposed Number of Members:* As authorized by the Secretary of War (SecWar), the USSTRATCOM SAG will be composed of not more than 20 members. The USSTRATCOM SAG's permanent subcommittee, the Stockpile Assessment Team (SAT) will be composed of not more than 15 members.

e. *Reimbursable Costs:* The estimated reimbursement costs for USSTRATCOM staff and members are $70,000.

2. *If applicable, the total dollar value of grants is 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:* As described in its proposed charter and membership balance plan, the USSTRATCOM SAG is composed of members who are eminent authorities in the fields of strategic policy formulation; nuclear weapon design; national command, control, and communications; electromagnetic spectrum operations, intelligence, disruptive technologies (Artificial Intelligence/Machine Learning, Quantum Computing/Sensing, Cyber, Space), and information operations; or other important aspects of the Nation's strategic forces of interest to the DoW.

In selecting members, the DoW seeks to capitalize on recognized talented, innovative private and public sector leaders to provide the broadest knowledge and expertise based on a balanced USSTRATCOM SAG membership composition. The USSTRATCOM SAG membership is not static, and the SecWar and Deputy Secretary of War (''the DoW Appointing Authority'') or the Commander, U.S. Strategic Command (CDRUSSTRATCOM) on behalf of the Chairman of the Joint Chiefs of Staff (CJCS), as the USSTRATCOM SAG's DoW Sponsor may change the membership based upon work assigned to the USSTRATCOM SAG.

4. *List of all other DoW Federal Advisory Committees:* A complete listing of DoW Federal advisory committees can be located at: *https://www.facadatabase.gov/FACA/s/account/001t000000DCAooAAH/department-of-defense.*

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 USSTRATCOM SAG provides an unparalleled contribution to the Nation, the DoW, and the mission of the U.S. Strategic Command (USSTRATCOM) and its operations. Composed of recognized, talented, innovative public and private sector leaders the USSTRATCOM SAG provides independent technical advice that cannot be duplicated elsewhere on matters pertaining to development and implementation of the Nation's strategic deterrence objectives and other matters related to the Nation's strategic forces. These matters include, but are not limited to scientific, technical, intelligence, nuclear command, control, and communications, electromagnetic spectrum operations, and policy-related matters of interest to the SecWar, the CJCS, the Joint Chiefs of Staff, the Organization of the Joint Chiefs of Staff, the USSTRATCOM, and the Commander, USSTRATCOM (CDRUSSTRATCOM).

USSTRATCOM SAG also provides independent reviews of DoW and Department of Energy modernization efforts related to all three legs of the nuclear triad (intercontinental ballistic missiles, submarine-launched ballistic missiles, and strategic bombers) and Nuclear Command, Control, and Communications systems. These reviews include assessments of proposed technologies, evaluations of program schedules, and recommendations for consideration. The USSTRATCOM SAG will be instrumental to the National Command Authority as the Nation implements modernization plans over the next 10–20 years, requiring informed decision-making on complex technical and strategic issues.

6. If *the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:* USSTRATCOM SAG provides insights on emerging technologies, including Artificial Intelligence/machine learning, quantum technologies, and other disruptive innovations. This expertise supports USSTRATCOM's ability to anticipate and address potential threats, develop advanced capabilities, and maintain effective deterrent and warfighting capabilities. These insights include evaluating the potential applications of these technologies to strategic systems and identifying potential vulnerabilities.

Consistent with 10 U.S.C. 6117, the CDRUSSTRATCOM is required to provide the SecWar and the Nuclear Weapons Council an assessment of the U.S. nuclear weapons stockpile's safety, reliability, performance, and military effectiveness in meeting deterrence requirements. The USSTRATCOM SAG's subcommittee, the SAT, with independent experts with specialized knowledge of the nuclear weapons enterprise, national laboratories, and relevant USSTRATCOM Unified Command Plan mission sets, provides an independent assessment to support the Command in fulfilling this requirement. The SAT's specialized knowledge, residing outside the Command, contributes to the objectivity of this assessment, ensuring an unbiased evaluation of the stockpile's condition. This assessment is then reviewed and approved by the SecWar and the President before it is provided to Congress.

7. *Explanation of why the committee/subcommittee is essential to the conduct of agency business:* As described by the SecWar, the DoW mission is ''warfighting, preparing for war and preparing to win'' the Nation's wars with ''victory our only acceptable end state.'' A strong, viable military is essential to the defense of the U.S. homeland and hemispheric security. The USSTRATCOM SAG and SAT provides the SecWar, CJCS, CDRUSSTRATCOM key advice and recommendations on strategies, capabilities, technologies, modernization efforts related to all three legs of the nuclear triad (intercontinental ballistic missiles, submarine-launched ballistic missiles, and strategic bombers), Nuclear Command, Control, and Communications systems, the Nation's nuclear weapons stockpile and innovations to win the Nation's wars, protect the sovereignty and territorial integrity of the homeland and our access to key terrain throughout the region, restore American military dominance in the Western Hemisphere, deny adversaries' ability to position forces or other threatening capabilities in our hemisphere, support commitment to allies and international partners, and ensure the lethality and readiness of America's fighting force to further the goal of peace through strength. This public interest determination document for the committee is essential to the conduct of agency business and the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 1, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–08784 Filed 5–5–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket no. CP26–17–000]

Leaf River Energy Center, LLC; Notice of Availability of the Environmental Assessment for the Proposed Leaf River Capacity Expansion Project

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 June 1, 2026. Instructions for filing comments are provided on pages 2 and 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission and storage 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 Project in accordance with the requirements of the National Environmental Policy Act (NEPA) [1] and the Commission's implementing regulations.[2] 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 EA addresses the potential environmental effects of the following project facilities:

- increase the working gas capacity of existing natural gas storage Caverns 2 and 4 by 2.6 billion standard cubic feet (Bscf);
- construct and operate new Cavern 5 that would have 12.5 Bscf of working gas capacity, a well pad site, wellhead

[1] National Environmental Policy Act of 1969, as amended (Public Law [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).

[2] 18 Code of Federal Regulations (CFR) 380.

equipment, and other pipeline appurtenances;

- construct a utility Service Corridor that includes 16- and 24-inch-diameter gas pipeline headers, 16-inch-diameter fresh water and brine lines, and appurtenant facilities to connect Cavern 5 with existing facilities;
- install two new gas-powered centrifugal compressors with a total of 27,010 horsepower at the Compression Facility, including enclosures, ancillary facilities, and equipment; and
- install one new 6,130 horsepower of gas-powered centrifugal compressor at an existing Booster Station.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes; environmental and public interest groups; 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.* CP26–17). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation and storage facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket numbers (CP26–17–000) 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: May 1, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08961 Filed 5–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–227–000.

Applicants: Sundance Solar, LLC.

Description: Sundance Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/30/26.

Accession Number: 20260430–5591.

Comment Date: 5 p.m. ET 5/21/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–164–031; ER19–1402–010; ER24–1576–008; ER22–2046–010; ER20–2288–011; ER18–2203–011; ER10–2563–015; ER10–1882–021; ER10–1894–019.

Applicants: Wisconsin Public Service Corporation, Wisconsin River Power Company, Wisconsin Electric Power Company, Upper Michigan Energy Resources Corporation, Tatanka Ridge Wind, LLC, Sapphire Sky Wind Energy LLC, Maple Flats Solar Energy Center LLC, Coyote Ridge Wind, LLC, Bishop Hill Energy III LLC.

Description: Notice of Non-Material Change in Status of Bishop Hill Energy III LLC, et al.

Filed Date: 4/28/26.

Accession Number: 20260428–5316.
Comment Date: 5 p.m. ET 5/19/26.

Docket Numbers: ER16–2527–010; ER16–355–012; ER16–141–015; ER23–2363–010; ER17–360–010; ER17–361–010; ER17–362–010; ER16–61–010; ER16–63–009; ER17–2336–012; ER16–64–010; ER17–539–009; ER17–540–009.
Applicants: Wildwood Solar II, LLC, Wildwood Solar I, LLC, Tallbear Seville LLC, Solar Commons LLC, Seville Solar Two, LLC, Seville Solar One LLC, Rio Bravo Solar II, LLC, Pumpjack Solar I, LLC, Rio Bravo Solar I, LLC, HXOap Solar One, LLC, Conetoe II Solar, LLC, Colonial Eagle Solar, LLC, Caprock Solar I LLC.
Description: Notice of Change in Status of Caprock Solar I LLC, et al.
Filed Date: 4/28/26.
Accession Number: 20260428–5315.
Comment Date: 5 p.m. ET 5/19/26.

Docket Numbers: ER25–2389–001.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Compliance filing: Alabama Power Company submits tariff filing per 35: OATT Attachment O Order No. 676–K Second Compliance Filing to be effective 2/27/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5005.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER25–2687–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Order No. 676–K Compliance Revisions to Tariff, Section 4.2 to be effective 2/27/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5172.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2005–001.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Amendment to be effective 6/1/2023.
Filed Date: 5/1/26.
Accession Number: 20260501–5001.
Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2082–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Amendment of Amended ISA, SA No. 6753; AD2–022/AD2–023 in Docket No. ER26–2082 to be effective 6/9/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5107.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2417–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP—Order No. 898 Revisions to Power Purchase Agreements to be effective 1/1/2025.
Filed Date: 4/30/26.
Accession Number: 20260430–5383.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2419–000.
Applicants: Puget Sound Energy, Inc.
Description: Compliance filing: Refile of Miscellaneous Tariff and Service Agreements to be effective 5/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5410.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2420–000.
Applicants: Constellation New Boston, LLC.
Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 5/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5417.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2421–000.
Applicants: Sundance Solar, LLC.
Description: Initial Rate Filing: Market-Based Rate to be effective 6/12/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5421.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2422–000.
Applicants: TransAlta Centralia Generation LLC.
Description: Compliance filing: Application for Cost Recovery to be effective 12/16/2025.
Filed Date: 4/30/26.
Accession Number: 20260430–5425.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2423–000.
Applicants: Nevada Cogeneration Associates #1.
Description: § 205(d) Rate Filing: Notice of Change in Status and Revisions to Market-Based Rate Tariff to be effective 6/30/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5428.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2424–000.
Applicants: Constellation Mystic Power, LLC.
Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 5/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5430.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2425–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: Order No. 898 Revisions to Power Purchase Agreements to be effective 1/1/2025.
Filed Date: 4/30/26.
Accession Number: 20260430–5454.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: ER26–2426–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–05–01_SA 4752 Duke Energy IN-Appleseed Energy Storage GIA (S1102) to be effective 4/28/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5099.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2427–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–05–01_SA 4750 Entergy Louisiana-NextEra Energy GIA (E0024) to be effective 4/24/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5103.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2428–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation for Certificate of Concurrence to PSCO Subentity RSA to be effective 4/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5123.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2429–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2Q2026 Tariff Clean-Up Filing to be effective 7/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5124.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2430–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO 205: Proposed Revisions re: Storm Watch Settlement Provisions to be effective 7/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5161.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2432–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: Filing to Correct Attachment K Tariff Record and Request for Waiver to be effective 12/17/2024.
Filed Date: 5/1/26.
Accession Number: 20260501–5186.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2433–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to OA, Schedule 12 & RAA, Schedule 17 RE: 1Q 2026 Member Lists to be effective 4/1/2026.
Filed Date: 5/1/26.

Accession Number: 20260501–5190.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2434–000.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: § 205(d) Rate Filing: Filing of Standard LGIA with Chalk Bluffs Wind, LLC to be effective 4/21/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5198.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2435–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Application and Request for Abbreviated Filing Treatment to be effective 7/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5206.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2436–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Default and Termination of SA No. 6194; Project Identifier No. AD1–140 to be effective 7/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5225.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2437–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC_Central Electric Power PPA (RS. No. 743) to be effective 7/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5227.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2438–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amended DEA, SA No. 4579 between PJM and Transource Energy, LLC to be effective 4/2/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5244.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2439–000.
Applicants: Gridmatic Calliandra LLC.
Description: Initial Rate Filing: Application for Market Based Rate Authorization to be effective 5/2/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5248.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2440–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4870 Navajo Tribal Utility Authority/AZ Public Service AttAO to be effective 4/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5290.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2441–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4702 Deseret Generation and Transmission Cooperative NITSA NOA to be effective 4/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5306.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2442–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2236R19 Golden Spread Electric Cooperative NITSA NOA to be effective 4/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5319.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2443–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4871 WAPA–CRSP/Public Service Company of New Mexico Att AO to be effective 4/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5327.
Comment Date: 5 p.m. ET 5/22/26.

Docket Numbers: ER26–2444–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4700 Town of Fredonia, AZ NITSA NOA to be effective 4/1/2026.
Filed Date: 5/1/26.
Accession Number: 20260501–5333.
Comment Date: 5 p.m. ET 5/22/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: May 1, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08965 Filed 5–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–54–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff Amendment: Notice of Cancellation of Statement of Operating Conditions to be effective 5/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5262.
Comment Date: 5 p.m. ET 5/21/26.

Docket Numbers: RP26–808–000.
Applicants: Ruby Pipeline, L.L.C.
Description: § 4(d) Rate Filing: RP 2026–04–30 FL&U and EPC Rate Adjustment to be effective 6/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5278.
Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: RP26–809–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 5–1–26 to be effective 5/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5310.
Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: RP26–810–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: Fuel_LU Quarterly Update Filing Eff June 2026 to be effective 6/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5315.
Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: RP26–811–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Removal of Negotiated Rate Agreement (Mieco TSA 218941) to be effective 6/1/2026.
Filed Date: 4/30/26.
Accession Number: 20260430–5341.

Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: RP26–812–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20260430 Negotiated Rate Filing to be effective 5/1/2026.

Filed Date: 4/30/26.

Accession Number: 20260430–5397.

Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: RP26–813–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Castleton 860649 eff 05–01–26 to be effective 5/1/2026.

Filed Date: 4/30/26.

Accession Number: 20260430–5406.

Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: RP26–816–000.

Applicants: Gulf Run Transmission, LLC.

Description: § 4(d) Rate Filing: Transporters Use Filing—Effective 6–1–2026 to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5047.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–817–000.

Applicants: Gulf Run Transmission, LLC.

Description: Compliance filing: System Balancing Adjustment filed on 5–1–2026 to be effective N/A.

Filed Date: 5/1/26.

Accession Number: 20260501–5049.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–818–000.

Applicants: Gulf Run Transmission, LLC.

Description: Compliance filing: Operational Purchases and Sales of Gas Report Filed on 5–1–2026 to be effective N/A.

Filed Date: 5/1/26.

Accession Number: 20260501–5052.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–819–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—5/1/2026 to be effective 5/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5095.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–820–000.

Applicants: ANR Pipeline Company.

Description: § 4(d) Rate Filing: ANR—Out-of-Cycle Fuel Adjustment Tariff Change to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5096.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–821–000.

Applicants: Southeast Supply Header, LLC.

Description: § 4(d) Rate Filing: 2026 SESH TUP/SBA Annual Filing to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5097.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–822–000.

Applicants: Mountain Valley Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—5/1/2026 to be effective 5/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5110.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–823–000.

Applicants: Midwestern Gas Transmission Company.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement—AES Indiana FA–5017 to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5111.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–824–000.

Applicants: Transwestern Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Update to GT&C Section 27 to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5117.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–825–000.

Applicants: ETC Tiger Pipeline, LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 5–1–26 to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5122.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–826–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20260501 Winter PRA to be effective 11/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5142.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–827–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Various releases eff 5–1–2026 to be effective 5/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5148.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–828–000.

Applicants: Fayetteville Express Pipeline LLC.

Description: Compliance filing: Fuel Filing on 5–1–2026 to be effective N/A.

Filed Date: 5/1/26.

Accession Number: 20260501–5151.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–829–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: § 4(d) Rate Filing: Removal of Negotiated Rate Agreement (Koch, Land's End, & Mieco Jun 2026) to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5189.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: RP26–830–000.

Applicants: Port Arthur Pipeline, LLC.

Description: Compliance filing: Port Arthur Pipeline—Baseline Tariff Filing—Clone to be effective 6/1/2026.

Filed Date: 5/1/26.

Accession Number: 20260501–5219.

Comment Date: 5 p.m. ET 5/13/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding. The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: May 1, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08964 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2932–059]

Presumpscot Hydro LLC and Relevate Power Maine LLC; Notice of Effectiveness of Withdrawal of Exhibit F Drawing

On April 14, 2026, Presumpscot Hydro LLC and Relevate Power Maine LLC (licensees) filed a revised Exhibit F drawing to reflect as-built conditions at the Mallison Falls Project No. 2932.[1] On April 15, 2026, the licensees filed a notice of withdrawal of the Exhibit F drawing. The project is located on the Presumpscot River in Cumberland County, Maine, and does not occupy federal lands.

No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,[2] the withdrawal of the Exhibit F drawing became effective on April 30, 2026, and this proceeding is hereby terminated.

(Authority: 18 CFR 2.1)

Dated: May 1, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08960 Filed 5–5–26; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD26–5–000]

Commission Information Collection Activities (Ferc–725e) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–725E (Mandatory Reliability Standards for the Western Electric Coordinating Council) for the retirement of Regional Reliability Standard BAL–002–WECC–3 (Contingency Reserves).

DATES: Comments on the collection of information are due July 6, 2026.

ADDRESSES: You may submit your comments (identified by Docket No. RD26–5–000) by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE, Washington, DC 20426.
  - *Hand (including courier) delivery:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission,12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov*. For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov*.

FOR FURTHER INFORMATION CONTACT: Contact: Kayla Williams at *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725E, Mandatory Reliability Standards for the Western Electric Coordinating Council, Retirement of BAL–002–WECC–3.

OMB Control No.: 1902–0264

Type of Request: Retirement of BAL–002–WECC–3 from the FERC–725E information collection requirements

Abstract: FERC–725E is the information collection that is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). Section 215 of the FPA buttresses the Commission's efforts to strengthen the reliability of the interstate grid through the grant of new authority by providing for a system of mandatory Reliability Standards developed by the Electric Reliability Organization (ERO). Reliability Standards that the ERO proposes to the Commission may include Reliability Standards that are proposed to the ERO by a Regional Entity.[1] A Regional Entity is an entity that has been approved by the Commission to enforce Reliability Standards under delegated authority from the ERO.[2] On June 8, 2008, the Commission approved eight regional Reliability Standards submitted by the ERO that were proposed by WECC.[3]

WECC promotes bulk electric system reliability in the Western Interconnection and is the Regional Entity responsible for compliance monitoring and enforcement. In addition, WECC provides an environment for the development of Reliability Standards and the coordination of the operating and planning activities of its members as set forth in the WECC Bylaws.

There are several regional Reliability Standards in the WECC region. These regional Reliability Standards generally require entities to document compliance with substantive requirements, retain documentation, and submit reports to WECC.

In RD26–5–000, FERC is retiring Regional Reliability Standard BAL–002–WECC–3 (Contingency Reserve), which requires balancing authorities and reserve sharing groups to document compliance with the contingency reserve requirements. NERC and WECC explain that ''Regional Reliability Standard BAL–002–WECC–3 requires applicable WECC entities to maintain reserves at levels that exceed those required under the continent-wide Reliability Standard BAL–002–3—Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contingency Event. Following a recent review of the regional standard, WECC identified that no technical basis supports the continued applicability of the standard, and that rather than advance reliability in the Western Interconnection, the regional standard may be presenting unnecessary challenges.

Type of Respondents: Balancing authorities and reserve sharing groups.

Estimate of Annual Burden:[4] Our estimates for a reduction in burden under 725E are specific to just BAL–002–WECC–3 entities no longer needing to be compliant with the applicable Requirements. Additionally, the estimate used information from the

[1] *S.D. Warren Company,* 105 FERC ¶ 61,011 (2003).

[2] 18 CFR 385.216(b) (2025).

[1] 16 U.S.C. 824o(e)(4).

[2] 16 U.S.C. 824o(a)(7) and (e)(4).

[3] *N. Am. Electric Reliability Corp.,* 119 FERC ¶ 61,260 (2007).

[4] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

NERC Compliance Registry Summary of Entities as of February 9, 2026.

The individual burden estimates include the time needed to gather data, run studies, and analyze study results. These are consistent with estimates for similar tasks in other Commission-approved standards. Estimates for the additional average annual burden and cost [5] as follows:

FERC–725E, MANDATORY RELIABILITY STANDARDS FOR THEWESTERN ELECTRIC COORDINATING COUNCIL, RETIREMENT OF BAL–002–WECC–3 CHANGES IN DOCKET NO. RD26–5–000

Reliability standard or process	Type and number of entities [6]	Annual number of responses per entity	Total number of responses	Average burden hrs. & cost ($) per response	Total annual burden hours & cost ($) (rounded)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Annual review and record retention	34 (BA)	1	34	12 hrs.; $762.24	408 hrs.; $25,916.00
	1 (RSG)	1	1	1 hrs.; 63.52	1 hrs.; 64.00
Total for retirement BAL–002–WECC–3		35			409 hrs; 25,980.00

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: May 1, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08962 Filed 5–5–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9784–004]

Wiscons8, LLC; Notice of Application for Surrender of Exemption Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of Exemption.

b. *Project No:* 9784–004.

c. *Date Filed:* April 16, 2026.

d. *Applicant:* Wiscons8, LLC.

e. *Name of Project:* Mawana Dam Hydroelectric Project.

f. *Location:* The project is located on the Little Wolf River in Waupaca County, Wisconsin. The project does not occupy federal lands.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Dwight Shanak, N3311 Sunrise Lane, Waupaca, WI 54981, (715) 412–3150, *modernhydro@sbcglobal.net.*

i. *FERC Contact:* Elizabeth Moats, (202) 502–6632, *Elizabeth.OsierMoats@ferc.gov.*

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* June 1, 2026 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–9784–004. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

[5] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the BLS website, *http://www.bls.gov/oes/current/naics2_22.htm:* 75% of the average of an Electrical Engineer (17–2071) $71.19/hr., × .75 = 53.3925 ($53.39-rounded) ($53.39/hour); and 25% of an Information and Record Clerk (43–4199) $40.51/hr., $40.51 × .25 = 10.1275 ($10.13 rounded) ($10.13/hour), for a total ($53.39+$10.13 = $63.52/hour).

[6] The ''Number of Entity'' data is compiled from the February 9, 2026, edition of the NERC Compliance Registry. ''BA'' means balancing authority; ''RSG'' means reserve sharing group.

l. *Description of Request:* The exemptee proposes to surrender its exemption from licensing because the Manawa Dam is no longer impounding water due to flood damage that occurred in the summer of 2024. The Manawa Dam is owned by the City of Manawa, Wisconsin, which terminated its lease with the exemptee in November 2025. The exemptee proposes to decommission the project by removing all equipment associated with hydropower generation.

m. *Locations of the Application*: This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: May 1, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08963 Filed 5–5–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2025–3951; FRL–13212–01–OCSPP]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request (December 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application 92643–EUP–R from Google LLC, requesting an experimental use permit (EUP) for the *Wolbachia pipientis* wAlbB contained in live adult *Culex quinquefasciatus* male mosquitoes (DQB Strain). The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before June 5, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2025–3951, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting on and visiting the docket, along with more information about dockets generally, are available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows: BPPD (Biopesticides and Pollution Prevention Division) (7511M); Shannon Borges; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.* The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those people who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my omments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and

therefore is seeking public comment on the EUP application:

Experimental Use Permit Number: 92643–EUP–R. *Docket ID Number:* EPA–HQ–OPP–2025–3951. *Submitter:* Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043. *Pesticide Chemical: Wolbachia pipientis* wAlbB Contained in Live Adult *Culex quinquefasciatus* Male Mosquitoes (DQB Strain). *Summary of Request:* Google LLC is proposing to use up to 14.080 mg of the active ingredient *Wolbachia pipientis* wAlbB Contained in Live Adult *Culex quinquefasciatus* Male Mosquitoes (DQB Strain) for two years in California and Florida. In Florida, up to 16,000,000 DQB Male Mosquitoes are proposed to be released in year 1, and up to 16,000,000 released in year 2. In California, up to 16,000,000 are proposed to be released in year 1, and up to 16,000,000 released in year 2. Proposed testing will include the states of California and Florida to generate data to support a Section 3 product registration application under FIFRA. *Date of Receipt:* June 27, 2025. *Contact:* BPPD.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Authority: 21 U.S.C. 346a.

Dated: May 1, 2026.

Leo Gueriguian,

Acting Director, Office of Pesticide Programs.

[FR Doc. 2026–08808 Filed 5–5–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the following insured depository institution, was charged with the duty of winding up the affairs of the former institution and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10041	Silver Falls Bank	Silverton	OR	05/01/2026

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination date listed above, the Receivership has been terminated, the Receiver has been discharged, and the Receivership has ceased to exist as a legal entity.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on May 1, 2026.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2026–08793 Filed 5–5–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receiverships

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the institutions listed below, intends to terminate its receivership for said institutions.

NOTICE OF INTENT TO TERMINATE RECEIVERSHIPS

Fund	Receivership name	City	State	Date of appointment of receiver
10057	America West Bank	Layton	UT	05/01/2009
10530	Washington Federal Bank for Savings	Chicago	IL	12/15/2017

The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors. Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Section, 600 North Pearl, Suite 700, Dallas, TX 75201. No comments concerning the termination of the above-mentioned receiverships will be considered which are not sent within this timeframe.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on May 1, 2026.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2026–08792 Filed 5–5–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or

documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of General Counsel at (202) 523–5740 or *GeneralCounsel@fmc.gov.*

Agreement No.: 201466.

Agreement Name: APL/Bahri Space Charter Agreement.

Parties: American President Lines, LLC; and The National Shipping Company of Saudi Arabia d/b/a Bahri A/S.

Filing Party: Patricia O'Neill, American President Lines, LLC.

Synopsis: The Agreement authorizes Bahri to charter space to APL on certain vessels operated by Bahri or on which Bahri has space in the trade between the U.S. East Coast on the one hand, and the Republic of Djibouti on the other hand.

Proposed Effective Date: 4/30/2026.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/92666.

Agreement No.: 201467.

Agreement Name: ONE to YML AP2 Slot Charter Agreement.

Parties: ONE Ocean Network Express Pte. Ltd.; and Yang Ming Joint Service Agreement.

Filing Party: Joshua Stein, Cozen O'Connor.

Synopsis: The Agreement authorizes ONE to charter space to YML on its service operating between ports in China on the one hand and ports on the U.S. West Coast on the other hand.

Proposed Effective Date: 4/30/2026.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/92667.

Agreement No.: 201468.

Agreement Name: ONE to HMM AP2 Space Charter Agreement.

Parties: Hyundai Merchant Marine Co. Ltd.; and ONE Ocean Network Express Pte. Ltd.

Filing Party: Joshua Stein, Cozen O'Connor.

Synopsis: The Agreement authorizes ONE to charter space to HMM on its service operating between ports in China on the one hand and ports on the U.S. West Coast on the other hand.

Proposed Effective Date: 4/30/2026.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/92668.

Dated: May 1, 2026.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2026–08790 Filed 5–5–26; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 21, 2026.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Andrew Ott, Newtown, Pennsylvania; Madeleine Bottka, Claymont, Delaware; Robert A. Strong and Susan A. Strong, both of Lake Ariel, Pennsylvania; to join the Strong Family Control Group, and, together with the Amended and Restated Quaint Oak Bancorp, Inc., Employee Stock Ownership Plan, John J. Augustine, as co-trustee, Lansdale, Pennsylvania, and Aimee K. Ott, as co-trustee, Newtown, Pennsylvania;* as a group acting in concert, to retain voting shares of Quaint Oak Bancorp, Inc., and thereby indirectly retain voting shares of Quaint Oak Bank, both of Southampton, Pennsylvania. Aimee K. Ott and John J. Augustine were each previously permitted by the Federal Reserve System to acquire voting shares of Quaint Oak Bancorp, Inc.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–08944 Filed 5–5–26; 8:45 am]

BILLING CODE;P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–XXXX; Docket No. 2026–0067; Sequence No. 1]

Information Collection; Addressing DEI Discrimination by Federal Contractors

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DOD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and OMB regulations, OFPP, DoD, GSA, and NASA invite the public to comment on a new information collection concerning the implementation of Executive Order 14398, Addressing DEI Discrimination by Federal Contractors. OFPP, DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the

estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

DATES: OFPP, DoD, GSA, and NASA will consider all comments received by July 6, 2026.

ADDRESSES: OFPP, DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–XXXX, Addressing DEI Discrimination by Federal Contractors. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–XXXX, Addressing DEI Discrimination by Federal Contractors.

B. Need and Uses

This justification supports clearance of a new information collection to comply with Executive Order (E.O.) 14398, Addressing DEI Discrimination by Federal Contractors, which prohibits contractors from engaging in any racially discriminatory diversity, equity, and inclusion (DEI) activities (91 FR 16147, March 31, 2026). Section 5 of E.O. 14398 directs the Federal Acquisition Regulatory Council (FAR Council) to issue a deviation from the Federal Acquisition Regulation (FAR) regarding agency implementation of the contract clause described in section 3 of the E.O. This clearance covers the information that contractors must submit in response to the requirements of section 3 of E.O. 14398 as implemented in the following FAR clause:

a. FAR 52.222–90, Addressing DEI Discrimination by Federal Contractors. This clause requires contractors to:

i. Par (b)(2)—Furnish all information and reports, including providing access to books, records, and accounts, as required by the contracting officer, for purposes of ascertaining compliance with the clause.

ii. Par (b)(4)—The contractor will report any subcontractor's known or reasonably knowable conduct that may violate this clause to the contracting officer and take any appropriate remedial actions directed by the contracting officer.

iii. Par (b)(5)—The contractor will inform the contracting officer if a subcontractor sues the contractor and the suit puts at issue, in any way, the validity of the clause.

Federal agencies use the collected information to ensure compliance with E.O. 14398, including section 4 of the E.O. which establishes remedies for noncompliance with the E.O.

The FAR Council intends to issue rulemaking to provide the opportunity for the public to comment on the policy to implement E.O. 14398 in the FAR including the impact analysis in accordance with E.O. 12866, Regulatory Planning and Review.

C. Annual Burden

Respondents: 1,365.

Total Annual Responses: 6,825.

Total Burden Hours: 7,965.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–XXXX, Addressing DEI Discrimination by Federal Contractors.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2026–08940 Filed 5–5–26; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Next Steps for Tribal TANF Research and Data (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: This proposed information collection will use multiple methods to gather information from Tribal Leaders and Tribal Temporary Assistance for Needy Families (TANF) leaders, staff, and participants. The purpose of these activities is to gather systematic information directly from Tribal TANF program leaders, staff, and participants about (1) their challenges, successes, and support needs related to Tribal TANF data reporting requirements; and (2) their research and evidence needs related to Tribal TANF program operations. Foremost, ACF will use this information to inform future changes to Tribal TANF data reporting requirements and revisions to accompanying guidance (for example, to improve clarity and address inconsistencies in data definitions), as well as improvements to data-related technical assistance provided to Tribal TANF grantees.

DATES: *Comments due June 5, 2026.*

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202605-0970-001.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This information collection is designed to gather systematic information directly from Tribal TANF program leaders, staff, and participants about (1) their challenges, successes, and support needs related to Tribal TANF data reporting requirements; and (2) their research and evidence needs related to Tribal TANF program operations. The information collection will use talking circles, a survey, individual interviews, and direct observations. The goal is to thoughtfully mitigate a long-standing burdensome requirement into a more efficient and sustainable data collection

process that yields reliable and higher-quality information actionable to both Tribal TANF programs, to inform program operations, and ACF in monitoring program compliance and performance. Additionally, the information will be used to inform future OPRE-sponsored research activities so that they yield information that enables Tribal TANF programs to engage in evidence-informed decision-making around program implementation to ultimately serve their communities better and improve participant outcomes.

Respondents: Tribal leaders, Tribal TANF program leaders, Tribal TANF staff, past and current Tribal TANF participants.

Annual Burden Estimates: Data collection efforts are expected to take place over about 2.5 years. Annual burden estimates have been calculated for a 3-year request to account for potential delays.

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Instrument 1: Talking Circle Facilitator's Guide—Knowledge Development	32	1	2	64	21
Instrument 2: Talking Circle Facilitator's Guide—Data Needs Assessment	48	1	2	96	32
Instrument 3: Tribal TANF Data Needs Assessment Survey	76	1	0.5	38	13
Instrument 4: Knowledge Sharing Visit Interview Protocol—Tribal TANF Program Leaders	10	1	1.5	15	5
Instrument 5: Knowledge Sharing Visit Interview Protocol—Data Staff	10	1	1.5	15	5
Instrument 6: Knowledge Sharing Visit Data Observation (Learning Exchange) Worksheet	10	1	1.5	15	5
Instrument 7: Knowledge Sharing Visit Talking Circle Facilitator's Guide—Staff	40	1	2	80	27
Instrument 8: Knowledge Sharing Visit Talking Circle Facilitator's Guide—Participants	40	1	2	80	27

Estimated Total Annual Burden Hours: 135.

Authority: Sec. 412 of the Social Security Act [42 U.S.C. 1310], as amended by P.L. 104–193.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–08856 Filed 5–5–26; 8:45 am]

BILLING CODE 4184–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0421]

Proposed Information Collection Activity; Federal Case Registry

AGENCY: Office Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Enforcement, Administration for Children and Families (ACF), is requesting a 3-year extension of the Federal Case Registry (FCR)(Office of Management and Budget (OMB)# 0970–0421, expiration November 30, 2026). There are no changes requested to the FCR.

DATES: *Comments due* July 6, 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 FCR is a national database of information pertaining to child support cases processed by state child support agencies, referred to as IV–D cases, and non-IV–D support orders privately established or modified by courts or tribunals on or after October 1, 1998. FCR information is comprised of child support orders and case information from each State Case Registry (SCR). The FCR automatically compares new SCR submissions to existing FCR information and to wage and employment information in the National Directory of New Hires. The Federal Parent Locator Service notifies state agencies if a IV–D case participant in the state matches a participant in a IV–D or non-IV–D case in another state and supplies any matched wage and employment information. Matches enable state agencies to locate parties that live in different states; establish, modify, or enforce child support obligations; establish paternity; enforce state law regarding parental kidnapping; and establish or enforce child custody or visitation determinations. There are no proposed changes to the FCR instrument, Appendix G: Input *Transactions Layout.*

Respondents: State and territory child support enforcement agencies.

Annual Burden Estimates

Burden estimates have been adjusted to reflect the average number of FCR batches submitted by each state in the most recent calendar year (2025). The total number of annual batch submissions from states has declined since the FCR was last reviewed and approved by OMB.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Appendix G: Input Transactions Layout	54	390	0.0333	701

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 will 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 automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 42 U.S.C. 653(h); 42 U.S.C. 654a(e); 42 U.S.C. 654a(f)(1).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–08934 Filed 5–5–26; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget: 0970–0558]

Proposed Information Collection Activity; Generic for Administration for Children and Families Program Monitoring Activities

AGENCY: Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) intend to request from the Office of Management and Budget (OMB) an extension of approval for an umbrella generic clearance for information collections related to ACF program office monitoring activities. ACF programs promote the economic and social well-being of families, children, individuals, and communities. The Generic for ACF Program Monitoring Activities allows ACF program offices to collect standardized information from recipients that receive federal funds to ensure oversight, evaluation, support purposes, and stewardship of federal funds. There are no changes proposed to the terms of the generic. Burden estimates have been updated.

DATES: *Comments due* July 6, 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: Program monitoring is a post-award process through which ACF assesses a recipient's programmatic performance and business management performance. Monitoring activities are necessary to ensure timely action by ACF to support grantees and protect federal interests.

Program offices use information collected under this generic clearance to monitor funding recipient activities and to provide support or take appropriate action, as needed. The information gathered is or will be used primarily for internal purposes, but aggregate data may be included in public materials such as reports to Congress or program office documents. Following standard OMB requirements, ACF will submit a request for each individual data collection activity under this generic clearance. Each request will include the individual form(s) or instrument(s), a justification specific to the individual information collection, and any supplementary documents.

Respondents: ACF funding recipients.

Annual Burden Estimates

The following burden estimates include burden associated with currently approved individual requests that ACF intends to include with this extension request and an estimate of burden for potential new requests under this generic. Note that new individual requests may be approved between this publication and submission of the full extension request.

All currently approved individual requests are available here: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202604-0970-004*

ESTIMATED BURDEN—ONGOING REQUESTS

Instrument	Number of respondents	Annual number of responses per respondent	Average burden per response (in hours)	Annual burden (in hours)
Annual Data Collection on Sexual Abuse and Sexual Harassment Involving Unaccompanied Children	200	1	1.5	300
Community Services Block Grant (CSBG) Training and Technical Assistance Tracking Form	20	4	0.75	60
Community Services Block Grant (CSBG) Work Plan Template	20	1	3.25	65
Office of Head Start Child Incident Reporting	1,000	4.8	0.167	800
Office of Head Start Improper Payment Reviews	300	2	3	1,800
Office of Refugee Resettlement (ORR) Care Provider Healthcare Delivery Report (HDR)	225	1	1.50	338
Office of Refugee Resettlement Emergency Operations Plan Survey	300	0.33	0.74	74
Office of Refugee Resettlement Refugee Microenterprise Development (MED) Program Case File Requirements	30	1	20	600

ESTIMATED BURDEN—ONGOING REQUESTS—Continued

Instrument	Number of respondents	Annual number of responses per respondent	Average burden per response (in hours)	Annual burden (in hours)
Office of Refugee Resettlement Refugee Microenterprise Development (MED) Program Pre-Monitoring Questionnaire (PMQ)	15	1	5	75
Total Annual Ongoing Burden	2,110			4,112

Based on the past 3 years and with a goal to reduce burden moving forward the estimated annual burden for potential new requests is 31 percent less than the currently approved umbrella generic.

ESTIMATED BURDEN—FUTURE REQUESTS

Instrument	Annual number of respondents	Annual number of responses per respondent	Average burden per response (in hours)	Total annual burden (in hours)
New Program Monitoring Forms	2,000	3	1.85	11,100

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: This generic is related to and will be of use to all ACF program offices that award federal funds (*e.g.,* grants, cooperative agreements) and monitor activities related to funding. Each individual program use will be related to a specific statutory authority.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–08935 Filed 5–5–26; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–P–1306]

Determination That DEXAMETHASONE (Dexamethasone) Elixir, 0.5 Milligrams/5 Milliliters, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that DEXAMETHASONE (dexamethasone) elixir, 0.5 milligrams (mg)/5 milliliters (mL), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, *Stacy.Kane@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

DEXAMETHASONE (dexamethasone) elixir, 0.5 mg/5 mL, is the subject of ANDA 088254, approved on July 27,

1983, originally held by Wockhardt Bio AG, and currently held by Pharmobedient Consulting.
DEXAMETHASONE is indicated for:

(1) *Endocrine disorders:* primary or secondary adrenocortical insufficiency (hydrocortisone or cortisone is the first choice; synthetic analogs may be used in conjunction with mineralocorticoids where applicable; in infancy mineralocorticoid supplementation is of particular importance); congenital adrenal hyperplasia; nonsuppurative thyroiditis; and hypercalcemia associated with cancer.

(2) *Rheumatic disorders:* as adjunctive therapy for short-term administration (to tide the patient over an acute episode or exacerbation) in psoriatic arthritis; rheumatoid arthritis, including juvenile rheumatoid arthritis (selected cases may require low-dose maintenance therapy); ankylosing spondylitis; acute and subacute bursitis; acute nonspecific tenosynovitis; acute gouty arthritis; post-traumatic osteoarthritis; synovitis of osteoarthritis; and epicondylitis.

(3) *Collagen diseases:* during an exacerbation or as maintenance therapy in selected cases of systemic lupus erythematosus and acute rheumatic carditis.

(4) *Dermatologic diseases:* pemphigus, bullous dermatitis herpetiformis, severe erythema multiforme (Stevens-Johnson syndrome), exfoliative dermatitis, mycosis fungoides, severe psoriasis, and severe seborrheic dermatitis.

(5) *Allergic states:* control of severe or incapacitating allergic conditions intractable to adequate trials of conventional treatment such as seasonal or perennial allergic rhinitis, bronchial asthma, contact dermatitis, atopic dermatitis, serum sickness, and drug hypersensitivity reactions.

(6) *Ophthalmic diseases:* severe acute and chronic allergic and inflammatory processes involving the eye and its adnexa, such as allergic conjunctivitis, keratitis, allergic corneal marginal ulcers, herpes zoster ophthalmicus, iritis and iridocyclitis, chorioretinitis, anterior segment inflammation, diffuse posterior uveitis and choroiditis, optic neuritis, and sympathetic ophthalmia.

(7) *Respiratory diseases:* symptomatic sarcoidosis, Loeffler's syndrome not manageable by other means, berylliosis, fulminating or disseminated pulmonary tuberculosis when used concurrently with appropriate antituberculous chemotherapy, and aspiration pneumonitis.

(8) *Hematologic disorders:* idiopathic thrombocytopenic purpura in adults, secondary thrombocytopenia in adults, acquired (autoimmune) hemolytic anemia, erythroblastopenia (red blood cell anemia), and congenital (erythroid) hypoplastic anemia.

(9) *Neoplastic diseases:* for palliative management of leukemia and lymphomas in adults, and acute leukemia of childhood.

(10) *Edematous states:* to induce a diuresis or remission of proteinuria in the nephrotic syndrome, without uremia, of the idiopathic type or that due to lupus erythematosus.

(11) *Gastrointestinal diseases:* to tide the patient over a critical period of the disease in ulcerative colitis and regional enteritis.

(12) *Miscellaneous:* tuberculous meningitis with subarachnoid block or impending block when used concurrently with appropriate antituberculous chemotherapy, and trichinosis with neurologic or myocardial involvement.

(13) Diagnostic testing of adrenocortical hyperfunction.

In a letter dated November 16, 2021, Wockhardt Bio AG notified FDA that DEXAMETHASONE (dexamethasone) elixir, 0.5 mg/5 mL, was being discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book.

Lachman Consultant Services, Inc. submitted a citizen petition dated February 4, 2026 (Docket No. FDA–2026–P–1306), under 21 CFR 10.30, requesting that the Agency determine whether DEXAMETHASONE (dexamethasone) elixir, 0.5 mg/5 mL, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that DEXAMETHASONE (dexamethasone) elixir, 0.5 mg/5 mL, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that DEXAMETHASONE (dexamethasone) elixir, 0.5 mg/5 mL, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of DEXAMETHASONE (dexamethasone) elixir, 0.5 mg/5 mL, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list DEXAMETHASONE (dexamethasone) elixir, 0.5 mg/5 mL, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–08939 Filed 5–5–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–4588]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product; OTARMENI (lunsotogene parvec-cwha)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that OTARMENI (lunsotogene parvec-cwha), approved April 23, 2026, manufactured by Regeneron Pharmaceuticals, Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, *industry.biologics@fda.hhs.gov,* 240–402–7911.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the

FD&C Act (21 U.S.C. 360ff), FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that OTARMENI (lunsotogene parvec-cwha), manufactured by Regeneron Pharmaceuticals, Inc., meets the criteria for a priority review voucher. OTARMENI (lunsotogene parvec-cwha) is indicated for the treatment of pediatric and adult patients with severe-to-profound and profound sensorineural hearing loss (any frequency >90 dB HL) associated with molecularly confirmed biallelic variants in the *OTOF* gene, preserved outer hair cell function, and no prior cochlear implant in the same ear.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/industry/developing-products-rare-diseases-conditions/rare-pediatric-disease-rpd-designation-and-voucher-programs.* For further information about OTARMENI (lunsotogene parvec-cwha), go to the Center for Biologics Evaluation and Research's Approved Cellular and Gene Therapy Products website at *https://www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/approved-cellular-and-gene-therapy-products.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–08913 Filed 5–5–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Psychosocial Influences on Healthy Development.

Date: June 4, 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: Kimberly L. Houston, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–4902, *Kimberly.Houston@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Par Panel; Enhancing Mechanistic Research on Precision Probiotic Therapies.

Date: June 4, 2026.

Time: 11:00 a.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: Dayadevi Jirage, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4422, Bethesda, MD 20892, (301) 867–5309, *jiragedb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training: Career Development

Date: June 4, 2026.

Time: 11:00 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: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (240) 276–6456, *tangd@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Clinical Neuroimmunology and Brain Tumors.

Date: June 4, 2026.

Time: 4:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dario Dieguez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–3101, *dario.dieguez@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Skeletal Development, Repair and Regeneration.

Date: June 9, 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: Vanessa Dawn Sherk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 801C, Bethesda, MD 20892, (301) 594–3218, *sherkv2@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Basic Cancer Immunobiology Study Section.

Date: June 9–10, 2026.

Time: 9:30 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: Sarita Kandula Sastry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20782, 301–402–4788, *sarita.sastry@nih.gov.*

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Interspecies Microbial Interactions and Infections Study Section.

Date: June 10, 2026.

Time: 10:30 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: Irene Ramos Lopez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Bethesda, MD 20892, (301) 480–4891, *irene.ramoslopez@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Translational Cancer Research SPORE P50.

Date: June 11, 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: Amr M. Ghaleb, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812, Bethesda, MD 20892, (301) 443–5851, *amr.ghaleb@nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Prokaryotic Cell and Molecular Biology Study Section.

Date: June 11, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rebecca Catherine Burgess, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–8034, *rebecca.burgess@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Population Dynamics and Health.

Date: June 11, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770 Bethesda, MD 20892, (301) 435–1712, *ryansj@csr.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: May 1, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–08782 Filed 5–5–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; 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 Advisory Council for Complementary and Integrative Health.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Once available, the open session meeting link can be accessed through the Institute's/Center's home page: *https://nccih.nih.gov/about/naccih* and through the NIH Videocast web page *https://videocast.nih.gov/.*

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 Advisory Council for Complementary and Integrative Health.

Date: June 29, 2026.

Closed: 10:00 a.m. to 11:30 p.m..

Agenda: To review and evaluate grant applications.

Address: National Center for Complementary and Integrative Health, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, Virtual Meeting.

Open: 12:30 p.m. to 5:00 p.m.

Agenda: Reports and Updates about Recent and Ongoing NCCIH Led or Involved Activities by NCCIH staff and its Director.

Address: National Center for Complementary and Integrative Health, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, Virtual Meeting.

Contact Person: Martina Schmidt, Ph.D., Director, Division of Extramural Activities, National Center for Complementary and Integrative Health, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, (301) 594–3456, *schmidma@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should be less than 700 words in length, and should include the name, email address, telephone number and when applicable, the business or professional affiliation of the interested person. Any member of the public may submit written comments no later than June 15th, 2026 (14 days before the council meeting).

Information is also available on the Institute's/Center's home page: *https://nccih.nih.gov/about/naccih,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: May 01, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–08783 Filed 5–5–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development and Commercialization of Engineered Cell Therapies for the Treatment of Cancer

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the patents and patent applications listed in the Supplementary Information section of this notice to OncoVanta Therapeutics, Inc. (''OncoVanta''), a company located in Hagerstown, Maryland, the United States of America.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before May 21, 2026 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240) 276–5484; Email: *andy.burke@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

1. United States Provisional Patent Application No. 63/185,805 filed May 7, 2021, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–US–01];

2. PCT Application No. PCT/US2022/028066 filed May 6, 2022, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–PCT–02];

3. Canadian Patent Application No. 3217263 filed October 30, 2023, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–CA–03];

4. Japanese Patent Application No. 2023–568469 filed November 6, 2023, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–JP–02];

5. United States Patent Application No. 18/289,596 filed November 6, 2023, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–US–07];

6. European Patent Application No. 22726335.7 filed November 22, 2023, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–EP–08];

7. South Korean Patent Application No. 10–2023–7041691 filed December 1, 2023, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–KR–06];

8. Australian Patent Application No. 2022268998 filed December 5, 2023, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–AU–04];

9. Chinese Patent Application No. 202280047288.0 filed January 1, 2024, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–CN–05]; and

10. Hong Kong Patent Application No. 62024096322.8 filed September 3, 2024, entitled ''T Cell Receptors Recognizing C135Y, R175H or M237I Mutation in P53'' [HHS Reference No. E–101–2021–0–HK–01].

The patent rights in these inventions have been assigned to the Government of the United States of America.

The prospective exclusive license territory may be ''worldwide'', and the field of use may be limited to the following:

''T Cell Receptor (TCR)-engineered T cell therapy products for the treatment of cancer in humans.''

E–101–2021 patent family is primarily directed to isolated TCRs reactive to certain mutated forms of tumor protein 53 (TP53 or P53), within the context of several human leukocyte antigens. *P53* is the archetypal tumor suppressor gene and the most frequently mutated gene in cancer. Contemporary estimates suggest that >50% of all tumors carry mutations in *P53.* Because of its prevalence in cancer and its restricted expression to precancerous and cancerous cells, this antigen may be targeted on mutant P53-expressing tumors with minimal normal tissue toxicity.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license that are timely filed in response to this notice will be treated as objections to the grant of the contemplated exclusive patent license. In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 30, 2026.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2026–08791 Filed 5–5–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0110]

Agency Information Collection Activities; Revision; Visa Waiver Signatory Carrier Program (Form I–775)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than June 5, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* . Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/* .

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (90 FR 46620) on September 29, 2026, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Visa Waiver Signatory Carrier Program (Form I–775).

OMB Number: 1651–0110.

Form Number: I–775.

Current Actions: Revision.

Type of Review: Revision.

Affected Public: Businesses.

Abstract: Section 233(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1223(a)) provides that the Attorney General may enter into contracts with transportation lines for the inspection and admission of aliens coming into the United States from a foreign territory or from adjacent

islands. No such transportation line shall be allowed to land any such alien in the United States until and unless it has entered into any such contracts which may be required by the Attorney General. Pursuant to section 403 of the Homeland Security Act of 2002, this authority was transferred to the Secretary of Homeland Security.

The Visa Waiver Program Carrier Agreement (CBP Form I–775) is used by carriers to request acceptance by CBP into the Visa Waiver Program (VWP). This form is an agreement whereby carriers agree to the terms of the VWP as delineated in Section 217(e) of the INA (8 U.S.C. 1187(e)). Once participation is granted, CBP Form I–775 serves to hold carriers liable for certain transportation costs, to ensure the completion of required forms, and to require sharing passenger data, among other requirements. Regulations are promulgated at 8 CFR 217.6, Carrier Agreements. A fillable copy of CBP Form I–775 is accessible at: CBP Form I–775

Proposed Change: The requirement to submit original documents bearing original signatures of company representatives, was modified to include electronic transfer of CBP Form I–775 while COVID–19 restrictions were in place. CBP would like to make the electronic submission and approval of this information permanent.

Type of Information Collection: I–775.

Estimated Number of Respondents: 220.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 220.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 110.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–08973 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0009]

Agency Information Collection Activities; Revision; Customs Declaration (CBP Form 6059B)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than June 5, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov*. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (90 FR 54352) on November 26, 2025, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Customs Declaration.
OMB Number: 1651–0009.
Form Number: 6059B.
Current Actions: Revision.
Type of Review: Revision.
Affected Public: Individuals.
Abstract: CBP Form 6059B, Customs Declaration, is used as a standard report of the identity and residence of each person arriving in the United States. This form is also used to declare imported articles to U.S. Customs and Border Protection (CBP) in accordance with 19 CFR 122.27, 148.12, 148.13, 148.110, 148.111; 31 U.S.C. 5316 and Section 498 of the Tariff Act of 1930, as amended (19 U.S.C. 1498).

Section 148.13 of the CBP regulations prescribes the use of the CBP Form 6059B when a written declaration is required of a traveler entering the United States. Oral declarations are permissible under conditions as provided by 19 CFR 148.12 (*e.g.* items below a certain value). However, CBP may require a written declaration at any time. If an oral declaration is not accepted under 19 CFR 148.12, a written declaration is required using CBP form 6059B pursuant to 19 CFR 148.13.

CBP continues to find ways to improve the entry process through the use of mobile technology to ensure it is safe and efficient. To that end, CBP has deployed a process which allows travelers to use a mobile app to submit information to CBP prior to arrival in domestic locations and prior to departure at preclearance locations. This process, called Mobile Passport Control (MPC), allows travelers to use a designated lane upon arrival into the United States or departing a preclearance location. The MPC process

also helps determine under what circumstances CBP should require a written customs declaration (CBP Form 6059B) and when it is beneficial to admit travelers who make an oral customs declaration during the primary inspection. MPC eliminates the administrative tasks performed by the officer during a traditional inspection and in most cases will eliminate the need for respondents/travelers to fill out a paper declaration. MPC provides a more efficient and secure in person inspection between the CBP Officer and the traveler.

MPC provides an electronic method for travelers to answer the questions that appear on form 6059B without filling out a paper form.

A sample of CBP Form 6059B can be found at: *https://www.cbp.gov/sites/default/files/2024-07/cbp_form_6059b_english_0.pdf*.

This collection is available in the following languages: English, French, Vietnamese, German, Italian, Japanese, Korean, Polish, Portuguese, Russian, Chinese, Hebrew, Spanish, Dutch, Arabic, Farsi, and Punjabi.

Previously approved revisions: Due to the termination of the APC program, U.S. Legal permanent residents (LPR) and visa waiver country (VWP) visitors arriving for their second visit to the United States will be included into the MPC program. U.S. LPRs are eligible for Simplified Arrival's (SA) photo biometric confirmation upon arrival into the United States. Other classes of admission eligible for SA's photo biometric confirmation will be considered for MPC inclusion as a future update.

CBP added a new mobile application, testing the operational effectiveness of allowing travelers to use the CBP Home mobile application to submit information to CBP, in advance, prior to arrival. This second mobile capability is under the current CBP Link™ application, a platform that serves as a portal for travelers and stakeholders to virtually interact with CBP. The CBP Link™ application will also allow travelers to self-segment upon arrival at land borders in the United States.

Similar to the MPC application, the CBP Link™ application eliminates the administrative tasks performed by the officer during a traditional inspection and in most cases will eliminate the need for respondents/travelers to fill out a paper declaration. In addition, the CBP Link™ application will also provide a more efficient and secure in person inspection between the CBP Officer and the traveler at the land border.

Unique to the CBP Link™ application is that while the MPC submission is completed upon arrival, the CBP Link™ application must be submitted in advance and will require the additional data elements:

1. Traveler Identify the Port of Entry (POE)

2. Time and/or date of arrival.

In addition, travelers will provide their answers to CBP's questions, take a self-picture/selfie and submit the information via the CBP Link™ application, after the plane lands. This will allow for advance vetting and proper resource management at the POE. This capability through the CBP Link™ application is available to all travelers arriving with authorized travel documents, including foreign nationals.

New Changes

1. *MPC Expansion:* CBP is now expanding the MPC program to visa-exempt non-immigrants and non-immigrant visa-bearing travelers.

As CBP expands Mobile Passport Control (MPC) to land ports of entry, new elements are being incorporated. Travelers arriving by personal vehicle will self-submit their vehicle's license plate number via the MPC application. This enables CBP to associate travelers with their conveyance, improving pre-arrival processing, situational awareness, and inspection efficiency at primary.

To determine the correct Port of Entry (POE) for submission, MPC uses the device's location services to calculate proximity. A single latitude/longitude coordinate—determined by the device's hardware—is collected locally and immediately discarded after a distance calculation is performed on the device. CBP does not receive or retain specific device location data; only the closest POE is selected for submission.

At primary inspection, CBP Officers use Simplified Arrival to process MPC travelers. Travelers group together by their MPC application will be linked in SA via their license plate number. When a license plate is read on primary, a function that SA already has, any MPC application associated to that plate number, within the time frame submitted by the traveler, will populate in SA. SA displays all relevant traveler data—including biographic, passport, and customs declaration information—alongside any enforcement flags. This integrated process provides a secure, efficient experience for both officers and travelers.

In the commercial bus environment, both individual travelers and carriers will be able to submit traveler information via the MPC application. Carriers will create an MPC shell that will be available to travelers to input their information into; carriers would input information of travelers who did not submit into the shell themselves. Travelers will be linked to the arriving conveyance using the bus's license plate number, allowing CBP to connect submissions to group manifests. This enhances processing for high-volume passenger arrivals and ensures accurate vetting.

For travelers arriving in the pedestrian environment, no additional data elements are required beyond those already collected in the air and sea environments. The process remains fundamentally the same, with MPC submissions including biometric and biographic data for Simplified Arrival (SA) processing. Travelers benefit from the same streamlined, paperless experience, and CBP benefits from continuity across all travel modes.

MPC will also be integrating I94 application and payments, in stages. Initially MPC will provide a link and a prompt to the public I94 website where MPC participants can apply and pay for their I94, if their information provided to MPC indicates they need a I94. Once communication is established between MPC and the public I94 website, biographical information (name, DOB, passport number, ext.) already provided to MPC by the traveler will be prepopulated into the I94 website for fast and more consistent applications. Eventually applicants will be able to both apply for and pay for their I94 without leaving the MPC app.

Type of Information Collection: Form 6059B.

Estimated Number of Respondents: 5,421,252.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 5,421,252.

Estimated Time per Response: 4 minutes.

Estimated Total Annual Burden Hours: 363,242.

Type of Information Collection: Verbal Declarations.

Estimated Number of Respondents: 420,525,380.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 420,525,380.

Estimated Time per Response: 10 seconds.

Estimated Total Annual Burden Hours: 1,261,576.

Type of Information Collection: MPC App.

Estimated Number of Respondents: 42,594,663.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 42,594,663.

Estimated Time per Response: 2 minutes.

Estimated Total Annual Burden Hours: 1,405,623.

Type of Information Collection: CBP Link App.

Estimated Number of Respondents: 500,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 500,000.

Estimated Time per Response: 2 minutes.

Estimated Total Annual Burden Hours: 16,500.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–08970 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Automated Commercial Environment (ACE) Export Manifest for Air Cargo Test: Renewal of Test

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

ACTION: General notice.

SUMMARY: This notice announces that CBP is renewing the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) Export Manifest for Air Cargo Test, a National Customs Automation Program (NCAP) test concerning ACE export manifest capability.

DATES: The voluntary pilot initially began on August 10, 2015, was modified and extended on August 14, 2017, and further extended on December 22, 2021, and June 4, 2024. This renewal is effective May 6, 2026. The extended test will run for an additional two years from the date of publication of this notice in the **Federal Register**.

ADDRESSES: Applications to participate in the ACE Export Manifest for Air Cargo Test must be submitted via email to CBP Export Manifest at *cbpexportmanifest@cbp.dhs.gov.* In the subject line of the email, please use''ACE Export Manifest for Air Cargo Test Application''. Applications will be accepted at any time during the test period. Written comments concerning program, policy, and technical issues may also be submitted via email to CBP Export Manifest at *cbpexportmanifest@cbp.dhs.gov.* In the subject line of the email, please use ''Comment on ACE Export Manifest for Air Cargo Test''. Comments may be submitted at any time during the test period.

FOR FURTHER INFORMATION CONTACT: Thomas J. Pagano, Branch Chief, or David Garcia, Program Manager, Outbound Enforcement and Policy Branch, Office of Field Operations, U.S. Customs and Border Protection, via email at *cbpexportmanifest@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Automated Commercial Environment (ACE) Export Manifest for Air Cargo Test is a voluntary test in which participants agree to submit export manifest data to U.S. Customs and Border Protection (CBP) electronically, at least four hours prior to loading of the cargo onto the aircraft in preparation for departure from the United States. The ACE Export Manifest for Air Cargo Test is authorized under § 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)), which provides for the testing of National Customs Automation Program (NCAP) programs or procedures.

The ACE Export Manifest for Air Cargo Test examines the functionality regarding the filing of export manifest data for air cargo electronically in ACE. ACE creates a single automated export processing platform for certain export manifest, commodity, licensing, export control, and export targeting transactions. This will reduce costs for CBP, partner government agencies, and the trade community, as well as improve facilitation of export shipments through the supply chain.

The ACE Export Manifest for Air Cargo Test will also assess the feasibility of requiring the manifest information to be filed electronically in ACE within a specified time before the cargo is loaded on the aircraft. This capability will enable CBP to calculate the risk and effectively identify and inspect shipments prior to loading of cargo to ensure compliance with all U.S. export laws.

CBP announced the procedures and criteria related to participation in the ACE Export Manifest for Air Cargo Test in a notice published in the **Federal Register** on July 10, 2015 (80 FR 39790). This test was originally set to run for approximately two years. On August 14, 2017, CBP extended the test period for one additional year (82 FR 37888). At that time, CBP also modified the original notice to make certain data elements optional and opened the test to accept additional applications for participation for all parties who met the eligibility requirements. The test was renewed on December 22, 2021 (86 FR 72610), and on June 4, 2024 (89 FR 47974). Through this notice, CBP is renewing the test again.

The data elements, unless noted otherwise, are mandatory. Data elements which are ''mandatory'' must be provided to CBP for every shipment. Data elements which are ''conditional'' must be provided to CBP only if the particular information pertains to the cargo. Data elements which are ''optional'' may be provided to CBP but are not required. The data elements are set forth below:

(1) Exporting Carrier
(2) Marks of nationality and registration
(3) Flight number
(4) Port of lading
(5) Port of unlading
(6) Scheduled date of departure
(7) Consolidator (conditional)
(8) De-consolidator (conditional)
(9) Air waybill type (Master, House, Simple or Sub)
(10) Air waybill number
(11) Number of pieces and unit of measure (optional)
(12) Weight (kg./lb.)
(13) Number of house air waybills (optional)
(14) Shipper name and address
(15) Consignee name and address
(16) Cargo description
(17) AES Internal Transaction Number (ITN) or AES Exemption Statement/ Exception Classification (per shipment)
(18) Split air waybill indicator (optional)
(19) Hazmat indicator (Yes/No)
(20) UN Number (conditional) (If the hazmat indicator is yes, the four digitUN (United Nations) Number assigned to the hazardous material must be provided.)
(21) In-bond number (optional)
(22) Mode of transportation (containerized air cargo or noncontainerized air cargo) (optional)

For further details on the background and procedures, and modifications regarding the test, please refer to the July 10, 2015 notice and the August 14, 2017 extension and modification.

II. Renewal of the ACE Export Manifest for Air Cargo Test Period

CBP will renew the test for another two years to continue further evaluation of the ACE Export Manifest for Air Cargo Test and determine whether

electronic submission of the manifest will improve capabilities at the departure level. The extended test will now run for two additional years from the date of publication.

III. Applicability of Initial Test Notice

All provisions found in the July 2015 notice, and modifications in the August 2017 extension, remain applicable, subject to further extension of the time period provided herein.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3507), an agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget (OMB). The collections of information in this NCAP test have been approved by OMB in accordance with the requirements of the Paperwork Reduction Act and assigned OMB control number 1651–0001.

Diane J. Sabatino,

Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection.

[FR Doc. 2026–08906 Filed 5–5–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0082]

Agency Information Collection Activities; Extension; African Growth and Opportunity Act (AGOA) Textile Certificate of Origin

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than June 5, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* . Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (90 FR 46621) on September 29, 2025, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: African Growth and Opportunity Act (AGOA) Textile Certificate of Origin.

OMB Number: 1651–0082.

Form Number: N/A.

Current Actions: Extension.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: The African Growth and Opportunity Act (AGOA) was adopted by the U.S. with the enactment of the Trade and Development Act of 2000 (PL.106–200). The objectives of AGOA are (1) to provide for extension of duty-free treatment under the Generalized System of Preferences (GSP) to import sensitive articles normally excluded from GSP duty treatment, and (2) to provide for the entry of certain eligible textile and apparel articles from the countries of sub-Saharan Africa free of duty and free of any quantitative limits.

For preferential treatment of textile and apparel articles under AGOA, the exporter or producer, or the exporter's or producer's authorized agent having knowledge of the facts, is required to prepare a certificate of origin and provide it to the importer. The certificate of origin includes information such as contact information for the importer, exporter, and producer; the basis for which preferential treatment is claimed; and a description of the imported merchandise. The importers are required to have the certificate in their possession at the time of the claim, and to provide it to U.S. Customs and Border Protection (CBP) upon request. The collection of this information is provided for in 19 CFR 10.214, 10.215, and 10.216.

Instructions for complying with this regulation are posted on CBP.gov website at: *https://www.cbp.gov/trade/rulings/informed-compliance-publications.*

This collection of information applies to the importing and trade community who are familiar with import procedures and with the CBP regulations.

Type of Information Collection: AGOA Textile Certificate of Origin.

Estimated Number of Respondents: 5.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 5.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 2.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–08976 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0014]

Agency Information Collection Activities; Extension; Report of Diversion

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than June 5, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (90 FR 46617) on September 29, 2025, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Report of Diversion.

OMB Number: 1651–0025.

Form Number: 26.

Current Actions: Extension with a decrease in burden hours to reflect current usage.

Type of Review: Extension (with/change).

Affected Public: Businesses.

Abstract: CBP Form 26, *Report of Diversion,* is used to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This form is initiated by the vessel owner or agent to notify and request approval by CBP for a vessel to divert while traveling coastwise from a U.S. port to another U.S. port, or a vessel traveling to a foreign port having to divert to a U.S. port when a change occurs in the vessel itinerary. CBP Form 26 collects information such as the name and nationality of the vessel, the expected port and date of arrival, and information about any related penalty cases, if applicable. This information collection is authorized by 46 U.S.C. 60105 and is provided for in 19 CFR 4.91. This form is being utilized as part of the Vessel Entrance and Clearance System Public Test which has been very successful. CBP is pending regulatory change to move the test into a requirement.

CBP Form 26 is accessible at: http://www.cbp.gov/sites/default/files/documents/CBP%20Form%2026_0.pdf.

Type of Information Collection: Form 26.

Estimated Number of Respondents: 73.

Estimated Number of Annual Responses per Respondent: 18.

Estimated Number of Total Annual Responses: 1,314.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 111.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–08972 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0052]

Agency Information Collection Activities; Extension; User Fees (CBP Form 339A, 339C, 339V)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than June 5, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this

notice to *www.reginfo.gov/public/do/PRAMain*. Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov*. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (90 FR 46623) on September 29, 2025, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: User Fees.

OMB Number: 1651–0052.

Form Number: 339A, 339C, 339V.

Current Actions: Extension.

Type of Review: Extension (without change)

Affected Public: Carriers

Abstract: The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (Pub. L. 99–272, 100 Stat. 82; 19 U.S.C. 58c), as amended, authorizes the collection of user fees by U.S. Customs and Border Protection (CBP). The collection of these fees requires submission of information from the party remitting the fees to CBP. This collection of information is provided for by 19 CFR 24.22. In certain cases, this information is submitted on one of three forms including the CBP Form 339A for payment upon arrival or prepayment of the annual user fee for a private aircraft (19 CFR 24.22(e)(1) and (2)), CBP Form 339C for prepayment of the annual user fee for a commercial vehicle (19 CFR 24.22(c)(3)), and CBP Form 339V for payment upon arrival or prepayment of the annual user fee for a private vessel (19 CFR 24.22(e)(1) and (2)). All forms can be accessed at: *https://www.cbp.gov/newsroom/publications/forms?title_1=339*. The information on these forms may also be filed electronically at: *https://dtops.cbp.dhs.gov/*.

Similarly, as authorized by COBRA, as amended, CBP collects fees from each carrier or operator using an express consignment carrier facility (ECCF) or a centralized hub facility as provided in 19 CFR 24.23(b)(4). The payment must be made to CBP on a quarterly basis and must cover the individual fees for all subject transactions that occurred during a calendar quarter. 19 CFR 24.23(b)(4)(i). The information set forth in 19 CFR 24.23(b)(4)(iii)(B) must be included with the quarterly payment (ECCF Quarterly Report). In cases of overpayments, carriers or operators using an ECCF or a centralized hub facility may send a request to CBP for a refund in accordance with 19 CFR 24.23(b)(4)(iii)(C). This request must specify the grounds for the refund.

In addition, CBP requires a prospective ECCF to include a list of all carriers or operators intending to use the facility, as well as other information requested in the application for approval of the ECCF in accordance with 19 CFR 128.11(b)(2). ECCFs are also required to provide to CBP at the beginning of each calendar quarter, a list of all carriers or operators currently using the facility and notify CBP whenever a new carrier or operator begins to use the facility or whenever a carrier or operator ceases to use the facility in accordance with 19 CFR 128.11(b)(7)(iv).

Type of Information Collection: Form 339A.

Estimated Number of Respondents: 35,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 35,000.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 9,333.

Type of Information Collection: Form 339C.

Estimated Number of Respondents: 80,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 80,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 26,667.

Type of Information Collection: Form 339V.

Estimated Number of Respondents: 16,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 16,000.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 4,267.

Type of Information Collection: ECCF Quarterly Report.

Estimated Number of Respondents: 18.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Total Annual Responses: 72.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 144.

Type of Information Collection: EECF Refund Request.

Estimated Number of Respondents: 0.

Estimated Number of Annual Responses per Respondent: 0.

Estimated Number of Total Annual Responses: 0.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 0.

Type of Information Collection: ECCF Application and List of Couriers.

Estimated Number of Respondents: 3.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Total Annual Responses: 12.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 6.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–08977 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0005]

Agency Information Collection Activities; Extension; Application-Permit-Special License Unlading-Lading-Overtime Services

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than June 5, 2026) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* . Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (90 FR 46619) on September 29, 2025, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application-Permit-Special License Unlading-Lading-Overtime Services.

OMB Number: 1651–0005.

Form Number: 3171.

Current Actions: Extension.

Type of Review: Extension (with change).

Affected Public: Businesses.

Abstract: The Application-Permit-Special License Unlading-Lading-Overtime Services (U.S. Customs and Border Protection (CBP) Form 3171) is used by commercial carriers and importers as a request for permission to unlade imported merchandise, baggage, or passengers. It is also used to request overtime services from CBP officers in connection with lading or unlading merchandise, or the entry or clearance of a vessel, including the boarding of a vessel for preliminary supplies, ship's stores, sea stores, or equipment not to be re-laden. CBP Form 3171 is provided for by 19 CFR 4.3, 4.7a, 4.8, 4.10, 4.30, 4.39, 4.91, 10.60, 24.16, 122.38, 123.8, 146.32 and 146.34.

This form is accessible at:*http://www.cbp.gov/newsroom/publications/forms?title=3171.*

This form is being utilized as part of the Vessel Entrance and Clearance System Public Test which has been very successful. CBP is considering regulatory change to move the test into a requirement.

Type of Information Collection: Form 3171.

Estimated Number of Respondents: 1,591.

Estimated Number of Annual Responses per Respondent: 56.

Estimated Number of Total Annual Responses: 89,096.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 11,879.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2026–08975 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3637–EM; Docket ID FEMA–2026–0001]

North Carolina; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of North Carolina (FEMA–3637–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08842 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4900–DR; Docket ID FEMA–2026–0001]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4900–DR), dated February 18, 2026, and related determinations.

DATES: The declaration was issued February 18, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of Louisiana resulting from a severe winter storm during the period of January 23 to January 27, 2026, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide assistance for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Tonia Pence, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Louisiana have been designated as adversely affected by this major disaster:

Bienville, De Soto, East Carroll, Franklin, Morehouse, Ouachita, Richland, Tensas, and West Carroll Parishes for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08894 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4880–DR; Docket ID FEMA–2026–0001]

Michigan; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Michigan (FEMA–4880–DR), dated July 22, 2025, and related determinations.

DATES: This amendment was issued March 10, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Michigan is hereby amended to include assistance for utilities among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 22, 2025.

Alcona, Alpena, Antrim, Charlevoix, Cheboygan, Crawford, Emmet, Kalkaska, Mackinac, Montmorency, Oscoda, Otsego, and Presque Isle Counties and the Little Traverse Bay Bands of Odawa Indians for assistance for utilities [Category F] (already designated for emergency work [Categories A and B] and permanent work [limited to Categories C–E and G] under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08875 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4893–DR; Docket ID FEMA–2026–0001]

Alaska; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alaska (FEMA–4893–DR), dated October 22, 2025, and related determinations.

DATES: This amendment was issued February 3, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Alaska is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 22, 2025.

Kashunamiut Regional Educational Attendance Area, Yupiit Regional Educational Attendance Area, and the City of Saint Mary's for Individual Assistance.

Bering Strait Regional Educational Attendance Area, Iditarod Regional Educational Attendance Area, Kashunamiut Regional Educational Attendance Area, Pribilof Regional Educational Attendance Area, Yukon-Koyukuk Regional Educational Attendance Area, Yupiit Regional Educational Attendance Area, and the City of Saint Mary's for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08882 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4876–DR; Docket ID FEMA–2026–0001]

Missouri; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4876–DR), dated June 9, 2025, and related determinations.

DATES: This change occurred on January 12, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Justin Petersen, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Catherine R. Sanders as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08872 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3639–EM; Docket ID FEMA–2026–0001]

West Virginia; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of West Virginia (FEMA–3639–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued March 8, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08848 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3642–EM; Docket ID FEMA–2026–0001]

Georgia; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Georgia (FEMA–3642–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the State of Georgia resulting from a severe winter storm beginning on January 22, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Georgia.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Georgia have been designated as adversely affected by this declared emergency:

Baldwin, Banks, Barrow, Bartow, Bibb, Bleckley, Bulloch, Burke, Butts, Candler, Carroll, Catoosa, Chattahoochee, Chattooga, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, Crawford, Dade, Dawson, DeKalb, Dodge, Dooly, Douglas, Elbert, Emanuel, Evans, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Jackson, Jasper, Jefferson, Jenkins, Johnson, Jones, Lamar, Laurens, Lincoln, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Monroe, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pike, Polk, Pulaski, Putnam, Rabun, Richmond, Rockdale, Schley, Screven, Spalding, Stephens, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Toombs, Towns, Treutlen, Troup, Twiggs, Union, Upson, Walker, Walton, Warren, Washington, Webster, Wheeler, White, Whitfield, Wilcox, Wilkes, and Wilkinson Counties for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08855 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4827–DR; Docket ID FEMA–2025–0001]

North Carolina; Amendment No. 9 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4827–DR), dated September 28, 2024, and related determinations.

DATES: This change occurred on October 31, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, DuWayne Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Brett H. Howard as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08859 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3631–EM; Docket ID FEMA–2026–0001]

Virginia; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Commonwealth of Virginia (FEMA–3631–EM), dated January 23, 2026, and related determinations.

DATES: The declaration was issued January 23, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 23, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the Commonwealth of Virginia resulting from a severe winter storm beginning on January 22, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the Commonwealth of Virginia.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Nancy M. Casper, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the Commonwealth of Virginia have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for the entire Commonwealth of Virginia.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08831 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3641–EM; [Docket ID FEMA–2026–0001]

Indiana; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Indiana (FEMA–3641–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Indiana resulting from a severe winter storm beginning on January 23, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Indiana.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Indiana have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for all 92 counties.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08853 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4895–DR; Docket ID FEMA–2025–0001]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–4895–DR), dated October 22, 2025, and related determinations.

DATES: The declaration was issued October 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 22, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from severe storms, straight-line winds, and tornadoes during the period of August 7 to August 8, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Katherine B. Fox, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Dakota have been designated as adversely affected by this major disaster:

Barnes, Grand Forks, Griggs, Kidder, Nelson, Steele, and Stutsman Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08886 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3638–EM; Docket ID FEMA–2026–0001]

Louisiana; Amendment No. 3 to Notice of an Emergency Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Louisiana (FEMA–3638–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08846 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4837–DR; Docket ID FEMA–2025–0001]

North Carolina; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4837–DR), dated October 19, 2024, and related determinations.

DATES: This change occurred on October 31, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the

Administrator, under Executive Order 12148, as amended, DuWayne Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Brett H. Howard as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08860 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3638–EM; Docket ID FEMA–2026–0001]

Louisiana; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Louisiana (FEMA–3638–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the State of Louisiana resulting from a severe winter storm beginning on January 23, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Louisiana.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Benjamin Abbott, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Louisiana have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for all 64 parishes in the State of Louisiana.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08847 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3643–EM; Docket ID FEMA–2026–0001]

District of Columbia; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the District of Columbia (FEMA–3643–EM), dated February 20, 2026, and related determinations.

DATES: The declaration was issued February 20, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 20, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the District of Columbia resulting from a sewer line collapse beginning on January 19, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the District of Columbia.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford

Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Mark K. O'Hanlon, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for the District of Columbia and the areas where the District of Columbia has responsibilities in the State of Maryland and Commonwealth of Virginia.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08834 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3636–EM; Docket ID FEMA–2026–0001]

Arkansas; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Arkansas (FEMA–3636–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Arkansas resulting from a severe winter storm beginning on January 23, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Arkansas.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Roland W. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Arkansas have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for all 75 counties.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08841 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3628–EM; Docket ID FEMA–2025–0001]

New Mexico; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New Mexico (FEMA–3628–EM), dated July 10, 2025, and related determinations.

DATES: The declaration was issued July 10, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 10, 2025, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of New Mexico resulting from severe storms, flooding, and landslides beginning on June 23, 2025, and continuing, are of sufficient severity and magnitude to warrant an

emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of New Mexico.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, José M. Gil Montañez, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of New Mexico have been designated as adversely affected by this declared emergency:

Chaves, Lincoln, Otero, and Valencia Counties for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08827 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3640–EM; Docket ID FEMA–2026–0001]

Mississippi; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Mississippi (FEMA–3640–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the State of Mississippi resulting from a severe winter storm beginning on January 23, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Mississippi.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Mississippi have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for all 82 counties and the Mississippi Band of Choctaw Indians.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08851 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3630–EM; Docket ID FEMA–2026–0001]

Montana; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Montana (FEMA–3630–EM), dated December 19, 2025, and related determinations.

DATES: The declaration was issued December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 19, 2025, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Montana resulting from severe storms and flooding beginning on December 10, 2025, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Montana.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Edwin J. Martin, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Montana have been designated as adversely affected by this declared emergency:

Lincoln and Sanders Counties and the Blackfeet Tribe of the Blackfeet Indian Reservation for emergency protective measures (Category B), limited to direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08829 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3633–EM; Docket ID FEMA–2026–0001]

Kentucky; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Commonwealth of Kentucky (FEMA–3633–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08833 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4872–DR; Docket ID FEMA–2025–0001]

Missouri; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4872–DR), dated May 21, 2025, and related determinations.

DATES: This change occurred on October 24, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—

Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08868 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4875–DR; Docket ID FEMA–2025–0001]

Kentucky; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4875–DR), dated May 23, 2025, and related determinations.

DATES: This change occurred on December 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Craig Levy, Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Jeremy Slinker as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08870 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4900–DR;Docket ID FEMA–2026–0001]

Louisiana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana (FEMA–4900–DR), dated February 18, 2026, and related determinations.

DATES: This amendment was issued March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Louisiana is hereby amended to include permanent work among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 18, 2026.

Bienville, De Soto, East Carroll, Franklin, Morehouse, Ouachita, Richland, and West Carroll Parishes for permanent work [Categories C–G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08892 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4877–DR; Docket ID FEMA–2026–0001]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4877–DR), dated June 9, 2025, and related determinations.

DATES: This change occurred on January 12, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Justin Petersen, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Catherine R. Sanders as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08874 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4867–DR; Docket ID FEMA–2026–0001]

Missouri; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4867–DR), dated May 21, 2025, and related determinations.

DATES: This change occurred on January 12, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Justin Petersen, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Catherine R. Sanders as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08867 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4889–DR; Docket ID FEMA–2025–0001]

North Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4889–DR), dated September 11, 2025, and related determinations.

DATES: This change occurred on October 31, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, DuWayne Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Brett H. Howard as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08879 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3631–EM; Docket ID FEMA–2026–0001]

Virginia; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Commonwealth of Virginia (FEMA–3631–EM), dated January 23, 2026, and related determinations.

DATES: This amendment was issued March 8, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08830 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3633–EM; Docket ID FEMA–2026–0001]

Kentucky; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Commonwealth of Kentucky (FEMA–3633–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the Commonwealth of Kentucky resulting from a severe winter storm beginning on January 23, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the Commonwealth of Kentucky.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, E. Craig Levy, Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for all 120 counties.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08835 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3635–EM; Docket ID FEMA–2026–0001]

Tennessee; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Tennessee (FEMA–3635–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Tennessee resulting from a severe winter storm beginning on January 22, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Tennessee.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Mary Hernandez Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Tennessee have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for all 95 counties.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08839 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4848–DR; Docket ID FEMA–2025–0001]

Kentucky; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4848–DR), dated November 26, 2024, and related determinations.

DATES: This change occurred on December 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Craig Levy, Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Jeremy Slinker as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08862 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4872–DR; Docket ID FEMA–2026–0001]

Missouri; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4872–DR), dated May 21, 2025, and related determinations.

DATES: This change occurred on January 12, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Justin Petersen, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Catherine R. Sanders as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08869 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4885–DR; Docket ID FEMA–2026–0001]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4885–DR), dated July 22, 2025, and related determinations.

DATES: This change occurred on January 12, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Justin Petersen, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Catherine R. Sanders as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08893 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4860–DR; Docket ID FEMA–2025–0001]

Kentucky; Amendment No. 10 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations.

DATES: This change occurred on December 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Craig Levy, Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Jeremy Slinker as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08863 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4899–DR; Docket ID FEMA–2026–0001]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–4899–DR), dated February 6, 2026, and related determinations.

DATES: The declaration was issued February 6, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of Mississippi resulting from a severe winter storm during the period of January 23 to January 27, 2026, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Mississippi have been designated as adversely affected by this major disaster:

Alcorn, Bolivar, Calhoun, Carroll, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montogomery, Sharkey, Sunflower, Warren, Washington, Webster, and Yazoo Counties and the Mississippi Band of Choctaw Indians for all categories of Public Assistance, including direct federal assistance.

Adams, Attala, Benton, Claiborne, Coahoma, DeSoto, Hinds, Jefferson, Lafayette, Lee, Marshall, Panola, Pontotoc, Prentiss, Quitman, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, and Yalobusha Counties for emergency protective measures (Category B), including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08891 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4743–DR; Docket ID FEMA–2026–0001]

La Jolla Band of Luiseño Indians; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the La Jolla Band of Luiseño Indians (FEMA–4743–DR), dated September 27, 2023, and related determinations.

DATES: This amendment was issued December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 19, 2025, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Karen S. Evans, Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage to the lands associated with the La Jolla Band of Luiseño Indians resulting from Tropical Storm Hilary during the period of August 19 to August 21, 2023, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend the declaration signed by the President on September 27, 2023, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs.

This adjustment to the cost-sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Stafford Act specifically prohibits a similar adjustment for funds provided for the Hazard Mitigation Grant Program under section 404. These funds will continue to be reimbursed at 75 percent of total eligible costs.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08858 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4896–DR; Docket ID FEMA–2025–0001]

Nebraska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA–4896–DR), dated October 22, 2025, and related determinations.

DATES: The declaration was issued October 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 22, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms, straight-line winds, and flooding during the period of August 8 to August 10, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Nebraska have been designated as adversely affected by this major disaster:

Burt, Douglas, Fillmore, Lancaster, Nemaha, Nuckolls, Saline, Saunders, Seward, Thayer, Washington, and Webster Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08887 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4861–DR; Docket ID FEMA–2025–0001]

West Virginia; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4861–DR), dated February 26, 2025, and related determinations.

DATES: This change occurred on December 8, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Abigail Eichorn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Mark K. O'Hanlon as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08864 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3635–EM; Docket ID FEMA–2026–0001]

Tennessee; Amendment No. 2 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Tennessee (FEMA–3635–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08838 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4893–DR; Docket ID FEMA–2025–0001]

Alaska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4893–DR), dated October 22, 2025, and related determinations.

DATES: The declaration was issued October 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 22, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from severe storms, flooding, and remnants of Typhoon Halong during the period of October 8 to October 13, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alaska have been designated as adversely affected by this major disaster:

Lower Kuskokwim Regional Educational Attendance Area, Lower Yukon Regional Educational Attendance Area, and Northwest Arctic Borough for Individual Assistance.

Lower Kuskokwim Regional Educational Attendance Area, Lower Yukon Regional Educational Attendance Area, and Northwest Arctic Borough for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08883 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4877–DR; Docket ID FEMA–2025–0001]

Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4877–DR), dated June 9, 2025, and related determinations.

DATES: This change occurred on October 24, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08873 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3636–EM; Docket ID FEMA–2026–0001]

Arkansas; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Arkansas (FEMA–3636–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08840 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3637–EM; Docket ID FEMA–2026–0001]

North Carolina; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of North Carolina (FEMA–3637–EM), dated January 24, 2026, and related determinations.

DATES: The declaration was issued January 24, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 24, 2026, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of North Carolina resulting from a severe winter storm beginning on January 21, 2026, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of North Carolina.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved

assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, DuWayne Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of North Carolina have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program for all 100 counties, the Eastern Band of Cherokee Indians, and the Lumbee Tribe of North Carolina.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08843 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3632–EM; Docket ID FEMA–2026–0001]

South Carolina; Amendment No. 1 to Notice of an Emergency Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of South Carolina (FEMA–3632–EM), dated January 23, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08832 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3629–EM; Docket ID FEMA–2025–0001]

Washington; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Washington (FEMA–3629–EM), dated December 12, 2025, and related determinations.

DATES: The declaration was issued December 12, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 12, 2025, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Washington resulting from severe storms, straight-line winds, flooding, landslides, and mudslides beginning on December 9, 2025, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Washington.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, John Harrison, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Washington have been designated as adversely affected by this declared emergency:

Benton, Chelan, Clallam, Grays Harbor, Jefferson, King, Kittitas, Lewis, Mason, Pierce, Skagit, Snohomish, Thurston, Wahkiakum, Whatcom, and Yakima Counties, the Samish Indian Nation, and all Tribal Nations within the specified jurisdictions for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049,

Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08828 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4887–DR; Docket ID FEMA–2025–0001]

Crow Tribe of Montana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Crow Tribe of Montana (FEMA–4887–DR), dated September 11, 2025, and related determinations.

DATES: This change occurred on November 14, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kenneth C. Williams III, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Katherine B. Fox as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08878 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3640–EM; Docket ID FEMA–2026–0001]

Mississippi; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Mississippi (FEMA–3640–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued January 28, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Mississippi is hereby amended to include reimbursement for eligible emergency protective measures for the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of January 24, 2026.

All 82 Counties within the State of Mississippi and the Mississippi Band of Choctaw Indians for reimbursement for eligible emergency protective measures [Category B] (already designated for emergency protective measures (Category B), limited to direct Federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08849 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4876–DR; Docket ID FEMA–2025–0001]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4876–DR), dated June 9, 2025, and related determinations.

DATES: This change occurred on October 24, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially

Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08871 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3638–EM; Docket ID FEMA–2026–0001]

Louisiana; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Louisiana (FEMA–3638–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued January 28, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Louisiana is hereby amended to include reimbursement for eligible emergency protective measures for the following areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of January 24, 2026.

All 64 Parishes within the State of Louisiana for reimbursement for eligible emergency protective measures [Category B] (already designated for emergency protective measures (Category B), limited to direct Federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08844 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4847–DR; Docket ID FEMA–2025–0001]

Crow Tribe of Montana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Crow Tribe of Montana (FEMA–4847–DR), dated November 14, 2024, and related determinations.

DATES: This change occurred on November 21, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Edwin J. Martin, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of James R. Stephenson as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08861 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4893–DR; Docket ID FEMA–2025–0001]

Alaska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alaska (FEMA–4893–EM), dated October 22, 2025, and related determinations.

DATES: This change occurred on November 20, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Willie G. Nunn as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08881 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4884–DR; Docket ID FEMA–2025–0001]

West Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4884–DR), dated July 22, 2025, and related determinations.

DATES: This change occurred on December 8, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Abigail Eichorn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Mark K. O'Hanlon as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08876 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4894–DR; Docket ID FEMA–2025–0001]

Leech Lake Band of Ojibwe; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Leech Lake Band of Ojibwe (FEMA–4894–DR), dated October 22, 2025, and related determinations.

DATES: This change occurred on October 23, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Darrin Ricketts, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Fredric Kaehler as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08884 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4885–DR; Docket ID FEMA–2025–0001]

Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4885–DR), dated July 22, 2025, and related determinations.

DATES: This change occurred on October 24, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08877 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4894–DR; Docket ID FEMA–2025–0001]

Leech Lake Band of Ojibwe; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Leech Lake Band of Ojibwe (FEMA–4894–DR), dated October 22, 2025, and related determinations.

DATES: The declaration was issued October 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 22, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage to the lands associated with the Leech Lake Band of Ojibwe resulting from severe storms and straight-line winds on June 21, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists for the Leech Lake Band of Ojibwe.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance for the Leech Lake Band of Ojibwe. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Fredric Kaehler, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Leech Lake Band of Ojibwe for Individual Assistance.

The Leech Lake Band of Ojibwe for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08885 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3634–EM; Docket ID FEMA–2026–0001]

Maryland; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Maryland (FEMA–3634–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued March 8, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08836 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4898–DR; Docket ID FEMA–2026–0001]

Tennessee; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4898–DR), dated February 6, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Tennessee is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 6, 2026.

Lawrence, Maury, Robertson, and Wilson Counties for debris removal (Category A) and permanent work (Categories C–G) (already designated for emergency protective measures [Category B], including direct federal assistance under the Public Assistance program).

Decatur, Dickson, and Hardeman Counties for debris removal (Category A) (already designated for emergency protective measures [Category B] including direct federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08896 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0001]

Notices of Emergency and Major Disaster Declarations and Related Amendments

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declarations of emergencies and major disasters, and related determinations, issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act from April through October 2025.

DATES: These declarations and amendments were issued between April through October 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (''Stafford Act'') authorizes the President to declare a major disaster or emergency for a State or Federally Recognized Tribe. Declaration of an emergency or major disaster generally contains the following elements: incident type; incident period; designation of affected geographical areas; designation of Stafford Act assistance programs authorized for the declaration; and Federal cost-share for the assistance programs. FEMA's regulations require FEMA to publish certain declaration information in the **Federal Register**. This includes 44 CFR 206.40(b) (requiring the publication of the designated areas and eligible assistance) and 44 CFR 206.32 (requiring the publication of the incident period). In addition, FEMA publishes in the **Federal Register** notices for declarations that communicate all the required information both upon the initial declaration by the President, and when that information changes because a declaration is amended. Below are listed 38 Presidential declarations of emergencies and major disasters, and related amendments, issued under the Stafford Act from April through October 2025.

[Internal Agency Docket No. FEMA–3606–EM]

South Carolina; Amendment No. 3 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of South Carolina (FEMA–3606–EM), dated August 5, 2024, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Darryl L. Dragoo, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of Brian F. Schiller as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3627–EM]

Arkansas; Emergency and Related Determinations

This is a notice of the Presidential declaration of an emergency for the State of Arkansas (FEMA–3627–EM), dated April 5, 2025, and related determinations.

The declaration was issued April 5, 2025.

Notice is hereby given that, in a letter dated April 4, 2025, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Arkansas resulting from severe storms, tornadoes, and flooding beginning on April 2, 2025, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Arkansas.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Roland W. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Arkansas have been designated as adversely affected by this declared emergency:

All 75 counties in the State of Arkansas for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3628–EM]

New Mexico; Amendment No. 1 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of New Mexico (FEMA–3628–EM), dated July 10, 2025, and related determinations.

This amendment was issued August 18, 2025.

Notice is hereby given that the incident period for this emergency is closed effective August 5, 2025.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4691–DR]

Tennessee; Amendment No. 5 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4691–DR), dated March 8, 2023, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez-Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Darryl L. Dragoo as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4712–DR]

Tennessee; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4712–DR), dated May 17, 2023, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez-Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Darryl L. Dragoo as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4751–DR]

Tennessee; Amendment No. 5 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4751–DR), dated December 13, 2023, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez-Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Darryl L. Dragoo as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4792–DR]

Tennessee; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4792–DR), dated June 17, 2024, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez-Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Darryl L. Dragoo as

Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4798–DR]

Texas; Amendment No. 8 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4798–DR), dated July 9, 2024, and related determinations.

This change occurred on July 25, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Tonia Pence, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Maona N. Ngwira as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4821–DR]

Georgia; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4821–DR), dated September 24, 2024, and related determinations.

This change occurred on August 21, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Georgeta Dragoiu as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4829–DR]

South Carolina; Amendment No. 16 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Darryl L. Dragoo, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Brian F. Schiller as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4830–DR]

Georgia; Amendment No. 14 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations.

This change occurred on August 21, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Georgeta Dragoiu as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4832–DR]

Tennessee; Amendment No. 6 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4832–DR), dated October 2, 2024, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez-Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Darryl L. Dragoo as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4835–DR]

South Carolina; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4835–DR), dated September 29, 2024, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Darryl L. Dragoo, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Brian F. Schiller as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4848–DR]

Kentucky; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4848–DR), dated November 26, 2024, and related determinations.

This change occurred on July 21, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jeremy Slinker, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Mary Hernandez-Marrero as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4858–DR]

South Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4858–DR), dated January 10, 2025, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Darryl L. Dragoo, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Brian F. Schiller as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4868–DR]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4868–DR), dated May 21, 2025, and related determinations.

This change occurred on September 15, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Hannah Penn as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4869–DR]

Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4869–DR), dated May 21, 2025, and related determinations.

This change occurred on September 15, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Hannah Penn as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4870–DR]

Iowa; Amendment No. 1 to Notice of a Major Disaster

This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4870–DR), dated May 21, 2025, and related determinations.

This change occurred on August 1, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Andrew P. Meyer, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4871–DR]

Texas; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4871–DR), dated

May 21, 2025, and related determinations.

This change occurred on July 25, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Tonia Pence, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Maona N. Ngwira as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4872–DR]

Missouri; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4872–DR), dated May 21, 2025, and related determinations.

This amendment was issued October 22, 2025.

The notice of a major disaster declaration for the State of Missouri is hereby amended to include the Individual Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 21, 2025.

Bollinger, Butler, Cape Girardeau, Carter, Cooper, Dunklin, Howell, Iron, Mississippi, New Madrid, Oregon, Ozark, Reynolds, Ripley, Scott, Shannon, Stoddard, Vernon, and Wayne Counties for Individual Assistance (already designated for Public Assistance).

Washington County for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4878–DR]

Tennessee; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4878–DR), dated June 19, 2025, and related determinations.

This change occurred on August 18, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez-Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Darryl L. Dragoo as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4879–DR]

Texas; Amendment No. 7 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4879–DR), dated July 6, 2025, and related determinations.

The notice of a major disaster declaration for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 6, 2025.

Uvalde County for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4881–DR]

Oregon; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4881–DR), dated July 22, 2025, and related determinations.

This amendment was issued August 28, 2025.

The notice of a major disaster declaration for the State of Oregon is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 22, 2025.

Josephine County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4882–DR]

Indiana; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–4882–DR), dated July 22, 2025, and related determinations.

This amendment was issued August 11, 2025.

The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 22, 2025.

Warren County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4882–DR]

Indiana; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–4882–DR), dated July 22, 2025, and related determinations.

This amendment was issued August 21, 2025.

The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 22, 2025.

Clay County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4883–DR]

Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4883–DR), dated July 22, 2025, and related determinations.

This change occurred on September 15, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Hannah Penn as Federal Coordinating Officer for this disaster.

[Internal Agency Docket No. FEMA–4884–DR]

West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4884–DR), dated July 22, 2025, and related determinations.

This amendment was issued September 11, 2025.

The notice of a major disaster declaration for the State of West Virginia is hereby amended to include Public Assistance for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 22, 2025.

Marion and Ohio Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4885–DR]

Missouri; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4885–DR), dated July 22, 2025, and related determinations.

This change occurred on July 23, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Willie G. Nunn as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4886–DR]

New Mexico; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4886–DR), dated July 22, 2025, and related determinations.

This amendment was issued August 16, 2025.

The notice of a major disaster declaration for the State of New Mexico is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 22, 2025.

Doña Ana County for Individual Assistance.

Lincoln County for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance under the Public Assistance program).

Doña Ana and Otero Counties and the Mescalero Apache Tribe for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4886–DR]

New Mexico; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4886–DR), dated July 22, 2025, and related determinations.

This amendment was issued August 18, 2025.

Notice is hereby given that the incident period for this disaster is closed effective August 5, 2025.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4887–DR]

Crow Tribe of Montana; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Crow Tribe of Montana (FEMA–4887–DR), dated September 11, 2025, and related determinations.

The declaration was issued September 11, 2025.

Notice is hereby given that, in a letter dated September 11, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage to the lands associated with the Crow Tribe of Montana resulting from severe storms, straight-line winds, and flooding during the period of May 18 to May 22, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists for the Crow Tribe of Montana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance for the Crow Tribe of Montana. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Katherine B. Fox, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Crow Tribe of Montana for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4888–DR]

North Dakota; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–4888–DR), dated September 11, 2025, and related determinations.

The declaration was issued September 11, 2025.

Notice is hereby given that, in a letter dated September 11, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of North Dakota resulting from a severe storm, straight-line winds, and tornadoes during the period of June 20 to June 21, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Katherine B. Fox, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Dakota have been designated as adversely affected by this major disaster:

Barnes, Burleigh, Cass, Eddy, Emmons, Foster, Grant, Griggs, Kidder, McLean, Morton, Oliver, Ransom, Sheridan, Sioux, Steele, Stutsman, Traill, and Wells Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4889–DR]

North Carolina; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA–4889–DR), dated September 11, 2025, and related determinations.

The declaration was issued September 11, 2025.

Notice is hereby given that, in a letter dated September 11, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from Tropical Depression Chantal during the period of July 6 to July 7, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of North Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Carolina have been designated as adversely affected by this major disaster:

Alamance, Caswell, Chatham, Durham, Moore, Orange, and Person Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4890–DR]

Sisseton-Wahpeton Oyate; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Sisseton-Wahpeton Oyate (FEMA–4890–DR), dated September 11, 2025, and related determinations.

The declaration was issued September 11, 2025.

Notice is hereby given that, in a letter dated September 11, 2025 the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage to the lands associated with the Sisseton-Wahpeton Oyate resulting from a severe storm and flooding during the period of June 12 to June 16, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists for the Sisseton-Wahpeton Oyate.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance for the Sisseton-Wahpeton Oyate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Katherine B. Fox, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Sisseton-Wahpeton Oyate of the Lake Traverse Reservation for Individual Assistance.

The Sisseton-Wahpeton Oyate of the Lake Traverse Reservation for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4890–DR]

Sisseton-Wahpeton Oyate; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Sisseton-Wahpeton Oyate (FEMA–4890–DR), dated September 11, 2025, and related determinations.

This change occurred on September 12, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Edwin J. Martin, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Katherine B. Fox as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4891–DR]

Kansas; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA–4891–DR), dated September 11, 2025, and related determinations.

The declaration was issued September 11, 2025.

Notice is hereby given that, in a letter dated September 11, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of Kansas resulting from severe storms, straight-line winds, tornadoes, and flooding during the period of June 3 to June 7, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Kansas have been designated as adversely affected by this major disaster:

Barber, Butler, Chase, Coffey, Cowley, Franklin, Greenwood, Harper, Hodgeman, Kingman, Lyon, Morris, Osage, Stanton, Sumner, and Wallace Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4891–DR]

Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4891–DR), dated September 11, 2025, and related determinations.

This change occurred on September 15, 2025.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Hannah Penn as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4892–DR]

Wisconsin; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA–4892–DR), dated September 11, 2025, and related determinations.

The declaration was issued September 11, 2025.

Notice is hereby given that, in a letter dated September 11, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of Wisconsin resulting from severe storms, straight-line winds, flooding, and mudslides during the period of August 9 to August 12, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Wisconsin.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Wisconsin have been designated as adversely affected by this major disaster:

Milwaukee, Washington, and Waukesha Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

(Authority: 42 U.S.C. 5121 *et seq.*)

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08895 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3642–EM; Docket ID FEMA–2026–0001]

Georgia; Amendment No. 1 to Notice of an Emergency Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Georgia (FEMA–3642–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08854 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4897–DR; Docket ID FEMA–2026–0001]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA–4897–DR), dated December 19, 2025, and related determinations.

DATES: The declaration was issued December 19, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated December 19, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Kansas resulting from severe storms, straight-line winds, and flooding during the period of July 17 to July 22, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Kansas have been designated as adversely affected by this major disaster:

Barton, Comanche, Edwards, Hodgeman, Logan, Morris, Ottawa, Rawlins, Saline, Stevens, Sumner, and Wyandotte Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08888 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3641–EM; Docket ID FEMA–2026–0001]

Indiana; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Indiana (FEMA–3641–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued March 8, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08852 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3635–EM; Docket ID FEMA–2026–0001]

Tennessee; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Tennessee (FEMA–3635–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued January 28, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Tennessee is hereby amended to include reimbursement for eligible emergency protective measures for the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of January 24, 2026.

All 95 counties within the State of Tennessee for reimbursement for eligible emergency protective measures [Category B] (already designated for emergency protective measures (Category B), limited to direct Federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08837 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4898–DR; Docket ID FEMA–2026–0001]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–4898–DR), dated February 6, 2026, and related determinations.

DATES: The declaration was issued February 6, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 6, 2026, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from a severe winter storm during the period of January 22 to January 27, 2026, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds

available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program in the designated areas.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Tennessee have been designated as adversely affected by this major disaster:

Cheatham, Chester, Clay, Davidson, Hardin, Henderson, Hickman, Lewis, Macon, McNairy, Perry, Sumner, Trousdale, Wayne, and Williamson Counties for all categories of Public Assistance, including direct federal assistance.

Decatur, Dickson, Hardeman, Lawrence, Maury, Robertson, Rutherford, and Wilson Counties for emergency protective measures (Category B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08889 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4899–DR; Docket ID FEMA–2026–0001]

Mississippi; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Mississippi (FEMA–4899–DR), dated February 6, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Mississippi is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 6, 2026.

Adams, Attala, Benton, Claiborne, Jefferson, Lafayette, Lee, Marshall, Panola, Pontotoc, Prentiss, Quitman, Tallahatchie, Tate, Tippah, Tishomingo, Union, and Yalobusha for debris removal and permanent work [Categories A and C–G] (already designated for emergency protective measures [Category B], including direct federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08890 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3638–EM; Docket ID FEMA–2026–0001]

Louisiana; Amendment No. 2 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Louisiana (FEMA–3638–EM), dated January 24, 2026, and related determinations.

DATES: This change occurred on January 25, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Tonia Pence, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of Benjamin Abbott as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08845 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4867–DR; Docket ID FEMA–2025–0001]

Missouri; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4867–DR), dated May 21, 2025, and related determinations.

DATES: This change occurred on October 24, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Catherine R. Sanders, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08866 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4864–DR; Docket ID FEMA–2025–0001]

Kentucky; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4864–DR), dated April 24, 2025, and related determinations.

DATES: This change occurred on December 22, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Craig Levy, Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Jeremy Slinker as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08865 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4898–DR; Docket ID FEMA–2026–0001]

Tennessee; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4898–DR), dated February 6, 2026, and related determinations.

DATES: This amendment was issued March 8, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Tennessee is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 6, 2026.

Benton, Fayette, Giles, Hamilton, Henry, Humphreys, Jackson, Madison, Montgomery, Morgan, Overton, Rhea, Roane, Sequatchie, Shelby, Smith, Stewart, and Union Counties for all categories of Public Assistance.

Decatur, Dickson, and Hardeman Counties for permanent work (Categories C–G) (already designated for emergency work [Categories A and B], including direct federal assistance under the Public Assistance program).

Anderson, Bedford, Bledsoe, Blount, Bradley, Campbell, Cannon, Carroll, Carter, Claiborne, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fentress, Franklin, Gibson, Grainger, Greene, Grundy, Hamblen, Hancock, Hawkins, Haywood, Houston, Jefferson, Johnson, Knox, Lake, Lauderdale, Lincoln, Loudon, Marion, Marshall, McMinn, Meigs, Monroe, Moore, Obion, Pickett, Polk, Putnam, Scott, Sevier, Sullivan, Tipton, Unicoi, Van Buren, Warren, Washington, Weakley, and White Counties for emergency protective measures (Category B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049,

Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08897 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3640–EM; Docket ID FEMA–2026–0001]

Mississippi; Amendment No. 2 to Notice of an Emergency Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Mississippi (FEMA–3640–EM), dated January 24, 2026, and related determinations.

DATES: This amendment was issued February 13, 2026.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective January 27, 2026.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Karen S. Evans,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2026–08850 Filed 5–5–26; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2003–14610]

Intent To Request Extension From OMB of One Current Public Collection of Information: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0027, abstracted below, which we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves a driver's voluntary submission of biometric and biographic information for TSA's Security Threat Assessment (STA) to obtain the Hazardous Materials Endorsement (HME) on a Commercial Driver's License (CDL) issued by states and the District of Columbia.

DATES: Send your comments by July 6, 2026.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Information Technology, TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *https://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is inviting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0027; Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License, 49 CFR part 1572. TSA is requesting an extension of the currently approved ICR. The currently approved ICR supports implementation of 49 U.S.C. 5103a,[1] which mandates that no state or the District of Columbia may issue an HME on a CDL unless TSA has first determined that the driver is not a threat to transportation security.

TSA's implementing regulations (codified at 49 CFR part 1572) set the procedures, standards, and eligibility criteria for STAs of individuals seeking to obtain, renew, or transfer an HME on a CDL. To conduct the STA for the HME, states (or TSA's enrollment provider in states that elect to have TSA perform the collection of information) must collect additional information beyond that already collected for the purpose of HME applications (which occur approximately once every 5 years). The driver is required to submit an application that includes personal information including driver's legal name; current and previous mailing addresses; date of birth; sex; height, weight, eye, and hair color; city, state, and country of birth; social security number (optional); immigration status; mental incapacity; criminal history; and biometrics, such as fingerprints.

States or the TSA enrollment provider must also submit whether the driver is

[1] *See also* Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56, 1012, 49 U.S.C. 5103a (2026).

a new applicant or applying to renew or transfer the HME. This information is necessary for TSA to forecast driver retention, transfer rate, and drop rate to help improve customer service and reduce program costs. This information also may be necessary to provide comparability with other Federal background checks, including the Transportation Workers Identification Credential (TWIC®).

In addition, the ICR includes the collection of information to expand enrollment options and the potential use of biographic and biometric (*e.g.,* fingerprints, iris scans, and/or photo) information for additional comparability determinations. States have the option to permit TWIC holders to obtain an HME without completing a new STA, and applicants in states that allow comparability pay a reduced fee to obtain the HME. TSA may also use the information to determine whether the driver with a valid HME is eligible to participate in TSA's expedited screening program for air travel, the TSA PreCheck® Application Program. As of April 2020, unexpired HME drivers who meet the eligibility requirements for TSA PreCheck may use the two-letter state code and their CDL number (*e.g.,* NY1234567 for a New York CDL) in the appropriate Known Traveler Number field of an airline reservation to obtain expedited screening eligibility.[2]

When the enrollment is received and the STA is complete, TSA makes a final determination on eligibility for the HME and notifies applicants of its decision. Most applications are approved within 48 hours, however some may require additional time for further research or case corrections. If initially deemed ineligible by TSA, applicants will have an opportunity to apply for an appeal or waiver. Applicants may apply for an appeal or waiver within 60 days of issuance of TSA's notification on eligibility. If an application for an appeal or waiver is not received by TSA within the specified amount of time, the agency may make a final determination to deny eligibility.

TSA plans to provide online renewal and re-enrollment capability for applicants who initially enrolled in-person and wish to renew their expiring STA. Active HME holders will be able to renew online before their STA expires and HME holders who have a recently expired STA will be able to re-enroll online up to a year after expiration. Approximately 52 percent of active HME holders opt to renew their HME when it expires every 5 years. Online HME renewals may reduce the applicant's cost and hour burden by avoiding visiting a TSA enrollment center for the renewal of a STA. TSA will also allow the subscription of HME holders, in states serviced by TSA's enrollment provider, in the Federal Bureau of Investigation's (FBI) Rap Back Service. The Rap Back recurrent criminal history vetting for HME holders mitigates certain security risks posed by individuals who commit a disqualifying offense after their STA is completed and the HME is issued.

The currently approved ICR also includes an optional survey to gather information regarding the driver's overall customer satisfaction with the service afforded by TSA's enrollment provider. The survey is administered at the conclusion of the enrollment process via hyperlink sent to the applicant's email address, where available. Please note that the optional survey is used only in states serviced by TSA's enrollment provider.

TSA estimates an annualized 238,520 applicants will apply for an HME, and that the application and STA process will involve 256,416 annualized hours.

Dated: May 4, 2026.

Christina A. Walsh,

Paperwork Reduction Act Officer, Information Technology, Transportation Security Administration.

[FR Doc. 2026–08981 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–05–P

[2] Transportation Security Administration. (2020, July 8.) *Active TWIC® and HME holders can use their credentials to obtain TSA PreCheck*™ [Press release]. Accessed at *https://www.tsa.gov/news/press/releases/2020/07/08/active-twicr-and-hme-holders-can-use-their-credentials-obtain-tsa.*

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Revision of Agency Information Collection Activity Under OMB Review: Critical Facility Information From the Top 100 Most Critical Pipeline Operators

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0050, abstracted below, to OMB for a revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. TSA developed and implemented a plan to review the security plans and inspect critical pipeline systems to comply with a requirement in the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act).

DATES: Send your comments by June 5, 2026. A comment to OMB is most effective if OMB receives it within 30 days of publication.

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 Review—Open for Public Comments'' and by using the find function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology, TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on August 4, 2025, 90 FR 36447. TSA did not receive any comments on the notice.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be made available at *https://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Critical Facility Information from the Top 100 Most Critical Pipeline Operators.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0050.

Forms(s): Critical Facility Security Review.

Affected Public: 100 most critical pipeline operators, *i.e.,* pipeline companies that own or operate pipeline systems or facilities deemed critical for national or economic security by TSA.

Abstract: The 9/11 Act specifically tasked TSA to develop and implement a plan for reviewing the pipeline security plans and inspecting critical facilities of the 100 most critical pipeline operators. *See* sec. 1557 of the 9/11 Act (Pub. L. 110–53; 121 Stat. 266, 475, Aug. 3, 2007; codified at 6 U.S.C. 1207(b)). TSA visits critical pipeline facilities and collects site-specific information from pipeline operators on facility security policies, procedures, and physical security measures. TSA uses the information to determine strengths and weaknesses at the nation's critical pipeline facilities, areas to target for risk reduction strategies, pipeline industry implementation of the TSA Pipeline Security Guidelines, and operator implementation of recommendations made during TSA critical facility visits.

The collection of information is being revised to remove mandatory requirements associated with the TSA Pipeline Security Directive (SD) 2021–01 Series and specifically the completion of a cybersecurity vulnerability assessment for pipeline owner/operators subject to the SD. These pipeline owner/operators have satisfied the SD's requirements and TSA expects that going forward, fewer than 10 owner/operators would respond to the collection annually. The removal of the mandatory requirements will reduce the time burden to the collection by 600 hours. In addition, TSA is revising the title of the collection from ''Critical Facility Information *of* the Top 100 Most Critical Pipeline'' to ''Critical Facility Information *from* the Top 100 Most Critical Pipeline *Operators*'' to more accurately align with the statutory requirements.

Estimated Annual Number of Respondents: 80.

Estimated Annual Number of Burden Hours: 800 hours.

Dated: May 4, 2026.

Christina A. Walsh,

Paperwork Reduction Act Officer, Information Technology, Transportation Security Administration.

[FR Doc. 2026–08980 Filed 5–5–26; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6603–N–01]

Annual Indexing of Basic Statutory Mortgage Limits for Multifamily Housing Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In accordance with Section 206A of the National Housing Act, HUD is providing notice of adjustment to the Basic Statutory Mortgage Limits for Multifamily Housing Programs for Calendar Year 2026.

DATES: The adjustments are effective January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Margaret Lawrence, Deputy Director, Office of Multifamily Production, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–8000, telephone (202) 431–7397 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: Section 206A of the National Housing Act (12 U.S.C. 1712a) provides authority for the annual adjustment for the following FHA multifamily statutory dollar limits:

I. Section 207(c)(3)(A) (12 U.S.C. 1713(c)(3)(A));

II. Section 213(b)(2)(A) (12 U.S.C. 1715e(b)(2)(A));

III. Section 220(d)(3)(B)(iii)(I) (12 U.S.C. 1715k(d)(3)(B)(iii)(I));

IV. Section 221(d)(3)(ii)(I) (12 U.S.C. 1715l(d)(3)(ii)(I));

V. Section 221(d)(4)(ii)(I) (12 U.S.C. 1715l(d)(4)(ii)(I));

VI. Section 231(c)(2)(A) (12 U.S.C. 1715v(c)(2)(A)); and

VII. Section 234(e)(3)(A) (12 U.S.C. 1715y(e)(3)(A)).

Section 206A goes on to state that the preceding:

''Dollar Amounts'' shall be adjusted annually (commencing in 2004) on the effective date of the Federal Reserve Board's adjustment of the $400 figure in the Home Ownership and Equity Protection Act of 1994 (HOEPA). The adjustment of the Dollar Amounts shall be calculated using the percentage change in the Consumer Price Index for All Urban Consumers (CPI–U) as applied by the Federal Reserve Board for purposes of the above-described HOEPA adjustment.

(b) Notification

The Federal Reserve Board shall, on a timely basis, notify the Secretary, or the Secretary's designee, in writing of the adjustment described in subsection (a) and of its effective date, to permit the Secretary to undertake publication in the **Federal Register** of corresponding adjustments to the Dollar Amounts. The dollar amount of any adjustment shall be rounded to the next lower dollar.

Note that 206A has not been updated to reflect the fact that HOEPA has been revised to use $1,000 as the basis for the adjustment rather than $400, and the Consumer Finance Protection Bureau has replaced the Federal Reserve Board in administering the adjustment. These changes were made by the Dodd-Frank Wall Street Reform and Consumer Protection Act's amendments to the Truth in Lending Act, as further explained in the regulatory implementation of said changes found in 78 FR 6856, 6879 (Jan. 31, 2013).

The percentage change in the CPI–U used for the HOEPA adjustment is a 2.3 percent increase and the effective date of the HOEPA adjustment is January 1, 2026. The Dollar Amounts under Section 206A have been adjusted correspondingly and have an effective date of January 1, 2026 (see 90 FR 57890, Dec. 15, 2025).

These revised statutory limits may be applied to FHA multifamily mortgage insurance applications submitted or amended on or after January 1, 2026, so long as the loan has not been initially endorsed.

The adjusted Dollar Amounts for Calendar Year 2026 are shown below.

Basic Statutory Mortage Limits For Calendar Year 2026 Multifamily Loan Program

Section 207—Multifamily Housing;

Section 207 pursuant to Section 223(f)—Purchase or Refinance Housing; and,

SECTION 220—HOUSING IN URBAN RENEWAL AREAS

Bedrooms	Non-elevator	Elevator
0	$68,733	$80,170
1	76,138	88,832

SECTION 220—HOUSING IN URBAN RENEWAL AREAS—Continued

Bedrooms	Non-elevator	Elevator
2	90,947	108,925
3	112,100	136,424
4+	126,909	154,259

SECTION 213—COOPERATIVES

Bedrooms	Non-elevator	Elevator
0	$74,487	$79,314
1	85,886	89,860
2	103,582	109,270
3	132,587	141,362
4+	147,711	155,175

SECTION 234—CONDOMINIUM HOUSING

Bedrooms	Non-elevator	Elevator
0	$76,007	$79,989
1	87,640	91,695
2	105,696	111,504
3	135,295	144,251
4+	150,725	158,341

SECTION 221(D)(4)—MODERATE INCOME HOUSING

Bedrooms	Non-elevator	Elevator
0	$68,401	$73,889
1	77,649	84,706
2	93,859	103,004
3	117,808	133,252
4+	133,121	146,274

SECTION 231—HOUSING FOR THE ELDERLY

Bedrooms	Non-elevator	Elevator
0	$65,032	$73,889
1	72,702	84,706
2	86,818	103,004
3	104,483	133,252
4+	122,838	146,274

SECTION 207—MANUFACTURED HOME PARKS

Per Space	$31,553

Environmental Impact

This notice establishes mortgage and cost limits which do not constitute a development decision that affects the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Joseph Gormley,

President of the National Mortgage Association performing the delegable duties of the Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2026–08795 Filed 5–5–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R1–ES–2026–0959; FXES11130100000–267–FF01E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 78 Species in Hawaii, Idaho, Oregon, and California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews for 78 Species in Hawaii, Idaho, Oregon, and California under the Endangered Species Act of 1973. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last reviews.

DATES: Comments will be accepted on or before July 6, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see ADDRESSES, below) must be received by 11:59 p.m. eastern time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES: *Comment submission:* All comment submissions must include the docket number [FWS–R1–ES–2026–0959] this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov.* In the Search box, enter FWS–R1–ES–2026–0959, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R1–ES–2026–0959, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Public Availability of Comments for more information.

FOR FURTHER INFORMATION CONTACT: For general information, please contact Tara Easter, Regional Recovery Biologist, at *tara_easter@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.

For information about the following specific species, contact the following people:

- *Any of the 75 species occurring in Hawaii:* Megan Laut, Recovery Program Manager, Pacific Islands Fish and Wildlife Office, 808–792–9400; *pifwo_admin@fws.gov.*
- *Northern Idaho ground squirrel:* Shannon Brinkman, Recovery Coordinator, Idaho Fish and Wildlife Office, 208–918–2155; *ifwo@fws.gov.*
- *Franklin's bumble bee or Gentner's fritillary:* Jennifer Siani, Recovery Coordinator, Oregon Fish and Wildlife Office, 503–231–6179; *fw1ofwo@fws.gov.*

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year status reviews?

Under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531, *et seq.*), we maintain lists of endangered and threatened wildlife and plant

species (referred to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 17.12 (for plants). Section 4(c)(2) of the Act requires us to review the status of each listed species at least once every 5 years. For additional information about 5-year status reviews, refer to our factsheet at *https://www.fws.gov/project/five-year-status-reviews.*

What information do we consider in our review?

A 5-year status review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status reviews, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented that benefit the species;

D. Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year status review and will also be useful in evaluating the ongoing recovery programs for these species.

Which species are under review?

This notice announces our active review of 78 species, including 1 mammal, 5 birds, 8 insects, and 64 plants, as listed in Table 1.

TABLE 1—SPECIES UNDER 5-YEAR STATUS REVIEW

Common name	Scientific name	Status	Known range of species occurrence	Final listing rule and publication date
ANIMALS				
Mammals:				
Northern Idaho ground squirrel	*Urocitellus brunneus*	Threatened	Idaho	65 FR 17780, 4/5/2000.
Birds:				
ʻIʻiwi	*Drepanis coccinea*	Threatened	Hawaiʻi	82 FR 43873, 9/20/2017.
Molokai ʻoloma'o	*Myadestes lanaiensis rutha*	Endangered	Hawaiʻi	35 FR 16047, 10/13/1970.
Puaiohi	*Myadestes palmeri*	Endangered	Hawaiʻi	32 FR 4001, 3/11/1967.
ʻAkohekohe (crested honeycreeper).	*Palmeria dolei*	Endangered	Hawaiʻi	32 FR 4001, 3/11/1967.
Maui parrotbill (Kiwikiu)	*Pseudonestor xanthophrys*	Endangered	Hawaiʻi	32 FR 4001, 3/11/1967.
Insects:				
Franklin's bumble bee	*Bombus franklini*	Endangered	California and Oregon	86 FR 47221, 9/23/2021.
Hawaiian picture-wing fly	*Drosophila differens*	Endangered	Hawaiʻi	71 FR 26835, 5/9/2006.
Hawaiian picture-wing fly	*Drosophila neoclavisetae*	Endangered	Hawaiʻi	71 FR 26835, 5/9/2006.
Crimson Hawaiian damselfly	*Megalagrion leptodemas*	Endangered	Hawaiʻi	77 FR 57647, 9/18/2012.
Flying earwig Hawaiian damselfly.	*Megalagrion nesiotes*	Endangered	Hawaiʻi	75 FR 35990, 6/24/2010.
Blackline Hawaiian damselfly	*Megalagrion nigrohamatum nigrolineatum.*	Endangered	Hawaiʻi	77 FR 57647, 9/18/2012.
Oceanic Hawaiian damselfly	*Megalagrion oceanicum*	Endangered	Hawaiʻi	77 FR 57647, 9/18/2012.
Pacific Hawaiian damselfly	*Megalagrion pacificum*	Endangered	Hawaiʻi	75 FR 35990, 6/24/2010.
PLANTS				
Flowering Plants:				
No common name	*Abutilon eremitopetalum*	Endangered	Hawaiʻi	56 FR 47686, 9/20/1991.
Koʻoloaʻula	*Abutilon menziesii*	Endangered	Hawaiʻi	51 FR 34412, 9/26/1986.
ʻAhinahina	*Argyroxiphium sandwicense ssp. macrocephalum.*	Threatened	Hawaiʻi	57 FR 20772, 5/15/1992.
Koʻokoʻolau	*Bidens micrantha ssp. kalealaha*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
Koʻokoʻolau	*Bidens wiebkei*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
Pua ʻala	*Brighamia rockii*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
ʻAwikiwiki	*Canavalia molokaiensis*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.

TABLE 1—SPECIES UNDER 5-YEAR STATUS REVIEW—Continued

Common name	Scientific name	Status	Known range of species occurrence	Final listing rule and publication date
ʻOha wai	*Clermontia oblongifolia ssp. brevipes.*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
ʻOha wai	*Clermontia oblongifolia ssp. mauiensis.*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
ʻOha wai	*Clermontia samuelii*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Haha	*Cyanea copelandii ssp. haleakalaensis.*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Haha	*Cyanea dunbariae*	Endangered	Hawaiʻi	61 FR 53130, 10/10/1996.
Haha	*Cyanea gibsonii*	Endangered	Hawaiʻi	56 FR 47686, 9/20/1991.
Haha	*Cyanea glabra*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Haha	*Cyanea grimesiana ssp. grimesiana*	Endangered	Hawaiʻi	61 FR 53108, 10/10/1996; 78 FR 32013, 5/28/2013.
Haha	*Cyanea hamatiflora ssp. hamatiflora*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Haha	*Cyanea lobata*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
Haha	*Cyanea magnicalyx*	Endangered	Hawaiʻi	78 FR 32103, 5/28/2013.
Haha	*Cyanea mannii*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
Haha	*Cyanea mceldowneyi*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
Haha	*Cyanea procera*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
Haʻiwale	*Cyrtandra munroi*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
Naʻenaʻe	*Dubautia plantaginea ssp. humilis*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Gentner's fritillary	*Fritillaria gentneri*	Endangered	California and Oregon	64 FR 69195, 12/10/1999.
Nohoanu	*Geranium arboreum*	Endangered	Hawaiʻi	57 FR 20589, 5/13/1992.
Nohoanu	*Geranium multiflorum*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
No common name	*Gouania hillebrandii*	Endangered	Hawaiʻi	49 FR 44753, 11/19/1984.
Kokiʻo keʻokeʻo	*Hibiscus arnottianus ssp. immaculatus.*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
ʻAwiwi	*Kadua cookiana*	Endangered	Hawaiʻi	59 FR 9304, 2/25/1994.
Kopa	*Kadua cordata remyi*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Pilo	*Kadua laxiflora*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
Kokiʻo	*Kokia cookei*	Endangered	Hawaiʻi	44 FR 62470, 10/30/1979.
Kamakahala	*Labordia tinifolia var. lanaiensis*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Kamakahala	*Labordia triflora*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
No common name	*Lysimachia lydgatei*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
No common name	*Lysimachia maxima*	Endangered	Hawaiʻi	61 FR 53130, 10/10/1996.
Nehe	*Melanthera kamolensis*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
Alani	*Melicope adscendens*	Endangered	Hawaiʻi	59 FR 62346, 12/5/1994.
Alani	*Melicope balloui*	Endangered	Hawaiʻi	59 FR 62346, 12/5/1994.
Alani	*Melicope knudsenii*	Endangered	Hawaiʻi	59 FR 9304, 2/25/1994.
Alani	*Melicope mucronulata*	Endangered	Hawaiʻi	57 FR 20772, 5/15/1992.
Alani	*Melicope munroi*	Endangered	Hawaiʻi	64 FR 48307, 9/3/1999.
Alani	*Melicope ovalis*	Endangered	Hawaiʻi	59 FR 62346, 12/5/1994.
Alani	*Melicope reflexa*	Endangered	Hawaiʻi	57 FR 46325, 10/8/1992.
No common name	*Neraudia sericea*	Endangered	Hawaiʻi	59 FR 56333, 11/10/1994.
Carter's panicgrass	*Panicum fauriei var. carteri*	Endangered	Hawaiʻi	48 FR 46328, 10/12/1983.
No common name	*Phyllostegia glabra var. lanaiensis*	Endangered	Hawaiʻi	56 FR 47686, 9/20/1991.

TABLE 1—SPECIES UNDER 5-YEAR STATUS REVIEW—Continued

Common name	Scientific name	Status	Known range of species occurrence	Final listing rule and publication date
No common name	*Phyllostegia hispida*	Endangered	Hawai'i	74 FR 11319, 3/17/2009.
No common name	*Phyllostegia mannii*	Endangered	Hawai'i	57 FR 46325, 10/8/1992.
Loulu	*Pritchardia munroi*	Endangered	Hawai'i	57 FR 46325, 10/8/1992.
Maui remya	*Remya mauiensis*	Endangered	Hawai'i	56 FR 1450, 1/14/1991.
No common name	*Sanicula purpurea*	Endangered	Hawai'i	61 FR 53108, 10/10/1996.
Lanai sandalwood (='iliahi)	*Santalum haleakalae var. lanaiense*	Endangered	Hawai'i	51 FR 3182, 1/24/1986; 78 FR 32013, 5/28/2013.
No common name	*Schiedea haleakalensis*	Endangered	Hawai'i	57 FR 20772, 5/15/1992.
No common name	*Schiedea hookeri*	Endangered	Hawai'i	61 FR 53108, 10/10/1996.
No common name	*Schiedea lydgatei*	Endangered	Hawai'i	57 FR 46325, 10/8/1992.
No common name	*Schiedea sarmentosa*	Endangered	Hawai'i	61 FR 53130, 10/10/1996.
No common name	*Silene alexandri*	Endangered	Hawai'i	57 FR 46325, 10/8/1992.
No common name	*Stenogyne bifida*	Endangered	Hawai'i	57 FR 46325, 10/8/1992.
Pamakani	*Tetramolopium capillare*	Endangered	Hawai'i	59 FR 49860, 9/30/1994.
No common name	*Tetramolopium remyi*	Endangered	Hawai'i	56 FR 47686, 9/20/1991.
No common name	*Tetramolopium rockii*	Threatened	Hawai'i	57 FR 46325, 10/8/1992.
No common name	*Viola lanaiensis*	Endangered	Hawai'i	56 FR 47686, 9/20/1991.
Ferns:				
Ihi'ihi	*Marsilea villosa*	Endangered	Hawai'i	57 FR 27863, 6/22/1992.

Request for New Information

To ensure that a 5-year status review is complete and based on the best available scientific and commercial information, we request new information from all sources. See What Information Do We Consider in Our Review? for specific criteria. If you submit information, please support it with documentation such as maps, references, methods used to gather and analyze the data, and copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed in the table, please submit your comments and materials to the appropriate contact in **ADDRESSES.**

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Completed and Active Reviews

A table including hyperlinks to the most recently completed 5-year status review for each listed species, as well as notices of 5-year status reviews that are currently in progress, is available at *https://ecos.fws.gov/ecp/report/species-five-year-review.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Bridget Fahey,

Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2026–08969 Filed 5–5–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[Docket No. USGS–FACA–2026; GX26GH00COM0000]

Public Meeting of the National Volcano Early Warning and Monitoring System Advisory Committee

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA) of 1972, the U.S. Geological Survey (USGS) is publishing this notice to announce that a Federal Advisory Committee meeting of the National Volcano Early Warning and Monitoring System Advisory Committee (NVEWSAC) will meet as noted below.

DATES: The meeting will be held on June 3, 2026, from 9:00 a.m. to 5:00 p.m. and on June 4, 2026, from 9:00 a.m. to 5:00 p.m. Eastern Daylight Time.

ADDRESSES: The meeting will be held in the Department of the Interior Building, 1849 C Street NW, Washington, DC. Members of the public may attend the meeting in person or can attend via webinar. Webinar/conference line instructions will be provided to registered attendees prior to the meeting. Please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to register for the meeting no later than May 30, 2026.

FOR FURTHER INFORMATION CONTACT: Gari Mayberry, Volcano Hazard Program Coordinator, USGS, by mail at 12201 Sunrise Valley Drive, MS 905, Reston, VA 20192; by email at *gmayberry@usgs.gov;* or by telephone at (571) 430–0507.

Individuals in the United States who are deaf, blind, 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: These meetings are being held under the provisions of the FACA of 1972 (5 U.S.C. Ch. 10), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR part 102–3. The meetings are open to the public.

Purpose of the Meeting: The NVEWSAC provides advice and recommendations to the Secretary of the Interior through the Director of the USGS on the implementation of the National Volcano Early Warning and Monitoring System (NVEWS). Additional information about the NVEWSAC is available at *NVEWSAC | U.S. Geological Survey.*

Agenda Topics:

—USGS and the Volcano Hazards Program
—Volcano Science Center and the USGS observatory system
—Policy updates
—Plan development progress
—Public comments

Meeting Accessibility/Special Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: There will be an opportunity for public comment each day of the meeting. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited. Written comments may also be sent to the NVEWSAC for consideration. To allow for full consideration of information by NVEWSAC members, written comments must be provided to Gari Mayberry (see **FOR FURTHER INFORMATION CONTACT**) at least three (3) business days prior to the meeting. Any written comments received will be provided to NVEWSAC members before the meeting.

Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Meeting information, participation information, and the final agenda will be provided via email to registered participants. Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

Authority: 5 U.S.C. Ch. 10.

Gari Mayberry,

USGS, Program Coordinator, Volcano Hazards, Natural Hazards Mission Area.

[FR Doc. 2026–08936 Filed 5–5–26; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–42677; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before April 18, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 21, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 18, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

DISTRICT OF COLUMBIA

District of Columbia

Capitol Power Plant Pump House, 1520 First Street SE, Washington, SG100013048

ILLINOIS

Stark County

Osceola Grove Community House, 1130 E Bradford, Bradford, SG100013064

INDIANA

Allen County

Congregation Achduth Vesholom, 5200 Old Mill Road, Fort Wayne, SG100013071

Gibson County

Old Red Covered Bridge, Adjacent to County Road W 650 S over Big Bayou Creek, Griffin vicinity, SG100013074
Wheeling Covered Bridge, Adjacent to County Road E 390 N over the Patoka

River, Wheeling vicinity, SG100013075

Grant County

First Friends Church, 1501 South Adams Street, Marion, SG100013072

Huntington County

Mt. Hope Cemetery & Mausoleum, (Early Community Mausoleum Movement in Indiana MPS), 1700 West Park Drive, Huntington, MP100013073

Jefferson County

Beatty-Mouser Farm, 91 South County Road 325 West, Hanover vicinity, SG100013067

Marion County

Laurel Hall, 5395 Emerson Way, Indianapolis, SG100013068
Lacy, Howard J. & Martha, Mansion, 4333 Sylvan Road, Indianapolis, SG100013069
Belmont Park & Beach, 1300 N Belmont Ave. & 1300 N White River Parkway West Drive; roughly bounded by Belmont Avenue on the west, Alley 1850 on the south, and the White River on the north, Indianapolis, SG100013070

IOWA

Cherokee County

Pilot Rock, Address Restricted, Cherokee vicinity, SG100013062

Jasper County

Samuel D. Butters House, 306 East Plainsmen Road, Prairie City, SG100013063

NEW YORK

Warren County

Liddle Warehouse, 178 Maple Street, Glens Falls, SG100013065

NORTH CAROLINA

Davidson County

Dunbar High School, 301 Smith Avenue, Lexington, SG100013049
Lincoln Park Historic District, Roughly bounded by South Talbert Blvd., Arthur Drive and Booker Lexington, SG100013053

Duplin County

Boney's Gristmill. Dam and Mill Pond, 717 E Southerland Street, Wallace, SG100013054

Forsyth County

Camel City Coach Company—Atlantic/Southern Greyhound Lines Garage, 1007 South Marshall Street, Winston-Salem, SG100013056
Bahnson Company Building, 1001 South Marshall Street, Winston-Salem, SG100013058

Guilford County

High Point Schools Historic District, 701, 801, 851 Ferndale Boulevard, High Point, SG100013059

Macon County

Downtown Franklin Historic District, 15–104 East Main Street: 5–81 West Main Street: 268 East Palmer Street: 25 Phillips Street, Franklin, SG100013052

Mecklenburg County

Oaklawn Park Historic District, Roughly bounded by Interstate 77, Waddell Street Park. Oaklawn Cemetery, Mulberry Avenue. and Russell Avenue, Charlotte, SG100013055
McCrorey Heights Historic District, Roughly bounded by Interstate 77, Oaklawn Avenue, Fairmont Street, and Brookshire Freeway/NC–16, Charlotte, SG100013060

Orange County

Strayhorn, Toney and Nellie, House, 109 Jones Ferry Road, Carrboro, SG100013047

Transylvania County

Patton. Elizur and Ann. House, 1699 Old Hendersonville Highway, Brevard, SG100013050

Wake County

State Capitol Holiday Inn, 320 Hillsborough St., Raleigh, SG100013051

PENNSYLVANIA

Chester County

Radley Run Country Club Historic District, 1100 Country Club Road, Birmingham and East Bradford Townships, SG100013087

SOUTH CAROLINA

Charleston County

Chicora Graded School, 1912 Success Street, North Charleston, SG100013066

A request for removal has been made for the following resource(s):

GEORGIA

Fulton County

Atlanta and West Point Railroad Freight Depot, 215 Decatur St., Atlanta, OT76000620
Techwood Homes Historic District, Roughly bounded by North Ave., Parker, Williams, and Lovejoy Sts., Atlanta, OT76000632
Degive's Grand Opera House, 157 Peachtree St. NE, Atlanta, OT77000427
Yonge Street School, 89 Yonge St., Atlanta, OT80001079
Ballard, Levi, House, U.S. 29 and GA 154, Palmetto, OT80001080
Farlinger, 343 Peachtree St., NE, Atlanta, OT82002417
Sciple, Charles E., House, 1112 Peachtree St., Atlanta, OT84001084
Raoul, William G., House, 848 Peachtree St., Atlanta, OT86003298
Brittain, Dr. Marion Luther, Sr., House, 1109 W Peachtree St., Atlanta, OT93000999

Additional documentation has been received for the following resource(s):

ARIZONA

Maricopa County

Del Norte Place Historic District (Additional Documentation, (Residential Subdivisions and Architecture in Phoenix MPS), Virginia Ave. to Encanto Blvd. and 15th to 17th Aves., Phoenix, AD94001482

NORTH CAROLINA

Orange County

Moorefields (Additional Documentation), 2201 Moorefields Road, Hillsborough vicinity, AD72000982

SOUTH CAROLINA

Fairfield County

Winnsboro Historic District (Additional Documentation), Roughly bounded by Garden Street, Buchanan Street, Moultrie Street, Congress Street, Zion Street, Walnut Street, Gooding Street, and Line Street, Winnsboro, AD71000780

(Authority: 36 CFR 60.13.)

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2026–08948 Filed 5–5–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–42654; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before April 11, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 21, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 11, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

ARKANSAS

Franklin County

Franklin County Court House Marker, (Arkansas Centennial Commission Historic Markers in Arkansas, 1936–1938 MPS), 211 West Commercial, Ozark, MP100013028

Pope County

Will Rogers Memorial, East side of North Arkansas Street, approximately 600 north of Arkansas Highway 7, Russellville, SG100013023

Saline County

Alum Fork Reservoir, (New Deal Recovery Efforts in Arkansas MPS), 24577 Lake Winona Road, Paron, MP100013024

Sevier County

Little Bear Creek Bridge, East Stilwell Avenue over Little Bear Creek, De Queen, SG100013025

ILLINOIS

Jackson County

Camp Pomona, Address Restricted, Pomona, SG100013044

IOWA

Webster County

Harcourt Consolidated School Gymnasium, 116 South Larch Street, Harcourt, SG100013022

MARYLAND

Montgomery County

Summit Hall, 502 S Frederick Ave., Gaithersburg, SG100013032

NEW JERSEY

Hunterdon County

Fairmount-Pottersville Road stone arch bridge over Hollow Brook, (Bridges of Tewksbury Township MPS), Abandoned, former alignment of Fairmount-Pottersville Road within the boundaries of the Tewksbury Land Trust, Tewksbury Township, MP100013039

NEW YORK

Onondaga County

Coughlin Brothers-Babson Brothers Factory, (Industrial Resources in the City of Syracuse, Onondaga County, NY MPS), 838–842 Belden Ave., Syracuse, MP100013034

Ignatius Fiesinger House, 1010 East Washington Street, Syracuse, SG100013035

Otsego County

DeVillers-Cope Mills Historic District, 417, 423. 430 Myers Mills Road, Mount Vison, SG100013037

Rensselaer County

Whalen Bottling Plant, 106–108 Jefferson St., 350 William St., 1049 5th Ave., Troy, SG100013038

Warren County

Church of Saint Sacrament, 5 Sacrement Lane, Bolton Landing, SG100013036

NORTH CAROLINA

Guilford County

Magnolia Hotel, (Historic Green Book Resources in North Carolina, 1938–1967 MPS), 442 Correll Street, Greensboro, MP100013031

OHIO

Montgomery County

Fifth Street Branch Young Men's Christian Association (YMCA), 907 W Fifth Street, Dayton, SG100013041

SOUTH CAROLINA

Anderson County

St. Paul Baptist Church, 322 W Reed Street, Anderson, SG100013030

Charleston County

Angel Oak, 3688 Angel Oak Road, Johns Island, SG100013019

Greenwood County

Greenwood Mill Village Historic District, Roughly bounded by West Cambridge Avenue. Hampton Avenue. Mill Avenue. Kitson Street. Maxwell Avenue, and N Mathis Street, Greenwood, SG100013021

WISCONSIN

Kewaunee County

Sandy Bay Pier, Address Restricted, Town of Carlton, SG100013020

A request to move has been received for the following resource(s):

OHIO

Tuscarawas County

Chesapeake and Ohio 1308 Steam Locomotive, 213 Smokey Lane Road SW, Sugarcreek, MV02001571,

An additional documentation has been received for the following resource(s):

ARIZONA

Cochise County

Bisbee Residential Historic District (Additional Documentation), Roughly bounded by the City of Bisbee city limits north of Lavender Pit Mine, excluding existing Bisbee Historic District, Bisbee, AD10000233

ILLINOIS

Gallatin County

Saline Springs (Additional Documentation), Address Restricted, Equality vicinity, AD73000702

Hardin County

Illinois Iron Furnace (Additional Documentation), Shawnee National Forest, Rosiclare vicinity, AD73000704

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

HAWAII

Kauai County

Nawiliwili Harbor Light, (Light Stations of the United States MPS), South end of Ninini Point Street, Lihue, MP100013026

Authority: 36 CFR 60.13.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2026–08947 Filed 5–5–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR040U2000, XXXR4081G3, RX.05940913.FY19400]

Public Meeting of the Glen Canyon Dam Adaptive Management Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the Bureau of Reclamation (Reclamation) is publishing this notice to announce that a Federal Advisory Committee meeting of the Glen Canyon Dam Adaptive Management Work Group (AMWG) will take place. The meeting is open to the public.

DATES: The meeting will be held virtually only on Wednesday, May 13, 2026, beginning at 9:00 a.m. to approximately 1:00 p.m. (MT).

ADDRESSES: Please follow the link provided to register for the virtual meeting held on Wednesday, May 13, 2026. *https://events.gcc.teams.microsoft.com/event/eaa6e67e-e7f2-45eb-baf1-f670f370eee7@0693b5ba-4b18-4d7b-9341-f32f400a5494*.

FOR FURTHER INFORMATION CONTACT: Mr. William Stewart, Bureau of Reclamation, telephone (385) 622–2179, email at *wstewart@usbr.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: The Glen Canyon Dam Adaptive Management Program (GCDAMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam, consistent with the Grand Canyon Protection Act. The AMWG meets two to three times a year.

Agenda: The AMWG will meet to receive updates on: (1) current basin hydrology and water year 2026 operations; (2) experiments considered for implementation in 2026; (3) the status of threatened and endangered species; (4) long-term funding considerations. The AMWG will also discuss other administrative and resource issues pertaining to the GCDAMP. To view a copy of the agenda and documents related to the above meeting, please visit Reclamation's website at *https://www.usbr.gov/uc/progact/amp/amwg.html.*

Meeting Accessibility/Special Accommodations: The meeting is open to the public. Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact Mr. William Stewart (see **FOR FURTHER INFORMATION CONTACT** section of this notice) at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: Time will be allowed on both days for any individual or organization wishing to make extemporaneous and/or formal oral comments. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Interested parties should contact Mr. William Stewart (see **FOR FURTHER INFORMATION CONTACT**) for placement on the public speaker list for this meeting. Members of the public may also choose to submit written comments by emailing them to *wstewart@usbr.gov.* Due to time constraints during the meeting, the AMWG is not able to read written public comments. All written comments will be made part of the public record and will be provided to the AMWG members.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 5 U.S.C. Ch. 10.)

Stephanie McPhee,

Group Federal Officer, Bureau of Reclamation.

[FR Doc. 2026–08982 Filed 5–5–26; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1438]

Certain Photovoltaic Trunk Bus Cable Assemblies and Components Thereof; Notice of Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in part a final initial determination (''FID'') of the presiding administrative law judge (''ALJ'') finding a violation of section 337. The Commission requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 18, 2025, based on a complaint filed by Shoals Technologies Group, LLC (''Shoals'') of Portland, Tennessee. 90 FR 9730–31 (Feb. 18, 2025). The complaint, as supplemented, alleges violations of section 337 of the

Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain photovoltaic trunk bus cable assemblies and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 12,015,375 (''the '375 patent'') and 12,015,376 (''the '376 patent'') (collectively, the ''Asserted Patents''). *Id.* at 9731. The complaint further alleges that a domestic industry (''DI'') exists. *Id.* The notice of investigation names two respondents: Voltage, LLC of Chapel Hill, North Carolina and Ningbo Voltage Smart Production Co. of Ningbo, China (collectively, ''Voltage''). *Id.* The Office of Unfair Import Investigations is not named as a party. *Id.*

On August 19, 2025, the Commission affirmed an ID granting summary determination that Voltage has failed to show that the Asserted Patents are unenforceable based on inequitable conduct under a theory of but-for materiality. Order No. 19 (July 21, 2025), *unreviewed by* Comm'n Notice (Aug. 19, 2025). In that same order, the ALJ denied summary determination on Voltage's other unenforceability allegations based on inequitable conduct (under a theory of egregious misconduct) and based on unclean hands, finding that genuine issues of material fact exist as to those allegations. *Id.*

On September 18, 2025, the Commission terminated the investigation as to the following asserted claims based on withdrawal of the complaint: (i) claims 2–4, 6, 7, 9, 11, 15–19, and 21–24 of the '375 patent and (ii) claims 2–6, 9, 13–16, and 18–20 of the '376 patent. Order No. 29 (Aug. 26, 2025), *unreviewed by* Comm'n Notice (Sept. 18, 2025).

On February 6, 2026, the ALJ issued a combined FID and recommended determination (''RD'') on remedy and bonding. The FID finds violations of section 337 with respect to the remaining asserted claims 1, 8, 12, and 20 of the '375 patent and claims 1, 10, and 12 of the '376 patent. Specifically, the FID finds that: (i) Shoals has standing to assert both Asserted Patents; (ii) the asserted claims listed above are directly infringed by Voltage; (iii) Voltage both induced and contributed to the infringement of each of the asserted claims listed above; (iv) none of the remaining asserted claims is invalid; (v) Voltage has failed to show that the Asserted Patents are unenforceable due to unclean hands; and (vi) Shoals has satisfied the technical and economic prongs of the DI requirement as to both Asserted Patents. The RD recommends that, should the Commission determine that a violation of section 337 has occurred, the Commission should: (i) issue a limited exclusion order against Voltage's infringing products; (ii) not issue cease and desist orders against the Voltage respondents; and (iii) impose a 100 percent bond for importations of infringing products during the period of Presidential review.

On February 20, 2026, Voltage filed a petition seeking review of certain findings in the FID concerning (i) claim construction and infringement of the asserted claims of the Asserted Patents, and (ii) Voltage's allegations that the Asserted Patents are unenforceable due to unclean hands. That same day, Shoals filed a petition seeking review of the FID's adjudicability findings concerning certain alternative designs submitted by Voltage in this investigation that the FID finds do not infringe the Asserted Patents. On March 2, 2026, Shoals and Voltage each filed a response opposing the other's petition.

On March 9, 2026, Shoals filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). The Commission did not receive a submission from Voltage. The Commission also received three public interest submissions in response to the Commission's **Federal Register** notice from Senators Blackburn and Hagerty, from the Tennessee Chamber of Commerce and Industry, and from Representative Rose. *See* 91 FR 6662–63 (Feb. 12, 2026).

On April 15, 2026, Voltage filed a motion pursuant to Commission Rules 210.15(a)(2) and 210.38(a) (19 CFR 210.15(a)(2) and 210.38(a)), asking the Commission to reopen the record to admit as evidence four documents purportedly relating to its unclean hands defense. On April 27, 2026, Shoals filed a response opposing Voltage's motion.

Having reviewed the record of this investigation, including the FID, the parties' submissions to the ALJ, and the parties' petitions for Commission review of the FID and responses thereto, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review the FID's finding that Shoals has satisfied the economic prong of the DI requirement as to the Asserted Patents. The Commission has determined not to review the remaining findings in the FID.

The Commission also has determined to deny Voltage's motion to reopen the record. The Commission finds Voltage's motion untimely given that Voltage was aware of the existence of the subject documents before the evidentiary record closed in this investigation (Voltage admits they are listed on a privilege log produced by third-party Maschoff Brennan, served about one month before the deposition of its representative, Mr. Paul Johnson), questioned Mr. Johnson about these documents at his deposition, had the opportunity before the ALJ to move to compel the production and request *in camera* review of these documents—but chose not to do so—despite successfully compelling the production and requesting *in camera* review of other documents listed on Mr. Johnson's privilege log, and offers no compelling excuse for its decision not to pursue these documents during discovery before the ALJ. In addition, the Commission finds that these documents are cumulative of the evidence already of record and Voltage fails to adequately explain how these documents would affect the FID's finding that the Asserted Patents have not been shown to be unenforceable for unclean hands.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the Voltage respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is

therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial written submission, Shoals is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Shoals is further requested to state the dates that the Asserted Patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from Shoals the parties must be filed no later than close of business on May 15, 2026. All reply submissions must be filed no later than the close of business on May 22, 2026. Opening submissions from the parties are limited to 25 pages. Reply submissions from the parties are limited to 15 pages. All submission from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337–TA–1438) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on May 1, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 1, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–08805 Filed 5–5–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1431]

Certain Nanolaminate Alloy Coated Metal Parts and Products Containing the Same; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on April 30, 2026, the presiding administrative law judge (''ALJ'') issued a Final Initial Determination on Violation (''FID'') of Section 337. The FID includes a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief

should the Commission find a violation, specifically: a limited exclusion order directed to certain nanolaminate alloy coated metal parts, components thereof, and products containing the same imported, sold for importation, and/or sold after importation by respondents Parker Hannifin Corporation; Lu Chu Shin Yee Works Co., Ltd.; Jiangsu DVP Hi Press Technology Co., Ltd.; Maxort Philippines Inc.; Paloma Turning Co. Pvt Ltd.; Shaoxing Xuantong Fluid Connectors Manufacturing Co., Ltd.; Shanghai Overseas Enterprises Co., Ltd.; and/or Zhejiang Fitting Machinery Co., Ltd. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued on April 30, 2026. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on June 2, 2026.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1431'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 1, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–08799 Filed 5–5–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On April 29, 2026, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States* v. *The Kroger Co.,* Civil Action No. 26–cv–00421 (S.D. Ohio).

The lawsuit seeks injunctive relief and civil penalties for violations of the Clean Air Act and its implementing regulations at grocery stores owned and operated by the Kroger Co. (''Kroger'') nationwide containing refrigerant appliances that use ozone-depleting substances. The violations relate to alleged failures to (1) adequately repair refrigerant leaks within 30 days following discovery of such leaks, or to prepare a plan to retrofit or retire the leaking appliance and complete all retrofit or retirement work within one year; and (2) keep refrigerant servicing records for at least three years. The proposed consent decree also requires Kroger to perform injunctive relief to address these violations and pay $2.5 million in civil penalties. Entering into and fully complying with the proposed consent decree would release Kroger from past civil liability for violations of Clean Air Act regulations at its refrigerant appliances.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *The Kroger Co.,* D.J. Ref. No. 90–5–2–1–12428. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Ruben Gomez,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2026–08796 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0046]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection: LEO Certification Letter for Official-Duty Firearm Purchase

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives; Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: ATF encourages comments on this information collection. You may submit written comments for 30 days, until midnight on June 5, 2026.

ADDRESSES: Submit written comments and recommendations for this information collection to 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: 1140–0046.

FOR FURTHER INFORMATION CONTACT: If you have questions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Jason Gluck, either by mail at 99 New York Avenue NE, 6N–509; Washington, DC 20226, by email at *FIPB@atf.gov,* or by telephone at 202–648–7190.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, 91 FR 9298, on February 25, 2026, allowing a 60-day comment period. We encourage written comments and suggestions from the public and affected agencies concerning the proposed information collection. Your comments should address one or more of the following four points:

—Evaluate whether the proposed information collection is necessary to properly perform the identified functions of the Bureau, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the proposed information collection's burden, including the validity of the methodology and assumptions used;

—Evaluate whether, and if so how, the agency can enhance the quality, utility, and clarity of the information being collected; and

—Minimize the information collection's burden 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 people to submit electronic responses.

You may view this information collection request at *www.reginfo.gov.* Follow the instructions to view Department of Justice information collections currently under review by OMB and look for 1140–0046.

DOJ seeks PRA authorization for this information collection for three years. OMB authorization for an ICR cannot be for more than three years without renewal. DOJ notes that information collection requirements submitted to OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of information collection:* revising a previously approved collection.

2. *Title of the form/collection:* LEO Certification Letter for Official-Duty Firearm Purchase.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* none.

Component: Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public: state and federal government, law enforcement.

Abstract: The Omnibus Consolidated Appropriations Act of 1997 (OCA), amended the Gun Control Act (GCA) of 1968, making it unlawful for individuals who have been convicted of a ''misdemeanor crime of domestic violence'' to ship, transport, receive, or possess firearms and ammunition, and prohibiting anyone to sell or dispose of firearms and ammunition to such individuals. Prior to the OCA, federal and state agencies, and their political subdivisions, were exempt from the GCA's requirements. The OCA, however, did not exempt law enforcement officers (LEOs) from its prohibition against a person who has a conviction for a misdemeanor crime of domestic violence; this prohibition category applies to all persons, including LEOs. As a result, LEOs purchasing firearms for official duties must provide FFLs information certifying that they have not been convicted of a crime of domestic violence.

To address this requirement, ATF's regulations at 27 CFR 478.134 require that a LEO may submit a letter from their supervisor certifying that the LEO may purchase an official-duty firearm, subject to the following requirements: The letter must be printed on agency letterhead, must be signed by a person in authority with the agency (other than the officer purchasing the firearm), must state that the firearm will be used for official duties, and must certify that a records check reveals that the purchasing officer has no conviction for a misdemeanor crime of domestic violence.

5. *Obligation to respond:* mandatory per 27 CFR 478.134.

6. *Total estimated number of respondents:* 50,000 respondents.

7. *Estimated time per respondent:* 0.13 hours (8 minutes).

8. *Frequency:* once annually.

9. *Total estimated annual time burden:* 6,500 total hours.

10. *Total estimated annual other costs burden:* $0.00.

Revisions to This Information Collection

ATF is revising this information collection to reflect the change in hourly pay for a first-line supervisor of police or detectives since the last time this hourly wage was calculated, resulting in a change from $46 to $71 (rounded). Although the number of respondents and the amount of time it takes to complete the certification letter have

remained the same, the hourly wage rate change results in a change to the monetized value of respondent time.

Public Comments

ATF did not receive comments on this information collection during the 60-day notice and comment period.

If you need additional information, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Enterprise Portfolio Management; United States Department of Justice; Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: May 4, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–08959 Filed 5–5–26; 8:45 am]

BILLING CODE 4410–FY–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Qualitative Feedback on Agency Service Delivery

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by July 6, 2026 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, Randolph Building, 401 Dulaney Street, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3145–0215.

Expiration Date of Approval: August 31, 2026.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The proposed information collection activity provides a means for the National Science Foundation (NSF) to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Agency's commitment to improving service delivery.

By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

NSF will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of NSF (if released, NSF must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding this study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, this information collection will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Below we provide the National Science Foundation's projected average estimates for the next three years:

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 50.

Respondents: 500 per activity.

Annual Responses: 25,000.

Frequency of Response: Once per request.

Average Minutes per Response: 30.

Burden Hours: 12,500.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: May 4, 2026.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2026–08946 Filed 5–5–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 401 Dulany Street, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: *https://nsf.gov/events/proposal-review-panels.* This information may also be requested by telephoning, 703/292–8687.

Dated: May 4, 2026.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2026–08945 Filed 5–5–26; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2026–7; Order No. 9556]

Competitive Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal Service document with the Commission concerning changes in rates and classifications not of general applicability for Competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 14, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://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 and Overview
II. Initial Administrative Actions
III. Ordering Paragraphs

I. Introduction and Overview

On April 30, 2026, the Postal Service filed notice with the Commission concerning changes in rates and classifications not of general applicability for Competitive products.[1] The Postal Service represents that, as required by 39 CFR 3035.105(b), the Notice includes an explanation and justification for the changes, the effective date, and a schedule of the changed rates. *See* Notice at 1. The Notice also includes a certification of the vote, and a redacted copy of Governors' Decision 19–1. *Id.* The changes are intended to take effect by mid-July, 2026, or sooner upon favorable review by the Commission. *Id.* at 1–2.

Attached to the Notice is Governors' Decision No. 19–1, which states the new prices are in accordance with 39 U.S.C. 3632 and 3633 and 39 CFR 3015.5 and 3015.7.[2] The Governors' Decision provides an analysis of the Competitive products' price and classification changes intended to demonstrate that the changes comply with 39 U.S.C. 3633 and 39 CFR 3015.7(c).[3] Another attachment sets forth the rate and classification changes and includes draft *Mail Classification Schedule* (MCS) language for Competitive products not of general applicability.

The Notice includes an application for non-public treatment of the unredacted Governors' Decision, the non-published rates, the price floors, and the supporting financial material filed under seal. Notice at 5.

Planned rate and classification changes. The Postal Service's planned rate and classification ''changes establish the Government Rate Card (GRC) as a set of non-published rates available only for federal, state, or local government entities who use approved postal payment methods, for the following competitive products: Priority Mail Express, Priority Mail, and USPS Ground Advantage®.'' *Id.* at 1 (footnote omitted). The GRC rates ''are considered 'Other Non-Published Competitive Rates. . .not embodied in contractual instruments' pursuant to Governors' Decision 19–1.'' *Id.* The Notice also includes text changes to the associated MCS language to reflect the parameters of the established GRC under each applicable product. *Id.*

II. Initial Administrative Actions

The Commission establishes Docket No. CP2026–7 for consideration of matters raised by the Notice. The

[1] USPS Notice of Changes in Rates and Classifications Not of General Applicability for Competitive Products, April 30, 2026 (Notice).

[2] Notice, Decision of the Governors of the United States Postal Service on Changes in Rates and Classification Not of General Applicability for Competitive Products, at 2 (Governors' Decision No. 19–1). The referenced regulations have been reorganized since the issuance of Governor's Decision No. 19–1 and are now found at 39 CFR 3035.105 and .107. *See* Docket No. RM2019–13, Order Reorganizing Commission Regulations and Amending Rules of Practice, January 16, 2020 (Order No. 5407) (effective April 20, 2020).

[3] Governors' Decision No. 19–1 at 2. Reorganized to 39 CFR 3035.107(c). *See* Order No. 5407.

Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, and 39 CFR 3035.105 and .107. Comments are due no later than May 14, 2026. The public portions of the filing can be accessed via the Commission's website (*http://www.prc.gov*).

Pursuant to 39 U.S.C. 505, Arif Hafiz is appointed to serve as Public Representative to represent the interests of the general public in this docket. 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.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2026–7 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Arif Hafiz will serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these dockets.

3. Comments are due no later than May 14, 2026.

4. This Order shall be published in the **Federal Register**.

By the Commission.

Parvaneh Higareda,

Alternate Federal Register Liaison.

[FR Doc. 2026–08779 Filed 5–5–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–228 and K2026–226]

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).:* MC2026–228 and K2026–226; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 976, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 1, 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. 2026–08857 Filed 5–5–26; 8:45 am]

BILLING CODE 7710–FW–P

[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).

POSTAL SERVICE

Product Change—Priority Mail, and USPS Ground Advantage Negotiated Service Agreements, Priority Mail Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 5, 2026.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the

Postal Regulatory Commission the following requests:

Date filed with Postal Regulatory Commission	Negotiated service agreement product category and No.	MC docket No.	K docket No.
04/21/26	PM–GA 967	MC2026–217	K2026–215
04/22/26	PM–GA 968	MC2026–218	K2026–216
04/23/26	PM 955	MC2026–219	K2026–217
04/24/26	PM–GA 969	MC2026–221	K2026–219
04/24/26	PM–GA 970	MC2026–222	K2026–220
04/28/26	PM–GA 971	MC2026–223	K2026–221
04/29/26	PM–GA 972	MC2026–224	K2026–222
04/29/26	PM–GA 973	MC2026–225	K2026–223
04/29/26	PM–GA 974	MC2026–226	K2026–224
04/30/26	PM–GA 975	MC2026–227	K2026–225

Documents are available at *www.prc.gov.*

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2026–08777 Filed 5–5–26; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., May 13, 2026.

PLACE: Members of the public wishing to attend the meeting must submit a written request at least 24 hours prior to the meeting to receive dial-in information. All requests must be sent to *SecretarytotheBoard@rrb.gov.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Office of Legislative Affairs Update

Update on Recent Board Member Activities

CONTACT PERSON FOR MORE INFORMATION: Stephanie Hillyard, Secretary to the Board, (312) 751–4920

(Authority: 5 U.S.C. 552b)

Dated: May 1, 2026.

Stephanie Hillyard,

Secretary to the Board.

[FR Doc. 2026–08804 Filed 5–4–26; 11:15 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105355; File No. SR–FINRA–2026–001]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt FINRA Rule 3290 (Outside Activities Requirements)

May 1, 2026.

I. Introduction

On January 22, 2026, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b 4 thereunder,[2] a proposed rule change to adopt FINRA Rule 3290 (Outside Activities Requirements) to replace existing FINRA Rules 3270 (Outside Business Activities of Registered Persons) and 3280 (Private Securities Transactions of an Associated Person).

The proposed rule change was published for comment in the **Federal Register** on February 3, 2026.[3] The public comment period closed on February 24, 2026. The Commission received comment letters in response to the Notice.[4] On March 13, 2026, FINRA consented to an extension of the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to May 4, 2026.[5] On May 1, 2026, FINRA responded to the comment letters received in response to the Notice and filed an amendment to modify the proposed rule change (''Amendment No. 1'').[6]

The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act [7] to solicit comments on the proposed rule change, as modified by Amendment No. 1 (hereinafter referred to as the ''proposed rule change'' unless otherwise specified), and to institute proceedings to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

A. Background

1. FINRA Rule 3270

In general, FINRA Rule 3270 prohibits a registered person from being an employee, independent contractor, sole proprietor, officer, director or partner of another person, or being compensated, or having the reasonable expectation of compensation, by any other person as a result of any business activity outside the scope of the relationship with his or her member firm (''member'') (outside business activities or ''OBA''), unless he or she has provided prior written notice to the member, in such form as specified by the member.

Upon receipt of a written notice, FINRA Rule 3270.01 requires the member to consider whether the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b 4.

[3] *See* Exchange Act Release No. 104746 (Jan. 29, 2026), 91 FR 5003 (Feb. 3, 2026) (File No. SR–FINRA–2026–001) (''Notice'').

[4] The comment letters are available at *https://www.sec.gov/rules-regulations/public-comments/sr-finra-2026-001.*

[5] *See* letter from Alicia Goldin, Vice President and Associate General Counsel, Office of General Counsel, FINRA (dated, March 13, 2026), *https://www.finra.org/sites/default/files/2026-03/SR-FINRA-2026-001-Extension1.pdf.*

[6] *See* letter from Matthew E. Vitek, Associate General Counsel, Office of General Counsel, FINRA (dated May 1, 2026), *https://www.sec.gov/comments/SR-FINRA-2026-001/srfinra2026001-765807-2350615.pdf; see also* Amendment No. 1.

[7] 15 U.S.C. 78s(b)(2)(B).

proposed activity will: (1) interfere with or otherwise compromise the registered person's responsibilities to the member and/or the member's customers; or (2) be viewed by customers or the public as part of the member's business based upon, among other factors, the nature of the proposed activity and the manner in which it will be offered. Based on the member's review of such factors, the member must evaluate the advisability of imposing specific conditions or limitations on a registered person's OBA, including where circumstances warrant, prohibiting the activity.[8] FINRA Rule 3270.01 also requires a member to evaluate the registered person's proposed activity to determine whether the activity is properly characterized as an OBA or whether it should be treated as an outside securities activity subject to the requirements of FINRA Rule 3280. Additionally, FINRA Rule 3270.01 requires a member to keep a record of its compliance with these obligations with respect to each written notice received and must preserve this record for the period of time and accessibility specified in Exchange Act Rule 17a–4(e)(1).

2. FINRA Rule 3280

FINRA Rule 3280(a) prohibits an associated person of a member from participating in any manner in a private securities transactions (''PST'') [9] except in accordance with the following requirements:

- FINRA Rule 3280(b) requires an associated person, prior to participating in any private securities transaction, to provide written notice to the member with which he or she is associated, describing in detail the proposed transaction and the person's proposed role therein and stating whether he or she has received or may receive selling compensation in connection with the transaction; [10]
- FINRA Rule 3280(c)(1) requires a member that has received notice from one of its associated persons regarding a proposed transaction for which the associated person has received or may receive selling compensation to advise the associated person in writing whether it approves [11] or disapproves [12] the person's participation in the proposed transaction; and
- FINRA Rule 3280(d) requires a member that has received notice from one of its associated persons regarding a proposed transaction or series of related transactions for which the associated person has not and will not receive any selling compensation to provide the associated person prompt written acknowledgment of his or her notice.[13]

B. The Proposed Rule Change

The proposed rule change would delete current FINRA Rules 3270 and 3280 and replace them with proposed new FINRA Rule 3290. As discussed in more detail below, the new rule would retain many of the existing requirements of the current rules, including: (1) requiring that persons provide prior written notice of outside investment-related activities and outside securities transactions to members; (2) requiring members receiving a notice to assess the activity; and (3) requiring members' prior written approval or disapproval of certain activities. Proposed FINRA Rule 3290 also would codify FINRA guidance on the application of FINRA Rules 3270 and 3280 to, among other things, acting as a portfolio manager or investment committee member for certain entities; activity pursuant to a contractual relationship between a member and an unaffiliated entity; certain outside securities activity at banks and other financial institutions; and formal allocation agreements between members.[14] The proposed rule change would also make several changes, such as: excluding from the rule's coverage, or eliminating the reporting and assessment of, certain activities that FINRA categorizes as ''lower risk''; [15] and replacing the supervision and recordkeeping requirements for outside unaffiliated investment adviser activity with a notice and assessment requirement. FINRA stated that the proposed rule change would, among other things, enable members to redirect supervisory and compliance resources away from low-risk activities that pose minimal investor protection concerns toward higher-risk investment-related activities.[16]

Each of the proposed rule changes is discussed below in turn.

1. Outside Activities

a. Registered Person's Obligations

Proposed FINRA Rule 3290(a) (Obligations of a Registered Person for Outside Activity) would require a registered person who intends to participate in an investment-related activity [17] outside the scope of such person's relationship with the member [18] that is not in connection with a securities transaction (''outside activity'') to provide prior written notice to the member regarding such outside activity. Similarly, proposed FINRA Rule 3290(a) would require a registered person to update any prior written notice to the member if there is a material change to the outside activity. For any such notice, the registered person would be required to describe in detail the proposed outside activity and the person's proposed role therein.[19]

b. Member's Obligations

Proposed Rule 3290(c) (Obligations of a Member for a Registered Person's Outside Activity) would require a member receiving written notice of a registered person's outside activity to assess, at a minimum, whether the outside activity: (1) is an outside

[8] FINRA Rule 3270.01.

[9] FINRA Rule 3280(e)(1) defines a PST as any securities transaction outside the regular course or scope of an associated person's employment with a member, excluding: (1) transactions subject to the notification requirements of FINRA Rule 3210 (Accounts at Other Broker-Dealers and Financial Institutions); (2) transactions among immediate family members (as defined in FINRA Rule 5130 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings)) for which no associated person receives any selling compensation; and (3) personal transactions in investment company and variable annuity securities. FINRA Rule 3280(e)(2) defines ''selling compensation'' as any compensation paid directly or indirectly from whatever source in connection with or as a result of the purchase or sale of a security.

[10] In the case of a series of related transactions in which no selling compensation has been or will be received, an associated person may provide a single written notice. FINRA Rule 3280(b).

[11] If the member approves its associated person's participation in a proposed transaction, the transaction must be recorded on the books and records of the member and the member must supervise the associated person's participation in the transaction as if the transaction were executed on behalf of the member. FINRA Rule 3280(c)(2).

[12] If the member disapproves its associated person's participation in a proposed transaction, the associated person must not participate in the transaction. FINRA Rule 3280(c)(3).

[13] The member may also require the associated person to adhere to specified conditions in connection with his or her participation in the transaction. *See* FINRA Rule 3280(d).

[14] Notice at 5004.

[15] *Id.*

[16] *Id.* at 5007.

[17] Proposed FINRA Rule 3290(f)(3) states that the term ''investment-related activity'' would mean pertaining to financial assets and include, but not be limited to: (1) acting as or being associated with a broker-dealer, issuer, insurance agent or company, investment company, investment adviser, futures commission merchant, commodity trading advisor, commodity pool operator, municipal advisor, futures sponsor, money services business, bank, savings association, or credit union; and (2) an associated person's participation in any manner in a personal investment involving a securities transaction, other than transactions indicated in proposed FINRA Rule 3290(g)(3)(A). *See also* Amendment No. 1.

[18] Proposed FINRA Rule 3290.04 states that an associated person's activity that is pursuant to a contract between a member and another entity would not be subject to proposed FINRA Rule 3290 if such activity is conducted on behalf of the member as it is within the scope of the associated person's relationship with the member.

[19] Proposed FINRA Rule 3290(a).

securities transaction;[20] (2) involves a customer of the registered person; (3) will interfere with or otherwise compromise the registered person's responsibilities to the member or the member's customers; and (4) will be viewed by the member's customers or the public as part of the member's business based upon, among other factors, the nature of the proposed activity and the manner in which it will be offered.[21] Based on the member's review of such factors, the member would be required to evaluate the advisability of imposing specific conditions or limitations on a registered person's outside activity, including where circumstances warrant, prohibiting the activity.[22] If a member imposes conditions or limitations on a registered person's participation in an outside activity pursuant to proposed FINRA Rule 3290(c)(2), proposed FINRA Rule 3290.06 would require the member to reasonably supervise the person's compliance with such conditions or limitations.[23]

2. Outside Securities Transactions

a. Associated Person's Obligations

Proposed FINRA Rule 3290(b) (Obligations of an Associated Person for Outside Securities Transactions) would require an associated person who intends to participate in an investment-related activity that is in connection with a securities transaction but outside the scope of such person's relationship with the member (''outside securities transaction'')[24] to provide prior written notice to the member, describing in detail the proposed transaction, the person's proposed role therein, and whether the person will receive selling compensation.[25] Similarly, FINRA Rule 3290(b)(2) would require an associated person to update any prior written notice if there is a material change to the outside securities transaction described in such notice. Where the associated person intends to participate in an outside securities transaction for selling compensation, the associated person also would need to obtain prior written approval from the member (including approval for any material change to any information provided pursuant to proposed FINRA Rule 3290(b)(1)).[26]

b. Member's Obligations

Proposed Rule 3290(d) (Obligations of a Member for an Associated Person's Outside Securities Transactions) would require a member receiving written notice of an associated person's outside securities transaction to assess, at a minimum, whether the securities transaction: (1) is a securities transaction for selling compensation; (2) involves a customer of the associated person; (3) will interfere with or otherwise compromise the associated person's responsibilities to the member or the member's customers; and (4) will be viewed by the member's customers or the public as part of the member's business based upon, among other factors, the nature of the proposed activity and the manner in which it will be offered.[27]

In addition, if the outside securities transaction is not for selling compensation, proposed FINRA Rule 3290(d)(2) would require the member to: (1) provide the associated person prompt written acknowledgement of such notice[28] and (2) at the member's discretion, require the associated person to adhere to specified conditions or limitations[29] in connection with the associated person's participation in the transaction. If a member imposes conditions or limitations on an associated person's participation in an outside securities transaction not for selling compensation pursuant to proposed FINRA Rule 3290(d)(2), proposed FINRA Rule 3290.06 would require the member to reasonably supervise the person's compliance with such conditions or limitations.[30]

If the outside securities transaction is for selling compensation, proposed FINRA Rule 3290(d)(3) would require the member to notify the associated person in writing of the member's decision to: (1) approve the proposed transaction after making a reasonable determination based on the criteria enumerated in proposed FINRA Rule 3290(d)(1); (2) approve the proposed transaction subject to specific conditions or limitations after a reasonable determination based on the criteria enumerated in proposed FINRA Rule 3290(d)(1); or (3) disapprove the proposed transaction.[31] If a member imposes conditions or limitations on an associated person's participation in an outside securities transaction for selling compensation pursuant to proposed FINRA Rule 3290(d)(3), proposed FINRA Rule 3290.06 would require the member to reasonably supervise the person's compliance with such conditions or limitations.[32]

Proposed FINRA Rule 3290(d)(4) would require a member to record each approved outside securities transaction for selling compensation on the books and records of the member[33] and supervise the person's participation in the transaction as if executed on behalf of the member.[34]

[20] If the member determines that the activity is an outside securities transaction, the member would be required to follow the obligations listed in proposed FINRA Rule 3290(d), as discussed below.

[21] Proposed FINRA Rule 3290(c)(1).

[22] Proposed FINRA Rule 3290(c)(2).

[23] Amendment No. 1.

[24] *See supra* note 18. Proposed FINRA Rule 3290.02 states that an associated person would not be considered to be participating in an outside securities transaction to the extent the associated person's activities are limited to acting as portfolio manager or investment committee member for registered investment companies, unregistered investment companies, business development companies, real estate investment trusts, and entities that are recognized as tax exempt. Such activity would be considered an outside activity of a registered person. This exception would not include an associated person's activities related to purchasing or selling such entities' shares (unless otherwise excluded under proposed FINRA Rule 3290(g) (discussed infra)).

[25] Proposed FINRA Rules 3290(b)(1), (3). Proposed FINRA Rule 3290(b)(1)(A) would permit an associated person who intends to participate in an outside securities transaction that is in connection with a series of related securities transactions not for selling compensation to provide a single prior written notice to the member. Similarly, proposed FINRA Rule 3290(b)(1)(B) would permit an associated person acting as portfolio manager or investment committee member for registered investment companies, unregistered investment companies, business development companies, real estate investment trusts, and entities that are recognized as tax exempt, and who is not selling an entity's shares for selling compensation to provide a single prior written notice to the member. *See* proposed FINRA Rule 3290.02.

[26] Proposed FINRA Rules 3290(b)(1), (2). FINRA Rule 3290(f)(5) would define ''selling compensation'' as any compensation paid directly or indirectly from whatever source in connection with or as a result of the purchase, sale or exchange of a security.

[27] Proposed FINRA Rule 3290(d)(1)(A)–(D). The proposed rule change would not require members to assess the securities transaction pursuant to proposed Rule 3290(d)(1) when disapproving an outside securities transaction for selling compensation under proposed Rule 3290(d)(3)(C). Proposed FINRA Rule 3290(d)(1).

[28] A single written acknowledgement may be used in the case of a series of related outside securities transactions not for selling compensation. Proposed FINRA Rule 3290(d)(2).

[29] Amendment No.1.

[30] *Id.*

[31] Proposed FINRA Rule 3290(d)(3)(A)–(C).

[32] Amendment No. 1.

[33] Proposed FINRA Rule 3290(e) would require a member to keep a record of its compliance with the obligations under proposed FINRA Rule 3290 and preserve this record for the period of time and accessibility specified in Exchange Act Rule 17a–4(e)(1).

[34] Proposed FINRA Rule 3290.01 states that for purposes of proposed FINRA Rule 3290, if a member approves an associated person's participation in an outside securities transaction involving selling compensation and that person is associated with more than one member, the members may develop a written allocation arrangement whereby at least one member agrees to be responsible for compliance with respect to all applicable securities laws and regulations and FINRA rules regarding the proposed activity, including those requiring supervision and recordkeeping.

c. Exclusions From Proposed FINRA Rules 3290(b), (d)

i. Activity at an Unaffiliated Registered Investment Adviser

Proposed FINRA Rule 3290.03 states that an associated person's activity at an investment adviser registered either with the Commission under Section 203 of the Investment Advisers Act or with a state securities commission (or any agency or office performing like functions) would be considered an outside activity of a registered person and not an outside securities transaction for purposes of proposed FINRA Rule 3290.

ii. Activity Subject to the Gramm-Leach-Bliley Act (GLBA) or Regulation R Under the Exchange Act (Regulation R)

Proposed FINRA Rule 3290.05 states that an associated person's securities activity that is not covered by proposed FINRA Rule 3290.04 but that qualifies under the GLBA or Regulation R's exception to broker or dealer registration requirements would be considered an outside activity of a registered person and not an outside securities transaction for purposes of this proposed Rule.

3. Exclusions From Proposed FINRA Rule 3290

Proposed FINRA Rule 3290(g) would exclude from proposed FINRA Rule 3290: (1) an associated person's (including a registered person's) activity on behalf of a member or its affiliate; [35] (2) an associated person's (including a registered person's) securities transactions among immediate family for which the associated person receives no selling compensation; [36] and (3) the following personal investments: (a) an associated person's (including a registered person's) securities transactions subject to or delineated in FINRA Rule 3210 (Accounts at Other Broker-Dealers and Financial Institutions); (b) an associated person's (including a registered person's) personal investments in non-securities; and (c) an associated person's (including a registered person's) purchase, sale, rental or lease of a main home and up to two secondary homes that are: (i) solely owned by the associated person or the associated person and immediate family; (ii) owned by the associated person as a sole proprietorship; (iii) owned by a corporation, LLC, partnership, limited partnership, or other entity that is solely owned by the associated person or the associated person and immediate family; or (iv) owned by a trust with the associated person or the associated person and immediate family as the sole beneficiaries.[37]

4. General Exemptive Authority

Proposed FINRA Rule 3290(h) would authorize FINRA staff, for good cause shown after taking into consideration all relevant factors, to conditionally or unconditionally grant an exemption pursuant to the FINRA Rule 9600 Series from any provision of proposed FINRA Rule 3290 to the extent that such exemption is consistent with the purpose of the rule, the protection of investors, and the public interest.

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2026–001 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change should be approved or disapproved.[38] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act, the Commission is providing notice of the grounds for disapproval under consideration.[39] The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[40]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by May 27, 2026. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 10, 2026.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FINRA–2026–001 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–FINRA–2026–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of such filing will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2026–001 and should be submitted on or before May 27, 2026. If

[35] Proposed FINRA Rule 3290(g)(1). Proposed FINRA Rule 3290(f)(1) would define ''affiliate'' as any entity that controls, is controlled by, or is under common control with a member.

[36] Proposed FINRA Rule 3290(g)(2). Proposed FINRA Rule 3290(f)(2) would define ''immediate family'' to have the same meaning as in paragraph (c) of Rule 3240 (Prohibition on Borrowing from or Lending to Customers).

[37] Proposed FINRA Rule 3290(g)(3)(A)–(C). Proposed FINRA Rule 3290(f)(4) would define ''secondary home'' as a property that is used for residential purposes by the associated person for at least part of the year.

[38] 15 U.S.C. 78s(b)(2)(B).

[39] *Id.*

[40] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

comments are received, any rebuttal comments should be submitted on or before June 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–08797 Filed 5–5–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105357; File No. 600–36]

Self-Regulatory Organizations; LCH SA; Notice of an Application for an Exemption Pursuant to Section 36 of the Securities Exchange Act of 1934 Relating to Rule Filing Requirements and Request for Comment

May 4, 2026.

On December 22, 2025, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed an application with the Securities and Exchange Commission (''Commission'') to amend exemptive relief granted to it by the Commission on December 29, 2016 (''Request for Exemptive Relief'') [1] pursuant to Section 36 of the Securities Exchange Act of 1934 (''Act''),[2] in accordance with the procedures set forth in Rule 0–12 under the Act.[3] As part of the Commission's 2016 order granting LCH SA's application for registration as a clearing agency, the Commission granted LCH SA exemptions from certain requirements of the Act and the rules thereunder, including an exemption from Section 19(b) of the Act [4] and Rule 19b–4 [5] thereunder with respect to filing certain proposed rule changes relating to its business lines operating outside of the U.S (''Current Exemptive Relief'').[6] LCH SA's Request for Exemptive Relief would amend the Current Exemptive Relief as it relates to Section 19(b) of the Act [7] and Rule 19b–4 [8] thereunder relating to LCH SA's clearing services. The Commission is publishing this notice to provide interested persons with an opportunity to comment.

I. Background

LCH SA is a clearing agency registered with the Commission for the purpose of clearing security-based swaps. LCH SA clears security-based swaps for persons in the U.S. and abroad.[9] LCH SA clears security-based swaps through its CDSClear business line.[10]

In addition to the CDSClear business line, at the time of issuance of the Current Exemptive Relief, LCH SA also offered clearing services for other financial instruments through other business lines. These other business lines operated entirely outside of the U.S., did not have any U.S. persons as Clearing Members, and LCH SA did not seek to offer them to any U.S. persons (''Non-U.S. Business'').[11] LCH SA's Non-U.S. Business included (i) EquityClear for clearing equities, debt instruments, and futures contracts; (ii) CommodityClear for clearing futures and options for agricultural and energy products; and (iii) RepoClear for clearing repurchase and cash transactions on Euro-denominated government and supranational debts.[12]

Because LCH SA operated these business lines outside of the U.S. and neither had nor intended to have U.S. persons as Clearing Members, as part of its application for registration as a clearing agency, LCH SA requested, and the Commission granted, the Current Exemptive Relief with respect to the Non-U.S. Business. Specifically, the Current Exemptive Relief exempts LCH SA from filing a proposed rule change under Section 19 of the Act [13] and Rule 19b–4 [14] thereunder if the proposed rule change (i) primarily affects LCH SA's clearing operations with respect to its Non-U.S. Business, and (ii) does not significantly affect any CDSClear operations or any rights or obligations of LCH SA with respect to the CDSClear services or persons using such services (''Non-U.S. Business Rule Change'').[15] Even if a proposed rule change primarily affects the Non-U.S. Business, the Current Exemptive Relief does not apply if it would significantly affect CDSClear operations, services, or persons using those services. Further, as a condition to the Current Exemptive Relief, LCH SA must provide Commission staff with notice of its Non-U.S. Business Rule Changes within three business days following approval by LCH SA's national competent authorities.[16]

Since the issuance of the Current Exemptive Relief, LCH SA has discontinued its EquityClear and CommodityClear services.[17] LCH SA has also added a new Non-U.S. Business, DigitalAssetClear.[18] Because the EquityClear and CommodityClear business lines have both closed, the Non-U.S. Business currently consists of RepoClear and DigitalAssetClear, as well as any future business line that LCH SA operates entirely outside of the U.S. and does not include U.S. persons as Clearing Members.[19] CDSClear is the only service currently offered in the U.S. or to U.S. persons. Thus, as of the date of the Request for Exemptive Relief, LCH SA operates three business lines: (i) CDSClear; (ii) RepoClear; and (iii) DigitalAssetClear.

LCH SA plans to permit U.S. persons to join RepoClear as Clearing Members. In doing so, LCH SA proposes to create a new category for RepoClear, which LCH SA refers to as its ''Non-Registrable Business.'' [20] Because such a change

[41] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

[1] Letter from Nicolas Dot, Chief Compliance Officer, LCH SA, dated December 22, 2025 (''Application'').

[2] 15 U.S.C. 78mm. Section 36(a)(1) of the Exchange Act gives the Commission the authority to exempt any person, security or transaction or any class or classes of persons, securities or transactions, conditionally or unconditionally, from any Exchange Act provision or any rule or regulation thereunder by rule, regulation or order, to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors. 15 U.S.C. 78mm(a)(1).

[3] 17 CFR 240.0–12. Exchange Act Rule 0–12 sets forth procedures for filing applications for orders for exemptive relief pursuant to Section 36. The Application will not appear in the **Federal Register**. The Application is available on the Commission's internet website at *www.sec.gov*. Defined terms in this notice are the same as used in the Application, unless we note otherwise.

[4] 15 U.S.C. 78s(b).

[5] 17 CFR 240.19b–4.

[6] Order Granting Application for Registration as a Clearing Agency and Request for Exemptive Relief, Exchange Act Release No. 79707 (Dec. 29, 2016), 82 FR 1398, 1412 (Jan. 5, 2017) (File No. 600–36) (''Order'').

[7] 15 U.S.C. 78s(b).

[8] 17 CFR 240.19b–4.

[9] Order, 82 FR at 1398.

[10] *Id.*

[11] *Id.* at 1398, 1411.

[12] *Id.* at 1410 n.188; Application, at 3 n.12.

[13] 15 U.S.C. 78s(b).

[14] 17 CFR 240.19b–4.

[15] Order, 82 FR at 1414. Pursuant to Section 19(b)(1) of the Act, self-regulatory organizations, including registered clearing agencies like LCH SA, are required to file with the Commission copies of any proposed rule, or any addition to or deletion from their existing rules. *See* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4(a)(4) (defining ''proposed rule change'').

[16] Order, 82 FR at 1412.

[17] Application, at 3 n.10 and 11.

[18] LCH SA will provide clearing services through DigitalAssetClear for cash-settled Bitcoin index futures and options contracts traded on Global Futures and Options Limited, a UK-based digital asset derivatives trading venue. Application, at 3 n.13.

[19] Order, 82 FR at 1398, 1410 n.188.

[20] LCH SA notes that the Non-Registrable Business does not include any clearance and settlement services pertaining to any purchase or sale transaction in U.S. Treasury securities or repurchase or reverse repurchase agreement collateralized by U.S. Treasury securities; any other transaction involving U.S. Treasury securities; or any clearance and settlement services pertaining to any securities meeting the definition of

Continued

would allow RepoClear to onboard U.S. Clearing Members, RepoClear would no longer be a Non-U.S. Business under the Current Exemptive Relief.

II. Request for Exemptive Relief

LCH SA requests an amendment to the Current Exemptive Relief as it relates to its Non-Registrable Business to provide limited, conditional relief for RepoClear while allowing LCH SA to onboard U.S. Clearing Members to RepoClear. Specifically, LCH SA requests that, for as long as the Non-Registrable Business has U.S. Clearing Members, the Commission allow LCH SA to file with the Commission proposed rule changes related to the Non-Registrable Business pursuant to Section 19(b)(3)(A) of the Act [21] and paragraph (f)(6) of Rule 19b–4 thereunder,[22] provided that, consistent with the Current Exemptive Relief, any such proposed rule change (i) primarily affects LCH SA's clearing operations with respect to the Non-Registrable Business and (ii) does not significantly affect any CDSClear operations or any rights or obligations of LCH SA with respect to the CDSClear services or persons using the CDSClear services (''Non-Registrable Business Rule Change'').[23] LCH SA further proposes that this relief would end following written notice from LCH SA to the Commission that the Non-Registrable Business no longer has any U.S. Clearing Members. After such a notice, all Non-Registrable Business Rule Changes would be treated like Non-U.S. Business Rule Changes under the Current Exemptive Relief.[24]

LCH SA's requested relief would have several additional conditions.

- LCH SA's obligation to file with the Commission the Non-Registrable Business Rule Changes would begin on the effective date that the first U.S. Clearing Member is admitted as a member of the Non-Registrable Business.
- LCH SA will continue to comply with the terms of the Current Exemptive Relief in respect of the Non-U.S. Business (including DigitalAssetClear) by providing notice to Commission staff of its Non-U.S. Business Rule Changes within three (3) business days of such rules taking effect pursuant to the requirements of the European Market Infrastructure Regulation or LCH SA's national competent authorities.
- LCH SA must provide prompt written notice to the Commission in the event that the Non-Registrable Business onboards U.S. Clearing Members or ceases to have U.S. Clearing Members.
- LCH SA must continue to file Non-Registrable Business Rule Changes, and otherwise comply with the terms of the requested relief until LCH SA has, with respect to the Non-Registrable Business, closed all transactions and positions involving U.S. Clearing Members and their clients; completed final settlement of amounts owed to or from U.S. Clearing Members and their clients; returned any collateral, margin, or other property of U.S. Clearing Members and their clients; and provided prompt written notice to the Commission when these conditions are satisfied.
- If LCH SA is no longer required to file Non-Registrable Business Rule Changes because LCH SA no longer has U.S. Clearing Members in the Non-Registrable Business and has otherwise met the above-described conditions, LCH SA may not again onboard U.S. Clearing Members to the Non-Registrable Business without first receiving approval from the Commission.
- Finally, in connection with the statutory and rule provisions discussed throughout the Application, from which exemptive relief is requested, LCH SA represents that, as a condition of such relief, LCH SA shall continue to implement policies and procedures designed to ensure compliance with the terms and conditions described in the Application, and to conduct periodic internal risk-based reviews related to its compliance program.[25]

The Request for Exemptive Relief would not alter the treatment of either CDSClear or the Non-U.S Business under the Current Exemptive Relief.[26] For CDSClear, LCH SA would, as now, file with the Commission proposed rule changes pursuant to Section 19(b) of the Act and Rule 19b–4 thereunder. For the Non-U.S. Business (*i.e.,* DigitalAssetClear), LCH SA would, as now, be exempt from filing proposed rule changes that primarily affect its clearing operations with respect to its Non-U.S. Business, and do not significantly affect any CDSClear operations or any rights or obligations of LCH SA with respect to the CDSClear services or persons using such services, subject to the conditions set out in the Current Exemptive Relief.[27]

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the Request for Exemptive Relief, including whether the Request for Exemptive Relief should be granted. In particular, the Commission solicits comments on the following questions:

1. Do commenters agree that the Commission should grant the Request for Exemptive Relief subject to the conditions described in the Application?
2. Should the Commission add any additional conditions to the requested relief, such as a limit on the overall number of U.S Clearing Members that can join the Non-Registrable Business or a limit on the amount of activity by U.S. Clearing Members in the Non-Registrable Business? If so, please describe what those conditions should be and why. For conditions specific to a membership or activity limit threshold, please describe what the threshold should be and why that threshold would be appropriate. Would the requested relief impact how market participants structure their transactions or access central clearing? If so, please describe the impact and provide any information or data to support this position.
3. Would the requested relief impact competition between different clearing agencies or different types of participants in clearing agencies? If so, please describe the impact on competition, as well as any potential mechanism to address that impact and the potential effects thereof.
4. Would the requested relief have any impact on existing U.S regulatory requirements, other than those identified in the Application or otherwise identified above? Please explain.
5. Would the requested relief have any impact on U.S. Clearing Members that join the Non-Registrable Business, or any other U.S. persons, such as clients of these U.S. Clearing Members? Please explain.
6. Please describe how the requested relief would or would not protect investors and the public interest as required by Sections 17A and 36 of the Exchange Act.
7. Please describe how the requested relief would or would not help to

''government securities'' in Section 3(a)(42) of the Act. Application, at 2 n.7.

[21] 15 U.S.C. 78s(b)(3)(a).

[22] 17 CFR 240.19b–4(f)(6).

[23] Under the requested relief, the Commission would designate that Non-Registrable Business Rule Changes may become effective under Rule 19b–4(f)(6) earlier than 30 days after the date of the filing, but not sooner than the date of filing, and LCH SA may file Non-Registrable Business Rule Changes even if LCH SA has not given 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 the proposed rule change. Application, at 13 n.47.

[24] Application, at 4.

[25] Application, at 12–13.

[26] Application, at 5.

[27] Order, 82 FR at 1410.

facilitate the prompt and accurate clearance and settlement of securities transactions as well as the safeguarding of securities and funds as required by Section 17A of the Exchange Act.

Comments should be received on or before June 5, 2026. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/exchange-act-exemptive-notices-orders*); or
- Send an email to *rule-comments@sec.gov.* Please include file number 600–36 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number 600–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website *(https://www.sec.gov/rules-regulations/exchange-act-exemptive-notices-orders*). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

For further information, you may contact Jeffrey Mooney, Associate Director; Moshe Rothman, Assistant Director; Kevin Schopp, Senior Special Counsel; or Joseph Tabler, Special Counsel, Office of Clearance and Settlement, Division of Trading and Markets, at (202) 551–5500, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

By the Commission.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–08955 Filed 5–5–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105349; File No. SR–CTA/CQ–2026–02]

Consolidated Tape Association; Notice of Filing and Immediate Effectiveness of the Forty-First Amendment to the Second Restatement of the CTA Plan and Thirty-Second Amendment to the Restated CQ Plan

May 1, 2026.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on April 21, 2026, the Participants [3] in the Second Restatement of the Consolidated Tape Association (''CTA'') Plan and the Restated Consolidated Quotation (''CQ'') Plan (''CTA/CQ Plans'' or ''Plans'') filed with the Securities and Exchange Commission (''Commission'') a proposal to amend the Plans. The amendments represent the Forty-First Amendment to the Second Restatement to the CTA Plan and Thirty-Second Amendment to the Restated CQ Plan (''Amendments''). Under the Amendments, the Participants propose to reflect the new name of Nasdaq BX, Inc. as Nasdaq Texas, Inc. and to add the Texas Stock Exchange LLC (''TSE'') as a Participant to the Plans.[4]

The proposed Amendments have been filed by the Participants pursuant to Rule 608(b)(3)(ii) under Regulation NMS [5] as concerned solely with the administration of the Plans and as ''Ministerial Amendments'' under both Section IV(b) of the CTA Plan and Section IV(c) of the CQ Plan. As a result, the Amendments can be submitted by the Chairman of the Plans' Operating Committee and become effective upon filing.

The Commission is publishing this notice to solicit comments on the Amendments from interested persons. Set forth in Sections I and II is the statement of the purpose and summary of the Amendments, along with the information required by Rules 608(a) and 601(a) under the Act, as prepared and submitted by the Participants.

I. Rule 608(a)

1. Purpose of the Amendments

The above-captioned amendments effectuate a change to reflect the new name of Nasdaq BX as Nasdaq Texas. The amendment also admits the Texas Stock Exchange as a new Participant.

2. Governing or Constituent Documents

No change as a result of amendments.

3. Implementation of Amendments

Because the amendments constitute ''Ministerial Amendments'' under both Section IV(b) of the CTA Plan and Section IV(c) under the CQ Plan, the Chair of the Plans' Operating Committee may submit the amendments to the Commission on behalf of the Participants in the Plans. Because the Participants designate the amendments as concerned solely with the administration of the Plans, the amendments become effective upon filing with the Commission.

4. Development and Implementation Phases

No change as a result of amendments.

5. Analysis of Impact on Competition

The amendments do not impose any burden on competition because they simply effectuate a change in the name of a Participant and admit a new Participant to the Plans. For the same reasons, the Participants do not believe that the amendments introduce terms that are unreasonably discriminatory for the purposes of Section 11A(c)(1)(D) of the Exchange Act. The Texas Stock Exchange has completed the required steps to be added to the Plans.

6. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

7. Approval by Sponsors in Accordance With Plan

See Item 3 above.

8. Description of Operation of Facility Contemplated by the Proposed Amendment

No change as a result of amendments.

9. Terms and Conditions of Access

No change as a result of amendments.

10. Method of Determination and Imposition, and Amount of, Fees and Charges

No change as a result of amendments.

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[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] The Participants are: Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., NYSE Texas, Inc, and 24X.

[4] *See* Letter from Jeff Kimsey, Chair, to Vanessa Countryman, Secretary, Commission dated April 21, 2026.

[5] 17 CFR 242.608(b)(3)(ii).

11. Method and Frequency of Processor Evaluation

No change as a result of amendments.

12. Dispute Resolution

No change as a result of amendments.

II. Rule 601(a)

1. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

No change as a result of amendments.

2. Reporting Requirements

No change as a result of amendments.

3. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

No change as a result of amendments.

4. Manner of Consolidation

No change as a result of amendments.

5. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

No change as a result of amendments.

6. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

No change as a result of amendments.

7. Terms of Access to Transaction Reports

No change as a result of amendments.

8. Identification of Marketplace of Execution

No change as a result of amendments.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendments are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CTA/CQ–2026–02 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–CTA/CQ–2026–02. 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/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal offices of the Participants. 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–CTA/CQ–2026–02 and should be submitted on or before May 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–08788 Filed 5–5–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105347; File No. SR–NYSEARCA–2026–45]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Rules To Enable the Trading of Securities on the Exchange in Tokenized Form

May 1, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 29, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Rule 7.39–E and amendments to Rules 1.1, 7.36–E, 7.37–E and 7.41–E to enable the trading of securities on the Exchange in tokenized form during the pendency of a pilot program to be operated by the Depository Trust Company (''DTC'') pursuant to the terms of a December 11, 2025 Securities and Exchange Commission (''Commission'') Staff no-action letter. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt Rule 7.39–E (Tokenized Securities) and amend Rule 1.1 (Definitions), Rule 7.36–E (Order Ranking and Display), Rule 7.37–E (Order Execution and Routing), and Rule 7.41–E (Clearance and Settlement) to enable the trading of securities on the Exchange in tokenized form during the pendency of a pilot program to be operated by DTC pursuant to the terms of a December 11, 2025 Commission Staff no-action letter[4] (''DTC Pilot Program''). As described below, the proposed rule change is based on the rules of The Nasdaq Stock Market LLC (''Nasdaq'').

Background and Proposed Rule Change

The proposed rule change would establish that Exchange ETP Holders that are eligible to participate in the DTC Pilot Program (''DTC Eligible Participants'')[5] may trade tokenized versions of those equity securities and exchange traded products on the

[6] 17 CFR 200.30–3(a)(85).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* No-Action Letter Request Related to The Depository Trust Company's Development of the DTCC Tokenization Services, dated December 11, 2025, available at *https://www.sec.gov/files/tm/no-action/dtc-nal121125.pdf* (the ''No-Action Letter'').

[5] ''DTC Eligible Participant'' would be defined in proposed Rule 7.37–E(b)(10) as ''an ETP Holder that is eligible to participate in the Depository Trust Company's ('DTC') three-year tokenization pilot program, pursuant to its terms and those of the Securities and Exchange Commission Staff no-action letter, dated December 11, 2025 (the 'No-Action Letter').''

Exchange that are eligible for tokenization as part of the DTC Pilot Program (''DTC Eligible Securities''), pursuant to the terms of the No-Action Letter. Pursuant to the proposed changes, DTC Eligible Securities would be able to trade on the Exchange within the current national market system, using DTC to clear and settle trades in token form, per order handling instructions that DTC Eligible Participants may select upon entering their orders for DTC Eligible Securities on the Exchange.[6]

The Exchange's rules do not currently permit the trading of tokenized securities on the Exchange and, unless the Exchange adopts the proposed rules, the Exchange would lack a clear framework for DTC Eligible Participants to designate, at order entry, that a DTC Eligible Security be cleared and settled in tokenized form pursuant to the DTC Pilot Program.[7]

The Exchange accordingly proposes to amend its rules to enable the trading of DTC Eligible Securities in tokenized form on the Exchange during the pendency of the DTC Pilot Program, subject to the same conditions and restrictions as the Nasdaq rule change approved by the Commission. The Exchange believes that the existing regulatory structure mandated by Congress applies to tokenized securities, regardless of whether such securities have certain unique properties like the ability to be settled on a blockchain, much like it did when the Commission allowed securities to be decimalized and electronified and when exchange traded funds and other novel securities were initially approved. The Exchange believes that no significant exemptions or parallel market structure constructs are needed for tokenized securities to trade alongside other securities, and that the markets can accommodate tokenization while continuing to provide the benefits and protections of the national market system.[8]

To tackle the challenge of trading tokenized equities, the Exchange offers a simple proposal that accommodates an approach to tokenization that DTC is pursuing in the DTC Pilot Program. The Exchange believes that this approach will leverage existing structures, players, and rules in a way that is beneficial to investors and in the markets' best interests.

The proposed rules provide that the term ''tokenized'' refers to digital representations of paper securities that utilize digital ledger or blockchain technology, as opposed to ''traditional'' securities, which are also digital representations of paper securities, but do not utilize blockchain technology. As long as DTC Eligible Securities are fungible with, have the same CUSIP number and trading symbol as, and afford their holders the same rights and privileges as traditional securities of an equivalent class, the Exchange will trade DTC Eligible Securities in tokenized form together with traditional securities on the same order book and according to the same execution priority rules. A tokenized DTC Eligible Security would be deemed to provide the same rights and privileges as a traditional security if, among other things, it conveys an equity interest in an underlying company, a right to receive any dividends that the company issues to its shareholders, a right to exercise any voting rights that shareholders are due, and a right to receive a share of the residual assets of the company upon liquidation. The Exchange will not treat tokenized instruments as equivalent to their traditional counterparts if they do not convey such rights or share the same CUSIP and trading symbol; instead, the Exchange will treat these instruments as distinct (*e.g.,* derivative securities or American Depositary Receipts).[9]

As noted above, the Exchange proposes to trade DTC Eligible Securities within the confines of existing securities laws and rules. All existing Exchange rules that currently apply to non-tokenized securities will continue to apply, without modification, except as set forth below.

To effectuate these changes, the Exchange proposes to adopt Rule 7.39–E and amendments to Rules 1.1, 7.36–E, 7.37–E and 7.41–E, as follows.

Rule 1.1

The Exchange proposes to amend the definition of ''Security'' in Rule 1.1 to add a clause similar to that in Equity 1, Nasdaq Section 1 providing that the definition of security encompasses securities that are either listed on the Exchange or traded on the Exchange pursuant to unlisted trading privileges. As amended, Rule 1.1 would provide as follows (proposed additions italicized and proposed deletions bracketed):

The term ''security'' shall mean any security as defined in Rule 3(a)(10) under the Securities Exchange Act of 1934, *as amended, that is either listed on the Exchange or traded on the Exchange pursuant to unlisted trading privileges*; provided, however, that for purposes of Rule 7–E, such term means any NMS stock.

Rule 7.39–E

The Exchange proposes a new Rule 7.39–E titled ''Tokenized Securities.'' [10] As proposed, Rule 7.39–E provide that a security may be traded on the NYSE Arca Marketplace in either traditional form (a digital representation of ownership and rights, but without utilizing a distributed ledger technology (defined as ''blockchain'' technology) or, for the duration and under the terms of the DTC Pilot Program, in tokenized form (a digital representation of ownership and rights which utilizes blockchain technology). Proposed Rule 7.39–E would further provide that DTC Eligible Participants may trade DTC Eligible Securities in tokenized form on the Exchange during the duration of, and pursuant to the terms of, the DTC Pilot Program.

In addition, proposed Rule 7.39–E would provide that the Exchange would publish Trader Updates periodically to identify a current list of those DTC Eligible Securities that may trade in tokenized form on the Exchange.

Under proposed Rule 7.39–E, a share of a tokenized DTC Eligible Security will be tradable on the Exchange together with, and with the same execution priority as, its traditional counterpart, but only if the tokenized security is fungible with, shares the same CUSIP number and trading symbol, and affords its shareholders the same rights and privileges as does a share of an equivalent class of the

[6] The Exchange is assessing various methods of tokenization and trading of tokenized securities. If the Exchange plans to adopt any particular alternative to the DTC approach, then it will file rule proposals with the Commission before doing so.

[7] Nasdaq recently amended its rules to enable the trading of securities in tokenized form during the pendency of the DTC Pilot Program. *See* Securities Exchange Act Release No. 105047 (March 18, 2026), 91 FR 13900 (March 23, 2026) (SR–NASDAQ–2025–072) (Order Approving Proposed Rule Change, as Modified by Amendment No. 2, to Amend the Exchange's Rules to Enable the Trading of Securities on the Exchange in Tokenized Form) (''Nasdaq Approval Order''). *See also* Securities Exchange Act Release No. 104693 (Jan. 27, 2026), 91 FR 4138 (Jan. 30, 2026) (SR–NASDAQ–2025–072) (Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 2, To Amend the Exchange's Rules To Enable the Trading of Securities on the Exchange in Tokenized Form) (''Nasdaq Amendment No. 2'').

[8] Section 11A of the Act states that ''[t]he linking of all markets for qualified securities . . . will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders'' such that Congress directed the Commission to ''use its authority under this chapter to facilitate the establishment of a national market system for securities.'' 15 U.S.C. 78k–1(a). Permitting the trading of tokenized securities on the Exchange will further these policy objectives.

[9] This rule proposal does not address whether and how the Exchange may choose to trade these non-fungible tokenized instruments in the future pursuant to a proposed Rule change.

[10] Rule 7.39–E, currently titled ''Reserved,'' would have its title changed to ''Tokenized Securities.''

traditional security. Except for internal rule cross-references to Exchange rules and minor grammatical differences, the proposed language is substantially the same as Nasdaq Equity 1, Section 1.

Rule 7.36–E

The Exchange proposes to amend Rule 7.36–E, which governs order ranking and display, to add a new Commentary .01 providing that the mere fact that an order contains tokenized securities or indicates a preference of a DTC Eligible Participant to clear and settle DTC Eligible Securities in tokenized form will not affect the priority in which the Exchange executes that order. Except for internal cross-references to Exchange rules and minor grammatical differences, the language of proposed Rule 7.36–E.01 is substantially the same as Equity 4, Nasdaq Rule 4757.

Rule 7.37–E

The Exchange proposes to amend Rule 7.37–E, which governs routing, to add a new subsection (b)(10) that would provide that when the Exchange routes orders in DTC Eligible Securities that DTC Eligible Participants have designated for clearing and settlement in tokenized form in accordance with proposed Rule 7.41–E, Commentary 01, the Exchange will communicate this tokenization instruction to DTC upon receiving an execution for an order that was routed to another trading venue. Except for certain non-substantive differences,[11] the proposed language in Rule 7.37–E(b)(10) is substantially the same as Equity 4, Nasdaq Rule 4758.

Rule 7.41–E

The Exchange proposes to add a new Commentary .01 to Rule 7.41–E, which governs clearance and settlement, describing how a DTC Eligible Participant can communicate its desire to clear and settle a DTC Eligible Security in tokenized form.

Proposed Commentary .01 to Rule 7.41–E would provide that a DTC Eligible Participant (as defined in Rule 7.37–E(b)(10)) that wishes for its order in a DTC Eligible Security to clear and settle in tokenized form as part of the DTC Pilot Program must notate its preference upon entry of the order in the Exchange systems by selecting a tokenization flag that the Exchange designates for this purpose, in accordance with the Exchange's procedures. When a DTC Eligible Participant enters an order for a DTC Eligible Security with the tokenization flag selected, the Exchange will communicate the DTC Eligible Participant's tokenization preference to DTC on a post-trade basis. The flag will indicate the DTC Eligible Participant's preference as to what form the security will take (*i.e.,* token or traditional) and may also include other information or instructions that DTC may require the DTC Eligible Participant to enter, in accordance with DTC's rules, policies, and procedures, and the terms of the No-Action Letter, to effectuate the flag, such as the DTC Eligible Participant's selection of a blockchain and a digital wallet address for a tokenized DTC Eligible Security (the Exchange will issue a Trader Update prior to requiring a DTC Eligible Participant to enter any such information or instructions to the flag, other than its tokenization preference). DTC will then carry out the DTC Eligible Participant's tokenization preference, as set forth in the flag, as well as any instructions attendant thereto to the extent that the flag or instruction is executable in accordance with DTC's rules, policies, and procedures, and the terms of the No-Action Letter.

Proposed Commentary .01 to Rule 7.41–E further provides that Exchange systems will not determine whether an ETP Holder is a DTC Eligible Participant or whether a security is a DTC Eligible Security at the time of order entry and selection of the tokenization flag. The Exchange also will not determine whether DTC is able to execute a tokenization order for other reasons, including because the DTC Eligible Participant wishes to mint the token to a blockchain that is not compatible with the DTC Pilot Program or to a digital wallet that is not registered with DTC.[12] Thus, if at the time of order entry, an ETP Holder is not a DTC Eligible Participant, the security selected for tokenization is not a DTC Eligible Security, or there are other reasons why DTC cannot execute a tokenization preference or instruction, the order will be settled in traditional (non-tokenized) form, in accordance with DTC's rules, policies, and procedures. It is the sole responsibility of ETP Holders to determine for themselves whether they are DTC Eligible Participants, whether the securities subject to an order are DTC Eligible Securities, whether the blockchains and wallets to which they wish to mint tokens are compatible with the DTC Pilot Program, and whether the tokenization instruction is otherwise consistent with the terms of that program and the No-Action Letter.[13]

Again, except for certain non-substantive differences,[14] proposed Rule 7.41–E.01 is substantially the same as Equity 4, Nasdaq Rule 4756.

General Considerations

Other than as described above, from an Exchange system and matching engine perspective, the Exchange's trading procedures and behavior will be the same regardless of whether a DTC Eligible Participant opts to trade tokenized or traditional shares of a DTC Eligible Security.[15] Among other things, the following aspects of the Exchange's current trading system and procedures will not change when trading tokenized securities:

- All Exchange order types and modifiers will be available for use with tokenized securities;
- All Exchange routing strategies will be available for orders in tokenized securities;
- Orders in tokenized securities may participate in all of the Exchange's trading sessions, including Core Open Auctions and Closing Auctions (as defined in Rule 7.35–E), subject to generally applicable eligibility criteria;
- ETP Holders may utilize their existing connectivity to enter orders in tokenized securities;
- The Exchange's fee schedule will not vary based upon whether shares that ETP Holders execute are tokenized or traditional in nature;
- Market data feeds will not differentiate between tokenized and traditional securities;
- The Exchange will comply with any Commission requirements to report

[11] The non-substantive differences include internal cross-references to Exchange rules, minor grammatical differences, and the addition of defined terms, including the definition of ''DTC Eligible Participant,'' which the Exchange proposes to define in Rule 7.37–E(b)(10) and Nasdaq has defined in Equity 4, Nasdaq Rule 4756.

[12] According to the No-Action Letter, any DTC participant would be permitted—at the DTC participant's election—to participate in the DTC pilot tokenization services, with certain exceptions for participants for which DTC has U.S. tax withholding or reporting obligations, or a Treasury International Capital reporting obligation. *See* No-Action Letter, *supra* note 4.

Additionally, the No-Action Letter states that DTC will not execute a tokenization instruction if a DTC Eligible Participant cannot pass DTC's risk management and compliance controls. *See id.* If a transaction would result in a participant breaching its Net Debit Cap (as defined in the No-Action Letter), then the control would not allow that transaction to process until it could do so without breaching the cap. *See id.*

[13] If the Exchange develops the functionality that would allow it to check for eligibility at order entry, it will submit a rule proposal to effectuate that functionality at the appropriate time.

[14] The non-substantive differences include references to ETP Holders, internal cross-references to Exchange rules, minor grammatical differences, and the movement of the definition of DTC Eligible Participant to proposed Rule 7.37–E(b)(10).

[15] The Exchange's pricing structure and rates will not vary depending upon whether a transaction involves a share of a tokenized security. *See also supra* note 6.

tokenization data to the Consolidated Audit Trail;

- Market surveillance of tokenized and traditional securities will rely upon the same underlying data, which will continue to be accessible by the Exchange and the Financial Industry Regulatory Authority (''FINRA'');
- Trades in tokenized securities handled by DTC will continue to settle on a T+1 basis;
- The Exchange's clearly erroneous and risk management measures will cover tokenized securities; and
- Trading of tokenized securities under this proposal is not expected to alter the existing proxy distribution process.[16]

This proposal to offer trading in tokenized securities will become effective once the requisite infrastructure and post-trade settlement services have been established by DTC. The Exchange understands that DTC is working to develop the necessary infrastructure, services, and procedures to facilitate such tokenization and the related post-trade settlement infrastructure and services.[17] On December 11, 2025, the No-Action Letter was issued, which enables DTC to begin providing services that support the Exchange's proposal as soon as this development is complete.

Securities that are DTC Eligible Securities—meaning that they are eligible for tokenization and de-tokenization as part of the DTC tokenization pilot program—will be limited to the following, for purposes of this proposal: (i) securities in the Russell 1000 Index at the time the service launches as well as any additions to the index thereafter and notwithstanding the subsequent removal of any securities from the index; and (ii) exchange traded funds that track major indices. These categories of DTC Eligible Securities will be the only tokenized equities that are available to trade on the Exchange under this proposal.

The Exchange will alert its ETP Holders in a Trader Update at least 30 calendar days before the Exchange begins trading DTC Eligible Securities in tokenized form on its market.

DTC states that it will provide tokenization services on a pilot basis, as described above, for a period of three years after launch, after which time DTC will sunset the service.[18] Thus, the Exchange will revisit this rule proposal when it knows what, if anything, will replace the service after it sunsets.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest by strengthening the Exchange's ability to oversee and police its marketplace.

The Exchange believes that the proposed rule change is consistent with the Act because it would enable the trading of tokenized securities within the existing framework of the national market system, without requiring wholesale exemptions from investor protections. The proposed amendments are narrowly tailored to accommodate the DTC Pilot Program while preserving the integrity, efficiency, and investor protections of the Exchange's existing trading rules. The Exchange believes that all existing Commission and Exchange rules that currently apply to non-tokenized securities will continue to apply, without modification, to the trading of tokenized securities, except as expressly provided herein. The Exchange also believes that the proposed rule change is not designed to permit unfair discrimination between customers, brokers and dealers, consistent with Section 6(b)(5) of the Act.[21] The proposal is not designed to permit unfair discrimination between brokers and dealers because the proposed changes will apply equally to all similarly situated ETP Holders seeking to trade tokenized securities on the Exchange.

The Exchange further believes the proposed rule change furthers the objectives of Section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices. The proposed rule change ensures that tokenized securities may only be traded on the Exchange if they are fungible with, share the same CUSIP number and trading symbol as, and afford their holders the same rights and privileges as, traditional securities of an equivalent class. By tethering tokenized securities to their traditional counterparts in this manner, the proposal eliminates the potential for price dislocation, manipulation, and investor confusion that could arise from the trading of tokenized instruments outside the national market system. In addition, all Exchange rules, including rules governing clearly erroneous transactions, short sales, risk management, and market surveillance will apply equally to tokenized and traditional securities. Market surveillance of tokenized and traditional securities will rely upon the same underlying data, which will continue to be accessible by the Exchange and FINRA. Trades in tokenized securities handled by DTC will continue to settle on a T+1 basis. The Exchange's clearly erroneous and risk management measures will cover tokenized securities.

The Exchange also believes the proposed rule change furthers the objectives of Section 6(b)(5) of the Act in that it 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 and a national market system. The Commission has previously approved rules of another national securities exchange—Nasdaq—enabling the trading of tokenized securities. The Exchange's proposal to adopt comparable rules to allow DTC Eligible Participants to trade DTC Eligible Securities in tokenized form on the Exchange, subject to the same conditions and restrictions as approved for Nasdaq, promotes a fair, consistent, and interoperable national market system framework for tokenized securities trading. ETP Holders will be able to access tokenized securities trading across multiple exchanges on equivalent terms, promoting competition and efficient price discovery. The Exchange will comply with any Commission requirements to report tokenization data to the Consolidated Audit Trail, further supporting the integrity and transparency of the national market system.

In addition, the Exchange believes that the proposed rule change is not designed to permit unfair

[16] According to DTC, a DTC Eligible Participant may need to issue a de-tokenization instruction or DTC may need to force conversion of the Tokenized Entitlement into a Book-Entry Entitlement in order to receive a distribution or replacement security or to issue instructions in relation to the corporate action. In such situations, DTC would, to the extent feasible, provide the relevant participants with advance notice of the need to provide such instruction or DTC's need to take such action. *See* note 4, *supra*. ''Tokenized Entitlement'' and ''Book-Entry Entitlement'' are used as defined in the No-Action Letter. *See id.* at 2–3.

[17] *See id.*

[18] *See* DTCC, No-Action Letter and DTC Tokenization Service FAQ, at 1, available at *https://www.dtcc.com/-/media/Files/Downloads/digital-assets/dtc-tokenization-service-faq.pdf.*

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(b)(5).

discrimination between customers, brokers and dealers, consistent with Section 6(b)(5) of the Act [22] because the proposed changes will apply equally to all similarly situated ETP Holders seeking to trade tokenized securities on the Exchange. All DTC Eligible Participants will be subject to the same conditions for tokenized trading, including the requirement to select a tokenization flag at order entry, and all DTC Eligible Securities will be subject to the same fungibility, CUSIP, and rights requirements. The Exchange will not impose conditions on tokenized trading that favor any particular ETP Holders or class of securities over any other.

Finally, the Exchange believes the proposed rule change is designed to foster cooperation and coordination with persons engaged in facilitating transactions in securities, consistent with Section 6(b)(5) of the Act. The Exchange's proposal is expressly designed to work in coordination with the DTC Pilot Program, pursuant to the No-Action Letter. The proposed rules establish a clear and workable framework for the Exchange, DTC, and Exchange ETP Holders to cooperate in enabling the clearing and settlement of tokenized securities through the existing post-trade infrastructure. This cooperative approach, leveraging DTC's established role as the nation's central securities depository, ensures that tokenized securities trading occurs within a safe, regulated, and transparent framework that protects investors and promotes the public interest.

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 would enable the trading of tokenized securities on the Exchange in a manner that is consistent with the approved rules of another national securities exchange for the same purpose. Facilitating access to tokenized securities across multiple exchanges promotes competition and is in the interest of investors and the investing public. The proposed rule change does not impose any barriers to entry for ETP Holders and does not create any competitive disadvantages between and among market participants. The Exchange believes the proposed rule changes, taken together, will strengthen the Exchange's ability to carry out its role and responsibilities as a self-regulatory organization in connection with the trading of tokenized securities. As such, 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 Exchange believes that its proposal will be particularly attractive because it will provide for the trading of tokenized DTC Eligible Securities in a manner that is familiar to market participants and investors and which is consistent with existing laws and rules. Under this proposal, the extent to which ETP Holders will need to modify their back-end systems and practices to accommodate tokenized securities trading should be minimal; those systems may simply need to account for the availability of the new flag and be set up to provide any information that the flag requires to the Exchange. The Exchange notes that ETP Holders on the Exchange will remain free to trade, clear and settle securities in traditional form, including both DTC Eligible Securities and other securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [23] and Rule 19b–4(f)(6) [24] thereunder. 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 [25] and Rule 19b–4(f)(6) [26] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSEARCA–2026–45 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–45. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–NYSEARCA–2026–45 and should be submitted on or before May 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Deputy Secretary.

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[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(6).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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.

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105339; File No. SR–NASDAQ–2026–016]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the VanEck JitoSOL ETF Under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)

May 1, 2026.

On March 10, 2026, the Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the VanEck JitoSOL ETF under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on March 20, 2026.[3]

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 4, 2026. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates June 18, 2026, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2026–016).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Deputy Secretary.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 105030 (Mar. 17, 2026), 91 FR 13661. The Commission has received no comment letters on the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105352; File No. SR–FINRA–2026–009]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend the FINRA Rule 6700 Series (Trade Reporting and Compliance Engine) (TRACE) To Expand the Scope of the Non-Member Affiliate—Principal Transaction Indicator to Also Include Member Affiliates

May 1, 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 22, 2026, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 FINRA. 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

FINRA is proposing to amend the FINRA Rule 6700 Series (Trade Reporting and Compliance Engine) (''TRACE'') to expand the scope of the non-member affiliate—principal transaction indicator to also include member affiliates.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org* and at the principal office of FINRA.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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

FINRA is proposing amendments to improve transparency in TRACE-Eligible Securities [3] by streamlining dissemination of transactions between a member and its member affiliate. The proposed rule change seeks to accomplish this by expanding the scope of the current non-member affiliate—principal transaction indicator. Originally adopted in 2015, the non-member affiliate—principal transaction indicator requires members to identify in TRACE reports transactions between the member and its non-member affiliate, where the member also engaged in a same-day, same-price transaction in the same security with another contra-party.[4] The non-member affiliate—principal transaction indicator allows FINRA to suppress from dissemination inter-affiliate transactions that do not provide pricing information different from the disseminated transaction between the member and the other contra-party, thereby improving transparency and addressing concerns regarding potential investor confusion as to the level of trading activity in TRACE-Eligible Securities.[5]

FINRA is committed to continuously improving its regulatory approach,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''TRACE-Eligible Security'' means a debt security that is United States (U.S.) dollar-denominated and is: (1) issued by a U.S. or foreign private issuer, and, if a ''restricted security'' as defined in Securities Act Rule 144(a)(3), sold pursuant to Securities Act Rule 144A; (2) issued or guaranteed by an Agency as defined in paragraph (k) or a Government-Sponsored Enterprise as defined in paragraph (n); (3) a U.S. Treasury Security as defined in paragraph (p); or (4) a Foreign Sovereign Debt Security as defined in paragraph (kk). ''TRACE-Eligible Security'' does not include a debt security that is a Money Market Instrument as defined in paragraph (o). *See* Rule 6710(a).

[4] *See* Securities Exchange Act Release No. 74482 (March 11, 2015), 80 FR 13940 (March 17, 2015) (Order Approving File No. SR–FINRA–2014–050) (''2015 Amendments''). *See also Regulatory Notice* 15–14 (May 2015).

[5] FINRA determined that dissemination of these trades does not provide investors with useful information for pricing, valuation or risk evaluation purposes, and may in fact be distortive. *See* FINRA Response to Comments, dated February 24, 2015, *https://www.finra.org/sites/default/files/rule_filing_file/SR-FINRA-2014-050_AmendmentNo.1.pdf* (''FINRA Response Letter'').

including by modernizing FINRA rules in response to member feedback.[6] Members have raised concerns regarding the dissemination of certain transactions between affiliated members that are similar to the concerns raised in 2014 regarding transactions between members and non-member affiliates—*e.g.,* that the transactions are not economically distinct and the disseminated information is duplicative.[7] Thus, FINRA is proposing changes to expand the use of the non-member affiliate—principal transaction indicator to also include transactions between member affiliates trading as principal where the transaction with the member affiliate occurs within the same trading day, at the same price, and in the same TRACE-Eligible Security as a transaction executed by one of the members with another contra-party. To reflect this expanded use, the indicator would be re-designated as the Affiliate—Principal Transaction indicator.

Specifically, FINRA is proposing to amend Rule 6730(d)(4)(E) to provide that, if a member and an ''affiliate,'' as defined in amended Rule 6710, transact in a principal capacity in a TRACE-Eligible Security, and the member reasonably believes that the member (or its member affiliate, in the case of affiliated members) will engage (or has already engaged) in a transaction in the same security within the same day, at the same price, with another contra-party, the member must select the Affiliate—Principal Transaction indicator.[8] This expanded approach is designed to continue to include qualifying transactions between a member and a non-member affiliate and to expand the applicability of the indicator by also including qualifying transactions between a member and a member affiliate.

To accurately identify for suppression qualifying transactions between affiliated members, proposed Rule 6730(d)(4)(E)(ii) would require each member affiliate that is a party to the qualifying transaction to append the Affiliate—Principal Transaction indicator to its TRACE report. Specifically, proposed Rule 6730(d)(4)(E)(ii) would require that, in a transaction between member affiliates, to append the Affiliate—Principal Transaction indicator, both members must share a reasonable belief that the member or its member affiliate will engage (or has already engaged) in a transaction in the same security within the same day, at the same price, with another contra-party. Because the Affiliate—Principal Transaction indicator would be a matching field in TRACE, either both member affiliates must append, or they both must not append, the indicator when reporting (as contra-parties to each other) their respective qualifying transaction(s) to TRACE.[9]

Proposed Rule 6730(d)(4)(E)(ii)'s ''reasonable belief'' requirement is intended to limit the scope of the requirement to affiliated member firms that operate pursuant to a business model where, in the ordinary course, they share a reasonable belief related to relevant trade flow patterns and can reasonably and systematically foresee the existence of transactions to be appended with the indicator. The proposed rule change's scope is thus tailored so that covered firms are able to build systemic processes to append the indicator. The ''reasonable belief'' requirement is not intended to capture incidental same-day, same-price, principal trades between member affiliates or to impose any obligation to establish new information-sharing arrangements or otherwise discover trading activity beyond the members' business needs in connection with their transaction flows.[10]

Proposed Rule 6730(d)(4)(E)(iii) is intended to ensure that at least one leg of a qualifying overall transaction is subject to dissemination—particularly where one of the member affiliates trades from or into their inventory and neither member affiliate engages in a same-security, same-day, same-price transaction with an unaffiliated contra-party. This provision addresses the concern that all legs of an inter-affiliate transaction may be suppressed from dissemination. Therefore, the proposed rule change specifies that, if a member has engaged in a same-day, same-price transaction in the same security with both a member affiliate and a non-member affiliate, and neither member affiliate engages in a same-security, same-day, same-price transaction with an unaffiliated contra-party, the member must only append the Affiliate—Principal Transaction indicator to either: the trade report with its member affiliate; or to the trade report for its transaction with its non-member affiliate.

The below examples illustrate the expanded scope of the Affiliate—Principal Transaction indicator.[11]

Scenario 1: BD A and BD B are affiliated members who routinely engage in back-to-back transactions with each other in TRACE-Eligible Securities on the same day and at the same price as one of them trades in the same securities with another contra-party. Under their existing business models, BD A negotiates but does not trade directly with customers or carry customer accounts; BD A sells to BD B at the price at which it negotiated the sale with the customer; BD B sells the bonds to the customer at that same price. Specifically, in this scenario, a customer requests quotes from BD A through electronic chat and agrees to a price of $98 for 50 ABC bonds. BD A sells 50 ABC bonds at $98 to BD B, and BD B then sells 50 ABC bonds to the customer at $98. Both BD A and BD B trade as principal and, due to their

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[6] *See Regulatory Notice* 25–04 (March 2025).

[7] *See, e.g.,* Letter from Stephen John Berger, Managing Director, Citadel Securities, to Jennifer P. Mitchell, Office of the Corporate Secretary, FINRA, dated June 11, 2025 (''Citadel Letter''); *see also* Letter from Joanna Mallers, Secretary, FIA Principal Traders Group, to Jennifer P. Mitchell, Office of the Corporate Secretary, FINRA, dated June 11, 2025 (''FIA PTG Letter''); and Letter from Bernard V. Canepa, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, to Jennifer P. Mitchell, Office of the Corporate Secretary, FINRA, dated June 11, 2025 (''SIFMA Letter''). The comment letters are included in the public comment file for *Regulatory Notice* 25–04. *See* Item II.C., *infra.*

[8] To reflect the expanded applicability of the indicator, FINRA is proposing to retitle Rule 6730(d)(4)(E) as ''Affiliate—Principal Transaction Indicator'' and, as discussed further below, to amend the definition of ''Non-member Affiliate'' in Rule 6710(ee) and make conforming edits to Supplementary Material .02 and the dissemination provisions of Rule 6750(d)(1).

[9] In the event only one member affiliate appends the Affiliate—Principal Transaction indicator to its TRACE report, TRACE would still suppress from dissemination the sell-side trade report. However, both members would receive a report of a mismatch for that trade on their TRACE Match Status Reports.

[10] FINRA understands that members may have multiple member affiliates (and in some cases, multiple desks at each entity, including those separated by information barriers) that transact in the same securities with each other as with other contra-parties. With the inclusion of the ''reasonable belief'' language, the proposed rule does not require members to seek to identify incidental or unforeseeable trades between it and its affiliates occurring on the same day and at the same price as a transaction with another counterparty unless those trades are systemically identifiable by each TRACE-reporting affiliate contra-party in the normal course of business. As such, a firm is not required to append the indicator to a transaction unless both members share a reasonable belief that it or its member affiliate will engage (or has already engaged) in a transaction in the same security within the same day and at the same price, as a transaction with another contra-party. This expectation is not altered after the fact, even if, in retrospect, a very significant portion of member affiliates' trades with each other ultimately occur on the same day, at the same price and in the same security as a transaction with another counterparty.

[11] Members should continue to report transactions with non-member affiliates consistent with FAQ 3.1.48 of FINRA's Frequently Asked Questions (FAQ) about the Trade Reporting and Compliance Engine (TRACE), available at *https://www.finra.org/filing-reporting/trace/faq.*

business model, at the time of its TRACE report BD A and BD B shared a reasonable belief that BD B would engage in a same-day, same-price, principal transaction in ABC with another contra-party (*i.e.,* the customer).

TRACE Reporting:

• For the transaction between BD A and BD B, BD A must report a principal sale of 50 ABC bonds at $98 to BD B, identifying BD B by its MPID as the contra-party. BD B must report a principal purchase of 50 ABC bonds at $98 from BD A, identifying BD A by its MPID as the contra-party. Because BD A and BD B are affiliates, traded as principal with each other, and shared a reasonable belief that BD B will engage in a transaction in the same security, within the same day, and at the same price, with another contra-party, both BD A and BD B must append the Affiliate—Principal Transaction indicator to their respective trade report.[12] TRACE would not disseminate either of the trade reports appended with the Affiliate—Principal Transaction indicator.

• For the transaction between BD B and the customer, BD B must report a principal sale of 50 ABC bonds at $98 to the customer, identifying the customer as ''C.'' BD B would not append the Affiliate—Principal Transaction indicator to this trade report because BD B is not affiliated with the customer. TRACE would disseminate BD B's sale to the customer.

Scenario 2: BD A and BD B are affiliated members who routinely engage in back-to-back transactions with each other in TRACE-Eligible Securities. Sometimes these transactions are at the same price at which one of them trades with another contra-party and at other times a mark-up/mark-down is applied. Specifically, in this scenario, BD A sells 50 ABC bonds at $98 to BD B, which BD A knows BD B will sell to its customer. However, BD A does not know if BD B will sell the bonds to its customer at $98 or at some other price—a determination that BD B makes independent of BD A that is not systemically identifiable to BD A in the normal course of business. Ultimately, BD B subsequently sells 50 ABC bonds to its customer at $98. Both BD A and BD B trade as principal.

TRACE Reporting:

• For the transaction between BD A and BD B, BD A must report a principal sale of 50 ABC bonds at $98 to BD B, identifying BD B by its MPID as the contra-party. BD B must report a principal purchase of 50 ABC bonds at $98 from BD A, identifying BD A by its MPID as the contra-party. While BD A and BD B are affiliates and traded as principal with each other, and BD B subsequently trades 50 ABC bonds with its customer at the same price, BD A does not reasonably believe that it or its member affiliate will engage (or has already engaged) in a transaction in the same security, within the same day, and at the same price, with another contra-party (*i.e.,* both members did not share a reasonable belief regarding the price and timing of the overall transaction flow). Therefore, neither BD A nor BD B would append the Affiliate—Principal Transaction indicator to their respective trade report. TRACE would disseminate the BD A sell transaction.

• For the transaction between BD B and the customer, BD B must report a principal sale of 50 ABC bonds at $98 to the customer, identifying the customer as ''C.'' BD B would not append the Affiliate—Principal Transaction indicator to its trade report because BD B is not affiliated with the customer. TRACE would disseminate BD B's sale to the customer.

Scenario 3: BD A and BD B are affiliated members who routinely engage in back-to-back transactions with each other in TRACE-Eligible Securities on the same day and at the same price as one of them trades in the same securities with another contra-party. Under their existing business models, BD A routinely moves its bond positions to be held at BD B. Specifically, in this scenario, BD A purchases 50 ABC bonds at $98 from an unaffiliated FINRA member, BD C, and on the same trading day sells 50 ABC bonds to BD B at $98. Both BD A and BD B trade as principal and, due to their business model, BD B reasonably believes that BD A previously engaged in a same-day, same-price transaction in ABC with another contra-party (*i.e.,* BD C).

TRACE Reporting:

• For the transaction between BD A and BD C, BD A must report a principal purchase of 50 ABC bonds at $98 from BD C, identifying BD C by its MPID as the contra-party. TRACE would not disseminate this trade report because it is an interdealer buy transaction. BD C must report a sale of 50 ABC bonds at $98 to BD A, identifying BD A by its MPID as the contra-party. TRACE would disseminate this trade report. Neither BD A nor BD C would append the Affiliate—Principal Transaction indicator to their trade reports because BD A and BD C are not affiliates.

• For the transaction between BD A and BD B, BD A must report a principal sale of 50 ABC bonds at $98 to BD B, identifying BD B by its MPID as the contra-party. BD B must report a principal purchase of 50 ABC bonds at $98 from BD A, identifying BD A by its MPID as the contra-party. Because BD A and BD B are affiliates, traded as principal with each other, and both share a reasonable belief that BD A had already engaged in a transaction in the same security, within the same day, and at the same price, with another contra-party, both BD A and BD B must append the Affiliate—Principal Transaction indicator to their respective trade report. TRACE would not disseminate either of the trade reports appended with the Affiliate—Principal Transaction indicator.

Scenario 4: BD A and BD B are affiliated members who routinely engage in back-to-back transactions with each other in TRACE-Eligible Securities on the same day and at the same price as one of them trades in the same securities with a non-member affiliate. Under their existing business models, BD A and BD B routinely transact with each other, and BD A routinely transacts with non-member affiliate, NMA. Specifically, in this scenario, BD B sells 50 ABC bonds at $99 to BD A from its inventory, and on the same trading day, BD A later sells 50 ABC bonds to NMA at $99. Both BD A and BD B trade as principal and, due to their business model, at the time of their TRACE report BD A and BD B share a reasonable belief that BD A would engage in a same-day, same-price, principal transaction in ABC with NMA.

TRACE Reporting:

• For the transaction between BD A and BD B, BD A must report a principal purchase of 50 ABC bonds at $99 from BD B, identifying BD B by its MPID as the contra-party. BD B must report a principal sale of 50 ABC bonds at $99 to BD A, identifying BD A by its MPID as the contra-party. Because BD A and BD B are affiliates, traded as principal with each other, and both share a reasonable belief that BD A will engage in a transaction in the same security, within the same day, and at the same price, with a non-member affiliate, the Affiliate—Principal Transaction indicator must either be appended to (1) BD A's and BD B's trade reports for the transaction with each other, or (2) BD A's trade report for the transaction with NMA.[13]

[12] In this scenario, BD B engages in a subsequent qualifying same-day, same-price transaction with its customer; however, if BD B had not done so, BD A and BD B would be required to amend their prior trade reports to remove the Affiliate—Principal Transaction indicator. *See* proposed Rule 6730(d)(4)(E)(iv).

[13] In this scenario, BD A and BD B would not be required to append the Affiliate—Principal Transaction indicator to their trade reports in the

Continued

• For the transaction between BD A and NMA, BD A must report a principal sale of 50 ABC bonds at $99 to NMA, identifying NMA as ''A.'' BD A would only append the Affiliate—Principal Transaction indicator to its trade report for the transaction with NMA if BD A and BD B chose not to append the Affiliate—Principal Transaction indicator to their trade reports for the inter-dealer transaction with each other.[14]

• TRACE would disseminate either BD B's sale to BD A or BD A's sale to the NMA, depending upon whether the Affiliate—Principal Transaction indicator was appended to BD A's and BD B's trade reports for their inter-dealer transaction with each other or to BD A's trade report for the transaction with NMA.

As described above, the proposed rule change expands the applicability of the indicator by including qualifying transactions between member affiliates, in addition to qualifying transactions between a member and non-member affiliate.[15] The proposed amendments are not intended to otherwise alter the requirements for applying the indicator.[16] As is the case for transactions covered under Rule 6730(d)(4)(E) today, under the proposed amendments, to qualify for the Affiliate—Principal Transaction indicator, the quantity of the transaction with the other contra-party must be equal to or greater than the quantity of the transaction in the security between the member affiliates.[17]

Finally, the proposed rule change would make conforming amendments to Rule 6710, Supplementary Material .02 to Rule 6730, and Rule 6750 to reflect the expansion of the indicator to apply to transactions between member affiliates. The proposed rule change would amend Rule 6710(ee) to define an ''affiliate'' generally (rather than a ''non-member affiliate''), without changes to the substantive requirements.[18] The proposed rule change would likewise amend Rule 6730.02 to replace references to ''non-member affiliate'' with ''affiliate.'' As a result, members subject to the requirement to append the indicator to transactions with its member affiliate will now also be required to identify those entities that would meet the definition of ''affiliate'' under proposed Rule 6710(ee) at least annually. However, consistent with existing requirements, where the member has undergone an organizational or operational restructuring that may impact its affiliate relationships, it must promptly review and update, as necessary, its identification of affiliates for purposes of Rule 6730. The proposed rule change would also amend Rule 6750(d)(1) to provide that FINRA will not disseminate information on a transaction in a TRACE-Eligible Security that is identified with the Affiliate—Principal Transaction indicator pursuant to Rule 6730(d)(4)(E).

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice.*

event BD A chose instead to append the Affiliate—Principal Transaction indicator to its trade report for the transaction with NMA. If BD A appends the Affiliate—Principal Transaction indicator to the trade report for the transaction with NMA, neither BD A nor BD B may append the Affiliate—Principal Transaction indicator to its trade report for the member-to-member transaction. *See* proposed Rule 6730(d)(4)(E)(iii).

[14] In this scenario, BD A would be required to append the Affiliate—Principal Transaction indicator to its trade report for the transaction with NMA if it and BD A did not append the Affiliate—Principal Transaction indicator to their trade reports for the inter-dealer transaction with each other. *See* proposed Rule 6730(d)(4)(E)(iii).

[15] As a result of changes to the rule text necessary to expand the indicator to cover transactions between member affiliates and because the related individual transactions can occur throughout the day (*i.e.,* the trade with the affiliate could come before the trade with the contra-party, or vice versa) the proposed rule change replaces the current ''reasonably expects'' language in Rule 6730(d)(4)(E) with the phrase ''reasonably believes.''

[16] In addition, proposed Rule 6730(d)(4)(E)(iv) seeks to adopt with respect to member affiliates the same obligations for correcting trade reports as are currently in place regarding a member's trade with a non-member affiliate. Specifically, proposed Rule 6730(d)(4)(E)(iv) provides that a member is not required to correct a prior trade report with its affiliate solely for the purpose of appending the Affiliate—Principal Transaction indicator if the member did not reasonably believe that it (or its member affiliate, in the case of affiliated members) would engage (or had already engaged) in a same-day, same-price transaction in the same security with another contra-party at the time of the prior trade report. If, however, a member appends the Affiliate—Principal Transaction indicator to a trade report reflecting a transaction with an affiliate and, ultimately, the member or its member affiliate does not engage in a same-day, same-price transaction in the same security with another contra-party, the member must correct the prior trade report to exclude the Affiliate—Principal Transaction indicator.

[17] *See* FAQ 3.1.74, Frequently Asked Questions (FAQ) about the Trade Reporting and Compliance Engine (TRACE), available at *https://www.finra.org/filing-reporting/trace/faq.*

[18] *See* proposed Rule 6710(ee), defining ''affiliate'' as an entity that controls, is controlled by or is under common control with a member. For the purposes of this definition, ''control,'' along with any derivative thereof, means legal, beneficial, or equitable ownership, directly or indirectly, of 25 percent or more of the capital stock (or other ownership interest, if not a corporation) of any entity ordinarily having voting rights. The term ''common control'' means the same natural person or entity controls two or more entities.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[19] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

FINRA believes that the proposed amendments to expand the application of the non-member affiliate—principal transaction indicator to include qualifying transactions between member affiliates are appropriate and consistent with the Act. The expanded Affiliate—Principal Transaction indicator is designed to capture trading member relationships where there is a shared expectation between both member affiliates with respect to the transaction based on their business model and routine trade flow patterns, rather than incidental or unforeseeable trades between member affiliates that reflect arm's length trading. These transactions between member affiliates are not economically distinct and reflect the same price as an offsetting transaction with another contra-party and, as such, do not provide meaningful pricing and volume information. Application of the Affiliate—Principal Transaction indicator to these transactions would enable FINRA to identify and suppress from public dissemination transaction data that offers no new pricing, valuation or risk evaluation information, reducing potential investor confusion as to the level of trading activity in TRACE-Eligible Securities. Thus, FINRA believes that the proposed rule change would improve transparency by suppressing from public dissemination identified trade reports for transactions that are not economically distinct from a separately disseminated transaction with another contra-party.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has conducted an economic impact assessment to analyze the regulatory need for the proposed rule change and its potential economic impacts, including anticipated costs,

[19] 15 U.S.C. 78*o*–3(b)(6).

benefits, and distributional and competitive effects relative to the current baseline, and the alternatives considered in assessing how best to meet its regulatory objective.

Regulatory Need

As discussed above, affiliated member firms may engage in principal transactions with each other in the same security, on the same day, and at the same price as a transaction that one of them engages in with another contra-party. FINRA currently requires identification of similar transactions between a member and a non-member affiliate and suppresses these trade reports from dissemination. The proposed amendment will enable FINRA similarly to suppress from dissemination these trades with an affiliated member that do not provide pricing information different from the separately disseminated transaction between the member and the other contra-party.

Economic Baseline

FINRA conducted an analysis using TRACE data from January 2025 through December 2025 to estimate the percentage of trades that could be subject to the proposed rule change across TRACE-Eligible Securities.[20] This analysis provides an upper-bound estimate for both the percentage of potentially qualifying inter-member-affiliate transactions and the number of affected FINRA member firms. The estimate is based on TRACE data that does not capture whether affiliated members reasonably believed—based on their relationship, business models, and expected trade flow patterns—that they or their affiliated member engaged or would engage in a same-day, same-price, principal transaction with another contra-party. Consequently, the analysis is likely overinclusive in that it would capture incidental same-day, same-price principal trades between member affiliates that would not qualify for use of the indicator given the parameters of the proposed rule change.

FINRA's analysis of secondary market transactions indicates that approximately 5.7 percent of transactions in corporate debt securities, Agency Debt Securities,[21] equity-linked notes (ELNs), and Foreign Sovereign Debt Securities;[22] 0.5 percent of transactions in Securitized Products;[23] and 2.1 percent of transactions in U.S. Treasury Securities[24] were between affiliated members where both sides traded in a principal capacity and where at least one party executed one or more same-day, same-security, same-price transactions in the opposite direction with another contra-party, and the volume of the transaction with the contra-party was equal to or greater than the volume of the transaction between the affiliated members. Approximately 86 member firms engaged in such transactions, with 26 firms accounting for approximately 99 percent of transaction reports within the scope of the analysis (both member affiliate contra-parties' reports were counted in this calculation). During the same period of January 2025 through December 2025, 4.0 percent of transactions in corporate debt securities, Agency Debt Securities, ELNs, and Foreign Sovereign Debt Securities; 0.3 percent of transactions in Securitized Products; and 1.5 percent of transactions in U.S. Treasury Securities were reported as non-member affiliate principal transactions[25] and withheld from dissemination. Sixty member firms engaged in non-member affiliate principal transactions, with 26 accounting for approximately 99 percent of such trades across TRACE-Eligible Securities.

When a member firm executes same-day, same-price transactions in the same security with both a member affiliate and a non-member affiliate, and neither affiliated party trades with an unaffiliated contra-party under the same conditions, the Affiliate—Principal Transaction indicator must be appended to reports of only one of the two trades between affiliates (see Scenario 4 above). FINRA's analysis of secondary market transactions indicates that trades between member affiliates potentially falling into this category represent approximately 0.09 percent of transactions in corporate debt securities, Agency Debt Securities, ELNs, and Foreign Sovereign Debt Securities; less than 0.01 percent of transactions in Securitized Products; and 0.14 percent of transactions in U.S. Treasury Securities.

Economic Benefits and Costs

Expanding the scope of the non-member affiliate—principal transaction indicator to also include member affiliates would enhance transparency by enabling FINRA to identify and remove from public dissemination transactions that do not add value for pricing, valuation, or risk evaluation purposes and may create confusion. For example, trades with a member affiliate that offer no additional pricing information from a separately reported and disseminated leg of the same overall transaction may inflate the observed level of trading activity in the market and impact the accuracy of bond market liquidity measures.

Firms engaging in transactions that require the proposed indicator may incur costs to identify such transactions and make system changes for reporting. Where a member's business model involves shared expectations with its member affiliate in connection with same-day, same-price transactions as described above, these members would be required to implement processes to accurately and consistently apply the modifier.[26] The costs to FINRA

[20] For the purpose of this analysis, FINRA determined affiliate relationships using FINRA's Central Registration Depository criteria, which is consistent with the definition of ''affiliate'' proposed herein.

[21] ''Agency Debt Security'' means a debt security (i) issued or guaranteed by an Agency as defined in paragraph (k); (ii) issued or guaranteed by a Government-Sponsored Enterprise as defined in paragraph (n); or (iii) issued by a trust or other entity that was established or sponsored by a Government-Sponsored Enterprise for the purpose of issuing debt securities, where such enterprise provides collateral to the trust or other entity or retains a material net economic interest in the reference tranches associated with the securities issued by the trust or other entity. The term excludes a U.S. Treasury Security as defined in paragraph (p) and a Securitized Product as defined in paragraph (m), where an Agency or a Government-Sponsored Enterprise is the Securitizer as defined in paragraph (s) (or similar person), or the guarantor of the Securitized Product. *See* Rule 6710(l).

[22] ''Foreign Sovereign Debt Security'' means a debt security issued or guaranteed by the government of a foreign country, any political subdivision of a foreign country, or a supranational entity. *See* Rule 6710(kk).

[23] ''Securitized Product'' means a security collateralized by any type of financial asset, such as a loan, a lease, a mortgage, or a secured or unsecured receivable, and includes but is not limited to an asset-backed security as defined in Section 3(a)(79)(A) of the Exchange Act, a synthetic asset-backed security, and any residual tranche or interest of any security specified above, which tranche or interest is a debt security for purposes of paragraph (a) and the Rule 6700 Series. *See* Rule 6710(m).

[24] ''U.S. Treasury Security'' means a security, other than a savings bond, issued by the U.S. Department of the Treasury to fund the operations of the federal government or to retire such outstanding securities. The term ''U.S. Treasury Security'' also includes separate principal and interest components of a U.S. Treasury Security that has been separated pursuant to the Separate Trading of Registered Interest and Principal of Securities (STRIPS) program operated by the U.S. Department of Treasury. *See* Rule 6710(p).

[25] The statistics on non-member affiliate principal transactions are based on the existence of same day, same price, principal trades between FINRA members and their non-member affiliates that are not covered depository institutions subject to the Board of Governors of the Federal Reserve System's Treasury Securities and Agency Debt and Mortgage-Backed Securities Reporting Requirements. *See* 86 FR 59716 (FR 2956; OMB No. 7100–NEW October 28, 2021).

[26] As explained above, the ''reasonable belief'' requirement limits the scope of the proposed rule change to member affiliates that operate pursuant to a business model where, in the ordinary course,

Continued

members to use the Affiliate—Principal Transaction indicator are likely to be less for firms already identifying and reporting non-member affiliate trades, given that the proposed change expands the use of an existing indicator used for non-member affiliate trades to also capture affiliated member trades, rather than adding new system functionality. Of the 86 member firms estimated to have engaged in same day, same price, principal member-affiliate trades in 2025, 21 firms (approximately 24%) also engaged in trades with non-member affiliates reported with the non-member affiliate—principal transaction indicator.

As is the case with the existing non-member affiliate—principal transaction indicator, the proposed rule change requires members to correct a trade report to remove the Affiliate—Principal Transaction indicator if they did not ultimately engage in a same-day trade with another contra-party in the same security at the same price as with its member affiliate. In addition, as is the case with the existing non-member affiliate—principal transaction indicator, the proposed rule change does not require members to correct a trade report if they do not append the Affiliate—Principal Transaction indicator but ultimately engage in a trade with another contra-party in the same security, at the same price, on the same trading day. While this may result in instances where qualifying trades between affiliated members remain unflagged, the proposed amendment would continue to require that inappropriately flagged transactions are corrected and disseminated, while avoiding the operational burden on members to correct for non-flagged trades that have already been disseminated.

Alternatives

No alternatives were considered.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

As noted above, FINRA received three comments in response to *Regulatory Notice* 25–04 that involved the activities covered in the proposal.[27] All three commenters favored FINRA's consideration of additional guidance around the treatment of transactions between affiliated members.[28] One commenter noted that ''FINRA rules already allow members to identify and suppress the public dissemination of riskless principal transactions involving non-member affiliates'' and recommended that ''this practice should be extended to riskless principal transactions involving affiliates that are FINRA members.'' [29] The commenter stated that public dissemination by TRACE of such transactions ''results in duplicative information that is not useful to investors for pricing, valuation or risk purposes.'' [30] Another commenter identified the dissemination of affiliate trades as a top priority for FINRA's consideration under *Regulatory Notice* 25–04.[31] The third commenter called for additional guidance related to the reporting of transactions between an affiliated member and another member as compared to an affiliated member and non-member.[32]

FINRA believes that the instant proposal to expand the applicability of the principal transaction indicator to include member affiliates generally is consistent with commenters' feedback in response to *Regulatory Notice* 25–04. As specifically recommended by one commenter,[33] the proposed rule change will expand the use of the non-member affiliate—principal transaction indicator to include transactions between member affiliates acting as principal where the transaction with the member affiliate occurs within the same trading day, at the same price, and in the same security as a transaction executed by one of the members with a another contra-party, enabling FINRA to suppress from dissemination transaction information that does not add value for pricing, valuation or risk evaluation purposes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FINRA–2026–009 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–FINRA–2026–009. 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/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2026–009 and should be submitted on or before May 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Deputy Secretary.

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they share a reasonable belief related to relevant trade flow patterns and can reasonably and systematically foresee the existence of transactions to be appended with the indicator. The proposed rule change is not intended to capture incidental same-day, same-price, principal trades between member affiliates or to impose any obligation to establish new information-sharing arrangements or otherwise discover trading activity beyond the members' business needs in connection with their transaction flows. *See supra* note 10.

[27] *See supra* note 7.

[28] *See supra* note 7.

[29] *See* Citadel Letter at 7.

[30] *See supra* note 29.

[31] *See* SIFMA Letter at 1.

[32] *See* FIA PTG Letter at 3.

[33] *See* Citadel Letter at 7.

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105351]

Order Granting Conditional Exemptive Relief Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') From Rule Filing Requirements Under Section 19(b) of the Exchange Act and Requirements Under Section 6(b) of the Exchange Act for Order and Execution Management Systems Offered by an Affiliate of the Cboe Exchange, Inc. (''Cboe'' or ''Exchange'') or Pursuant to a Contract With the Exchange

May 1, 2026.

I. Introduction

On March 24, 2026, the Exchange submitted a request for exemptive relief pursuant to section 36(a)(1) of the Exchange Act [1] from the requirement to file proposed rule changes under section 19(b) of the Exchange Act [2] and the requirements under section 6(b) of the Exchange Act [3] with respect to order and execution management systems (''OEMS'') offered by an Exchange affiliate or pursuant to a contractual relationship with the Exchange (''Exchange Affiliated OEMSs''), subject to certain conditions.[4]

According to the Exchange, an OEMS is a software product that market participants may install on their computer systems and use to enter and route orders for execution and manage such executions.[5] For example, Cboe Silexx, LLC, a Cboe affiliate, offers an OEMS, Silexx.[6] Silexx is a ''facility'' of the Exchange as that term is defined in section 3(a)(2) of the Exchange.[7] As a facility of the Exchange, it must satisfy the regulatory requirements applicable to a national securities exchange, including certain rule filing requirements under section 19(b) and the requirements under section 6(b) of the Exchange Act.[8] In compliance with these requirements, the Exchange has filed numerous proposed rule changes on behalf of Silexx.[9] Use of Silexx by Cboe members is voluntary; members may also use an OEMS supported by a third-party to enter and route orders for execution to the Exchange and manage such executions.[10]

For the reasons discussed below, the Securities and Exchange Commission (the ''Commission'' or the ''SEC'') has determined to grant conditional exemptive relief pursuant to its authority under section 36(a)(1) of the Exchange Act [11] to the Exchange for Exchange Affiliated OEMSs from the rule filing requirements under section 19(b) of the Exchange Act and the requirements under section 6(b) of the Exchange Act.[12]

II. Description and Discussion of Exemption Request

In its Exemption Request, Cboe states that Exchange Affiliated OEMSs are at a ''substantial competitive disadvantage'' as compared to OEMSs offered by third-parties that are not affiliated with the Exchange due to the regulatory requirements they must comply with as a result of their status as facilities.[13] In particular, the Exchange states that the rule filing process hinders Exchange-Affiliated OEMSs' ability to dynamically adjust their fee schedules to compete in the market and allows competitors to proactively react to material changes to the Exchange-Affiliated OEMS even prior to any change being implemented.[14] The Exchange further states that facility status thus stifles innovation and competition among OEMSs.[15] To level the regulatory playing field among OEMSs, the Exchange has requested that the Commission grant exemptive relief to Exchange Affiliated OEMSs from the rule filing requirements under section 19(b) of the Exchange Act and the requirements under section 6(b) of the Exchange Act, provided the Exchange satisfies the following conditions (''Exemption Conditions''):

1. *Voluntary Use of Exchange-Affiliated OEMS.* The use of the Exchange-Affiliated OEMS is voluntary (*i.e.,* solely within the discretion of an Exchange member or other user of the OEMS) and not required for an Exchange member to access the Exchange (*i.e.,* the OEMS is a nonexclusive means of access to the Exchange).[16]

2. *Same Terms for Exchange Connection.* There will be no differences between how third-party and Exchange-Affiliated OEMSs may connect to the Exchange. The ports, terms and conditions, and fees related to connecting to the Exchange will be the same for any user of a third-party OEMS and any user of an Exchange-Affiliated OEMS. Such connectivity requirements and fees will be set forth in the Exchange's Rules, technical specifications, and Fees Schedule.[17]

3. *Any Exchange-Affiliated OEMS is not a Registered Broker-Dealer.* The Exchange-Affiliated OEMS (or the entity that owns the Exchange-Affiliated OEMS) is not a registered broker-dealer.[18]

4. *Routing Orders to the Exchange via OEMSs.* For any order ultimately routed to the Exchange via an Exchange-Affiliated OEMS, the users of such OEMS and their brokers are solely responsible for routing decisions (*i.e.,* the Exchange is not involved in such routing decisions). All orders received by the Exchange from a third-party or Exchange-Affiliated OEMS shall be processed by the Exchange in the same manner and pursuant to the Exchange's rules (*i.e.,* orders sent by users of third-party OEMSs shall not be disadvantaged and orders sent by Exchange-Affiliated OEMSs shall receive no preferential treatment on the Exchange).[19]

5. *Fees Charged by the Exchange and Exchange-Affiliated OEMS.* Any fees charged by the Exchange-Affiliated OEMS to a user thereof must not take into consideration any of that user's Exchange activity or to Exchange fees set forth on the Exchange's fees schedule.[20] Correspondingly, any fees charged by an Exchange to a member thereof must not take into consideration that member's activity on the Exchange-

[1] 15 U.S.C. 78mm(a)(1).

[2] 15 U.S.C. 78s(b).

[3] 15 U.S.C. 78f(b).

[4] *See* Letter from Patrick Sexton, Chief Regulatory Officer, Cboe Exchange Inc., dated March 24, 2026 (''Exemption Request'').

[5] *See* Exemption Request at 1–2.

[6] *See* Exemption Request at n.4; *See also* Securities Exchange Act Release No. 82088 (Nov. 15, 2017), 82 FR 55443 (Nov. 21, 2017) (SR–CBOE–2017–068) (describing the functionality and adopting fees for the use of Silexx).

[7] *See* Securities Exchange Act Release No. 101491 (Oct. 31, 2024), 89 FR 88080 (Nov. 6, 2024). Section 3(a)(2) of the Exchange Act states: The term ''facility'' when used with respect to an exchange includes its premises, tangible or intangible property whether on the property or not, any right to use of such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any system of communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service. 15 U.S.C. 78c(a)(2).

[8] 15 U.S.C. 78s(b) and 78f(b).

[9] *See, e.g.,* Securities Exchange Act Release Nos. 83266 (May 14, 2018), 83 FR 23310 (May 18, 2018) (SR–CBOE–2018–035); 87028 (Sept. 19, 2019), 84 FR 50529 (Sept. 25, 2019) (SR–CBOE–2025–061); 89285 (July 10, 2020), 85 FR 43284 (July 16, 2020) (SR–CBOE–2020–062); 90929 (Jan. 14, 2021), 86 FR 6705 (Jan. 22, 2021) (SR–CBOE–2021–002); 99111 (Dec. 7, 2023), 88 FR 86411 (Dec. 13, 2023 (SR–CBOE–2023–064).

[10] *See* Exemption Request at 5–6.

[11] 15 U.S.C. 78mm(a)(1).

[12] 15 U.S.C. 78s(b) and 78f(b).

[13] *See* Exemption Request at 4.

[14] *See id.* at 4–5.

[15] *See id.* at 5.

[16] *See id.* at 6.

[17] *See id.*

[18] *See id.*

[19] *See id.*

[20] The Exchange notes that fees charged by an Exchange-Affiliated OEMS may be competitively established and may vary among users of such Exchange-Affiliated OEMS. *See id.* at n.19.

Affiliated OEMS. Similarly, the Exchange will no longer provide rebates to users of an Exchange-Affiliated OEMS whether on the Exchange floor or otherwise.[21]

6. *Use of Exchange Services on Same Terms.* Users of third-party OEMSs and Exchange-Affiliated OEMSs will have use of the Exchange facilities and services (*e.g.,* Exchange market data) in the same manner pursuant to the same terms, conditions, and fees as set forth in the Exchange's Rules, technical specifications, and Fees Schedule.[22]

7. *Procedures and Internal Controls.* The Exchange has established and maintains procedures and internal controls reasonably designed to prevent the Exchange-Affiliated OEMS from receiving any advantage or benefit as a result of its affiliation/relationship with the Exchange, including the provision of Exchange information to the entity or personnel operating the Exchange-Affiliated OEMS regarding updates to the Exchange trading system (such as technical specifications) until such information is available generally to similarly situated market participants.[23]

The Exchange states that these conditions address the objectives of section 19(b) and section 6 of the Exchange Act.[24] In particular, the Exchange states the Exemption Conditions are just and equitable because they do not mandate the use of any particular OEMS, whether an Exchange-Affiliated OEMS or third-party OEMS, and access to the Exchange will be the same regardless of the OEMS used by a user or trading permit holder (''TPH'').[25] The Exchange states that the proposed exemption requires the equitable allocation of Exchange fees irrespective of the OEMS used by a user or TPH, and also requires that any fees charged by an Exchange-Affiliated OEMS be unrelated to a user's activity on the Exchange.[26] The Exchange states that, for example, the determination of an Exchange-Affiliated OEMS to charge a reduced fee to its users based on higher volumes executed on the Exchange would be inconsistent with the Exemption Conditions and would require a rule filing.[27] The Exchange states that, correspondingly, any fees charged by the Exchange to a TPH must be unrelated to the member's activity on the Exchange-Affiliated OEMS, and vice versa.[28]

The Exchange states that the Exemption Conditions also remove impediments to and perfect a free and open market by eliminating any potential for benefits to be realized as a result of the affiliation between the Exchange and the Exchange-Affiliated OEMS.[29] The Exchange states that the Exemption Conditions also require that third-party OEMSs and Exchange-Affiliated OEMSs have use of the Exchange facilities and services in the same manner pursuant to the same terms, conditions, and fees, and that orders sent to the Exchange by third-party OEMSs and Exchange-Affiliated OEMSs are treated in the same manner.[30] The Exchange states that the Exemption Conditions prevent unfair discrimination and impose no burden on competition as any user or TPH may use any OEMS for order handling and accessing the Exchange on equal terms.[31] The Exchange states that the proposed exemption is designed to level the playing field between Exchange-Affiliated OEMSs and third-party OEMSs and promotes competition, which ultimately benefits investors.[32] The Exchange states that proposed exemption specifically states that third-party OEMSs shall not be disadvantaged vis-à-vis users of Exchange-Affiliated OEMSs.[33] The Exchange states that while the proposed exemption would exempt Exchange-Affiliated OEMSs from Sections 19(b) and 6(b) of the Exchange Act, the Commission would retain jurisdiction over such OEMSs which would allow it to seek books and records as necessary to affirm compliance with the Exemptive Conditions.[34]

III. Exemptive Relief Under Section 36

Section 36(a)(1) of the Exchange Act grants the Commission the authority to ''conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [35] The conditional exemptive relief granted herein is appropriate in the public interest and consistent with the protection of investors because the conditions are reasonably designed to ensure that an Exchange Affiliated OEMS operates in a manner that is consistent with the Exchange Act, the Commission will retain the ability to oversee the Exchange and Exchange Affiliated OEMS, and this relief will promote competition in the market for OEMS services.[36]

The Exemption Conditions described above help ensure that neither the Exchange nor an Exchange Affiliated OEMS operate in a manner that (i) would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act,[37] (ii) would unfairly discriminate between customers, issuers, brokers, or dealers,[38] or (iii) would result in an unequitable allocation of reasonable dues, fees, and other charges among the Exchange's members and issuers and other persons using its facilities.[39] Because an Exchange Affiliated OEMS that operates within the terms of the Exemption Conditions and its users would operate on equal terms vis-à-vis the Exchange as third-party OEMSs and their users, it is appropriate to treat such an Exchange Affiliated OEMS similarly to third-party OEMSs with respect to the requirements of section 19(b) and section 6(b) of the Exchange Act. An exemption, subject to the Exemption Conditions, from the requirements of section 19(b) and section 6(b) of the Exchange Act concerning operation of an Exchange Affiliated OEMS may also help foster competition, innovation, and access in the market for OEMS products and services.

While the Commission is granting certain exemptive relief to Exchange Affiliated OEMSs that comply with the Exemption Conditions, Exchange Affiliated OEMSs that are ''facilities'' of the Exchange as defined in Section 3(a)(2) of the Exchange Act,[40] like Silexx, remain subject to all other requirements applicable to the facilities a national securities exchange under the Exchange Act and the rules and regulations thereunder. For example, the Exchange and such Exchange Affiliated OEMS are subject to the provisions in section 17(a) of the Exchange Act,[41] and the rules and

[21] *See id.* at 6–7.
[22] *See id.* at 7.
[23] *See id.*
[24] *See id.* at 5.
[25] *Id.*
[26] *Id.*
[27] *Id.* at n.18.
[28] *Id.* at 5.
[29] *Id.*
[30] *Id.*
[31] *Id.* at 5–6.
[32] *Id.* at 6.
[33] *Id.*
[34] *Id.*
[35] 15 U.S.C. 78mm(a)(1).
[36] *See id.*
[37] 15 U.S.C. 78f(b)(8).
[38] 15 U.S.C.78s(b)(5).
[39] 15 U.S.C. 78s(b)(4).
[40] *See supra* note 7 for definition of facility under the Exchange Act.
[41] Section 17(a) of the Exchange states, ''every national securities exchange . . . shall make and keep for prescribed periods such records, furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest,

regulations thereunder relating to books and records requirements.[42] Similarly, the Exchange and such Exchange Affiliated OEMS are subject to section 17(b) of the Exchange Act, and the rules and regulations thereunder that require a national securities exchange to make itself available to inspection and examination by the Commission.[43]

For the reasons discussed herein, the Commission determines that the conditional exemptive relief granted herein satisfies the standard of section 36(a)(1) of the Exchange Act.

Accordingly, it is ordered, pursuant to section 36(a)(1) of the Exchange Act, that the Exchange is exempt from the rule filing requirements under section 19(b) of the Exchange Act[44] and the related requirements under section 6(b) of the Exchange Act that would have been applicable to the rules filed under section 19(b)[45] with respect to an Exchange Affiliated OEMS if the Exemption Conditions are met.

By the Commission.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–08778 Filed 5–5–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21515 and #21516; MONTANA Disaster Number MT–20037]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Montana

AGENCY: U.S. Small Business Administration.

ACTION: Correction.

SUMMARY: This is a correction of the Presidential declaration of a major disaster for Public Assistance Only for the state of Montana (FEMA–4902–DR), dated April 7, 2026.

Incident: Severe Winter Storm and Straight-line Winds.

DATES: Issued on April 30, 2026.

Incident Period: December 17, 2025 through December 18, 2025.

Physical Loan Application Deadline Date: June 10, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: January 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Public Assistance Only for the state of Montana dated April 7, 2026, and published in the **Federal Register** on April 21, 2026 at 91 FR 21362 in the first column is hereby corrected to include the Tribal Areas: Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

All other information in the notice remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–08974 Filed 5–5–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

SBIC License Issuance

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Small Business Investment Company (SBIC) Licenses.

SUMMARY: Pursuant to the authority granted to the United States Small Business Administration under section 301(c) of the Small Business Investment Act of 1958, as amended, to grant Small Business Investment Company licenses under the Small Business Investment Company Program, this notice satisfies the requirement effective August 17, 2023 under 13 CFR 107.501(a) to publish in the **Federal Register** the names of SBICs with date of licensure and Total Intended Leverage Commitments. The following SBICs received SBIC licenses as of the date indicated below:

SBIC fund name	Date of licensure	Leverage tiers [1]
Stonehenge Community Impact Fund II, L.P.	3/25/2026	2.00x.
Energy Impact Credit Fund III, L.P.	3/26/2026	2.00x.
QS Capital Strategies III, L.P.	4/14/2026	2.00x.
Trinity Capital SBIC, L.P.	4/20/2026	2.00x.

[1] Maximum amount of Leverage expressed as a multiple of Leverageable Capital pursuant to 13 CFR 107.1150.

for the protection of investors, or otherwise in furtherance of the purposes of this chapter.'' 15 U.S.C. 78q(a).

[42] Exchange Act Rule 17a–1 requires a national securities exchange (and by extension a facility thereof) to: (i) keep and preserve at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records as shall be made or received by it in the course of its business as such and in the conduct of its self-regulatory activity; (ii) keep all such documents for a period of not less than five years, the first two years in an easily accessible place, subject to the destruction and disposition provisions of Rule 17a–6; and (iii) upon request of any representative of the Commission, promptly furnish to the possession of such representative copies of any documents required to be kept and preserved by it pursuant to paragraphs (a) and (b) of the Rule. *See* 17 CFR 240.17a–6.

[43] 15 U.S.C. 78q(b).

[44] 15 U.S.C. 78s(b)

[45] 15 U.S.C. 78f(b).

Paul Van Eyl,
Director of Policy, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2026–08905 Filed 5–5–26; 8:45 am]
BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 13008]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Orientalism: Between Fact and Fantasy'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Orientalism: Between Fact and Fantasy'' at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,
Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–08967 Filed 5–5–26; 8:45 am]
BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21148]

Jane Stiles and Thomas Stiles—Acquisition of Control—Safe-Way Bus Co. and Safe-Way Wisconsin, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving and authorizing finance transaction.

SUMMARY: On March 28, 2022, Jane Stiles and Thomas Stiles (each an Applicant and, collectively, Applicants), both noncarriers, each acquired a 50% ownership interest in both Safe-Way Bus Co. (Safe-Way Bus) and Safe-Way Wisconsin, Inc. (Safe-Way Wisconsin), each an interstate motor carrier of passengers, without Board authority (the Transaction). On April 6, 2026, Applicants filed an application for after-the-fact Board authority for the Transaction, to rectify what they describe as an inadvertent oversight. The Board is tentatively approving and authorizing the Transaction after the fact, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments may be filed by June 22, 2026. If any comments are filed, Applicants may file a reply by July 6, 2026. If no opposing comments are filed by June 22, 2026, this notice shall be effective on June 23, 2026.

ADDRESSES: Comments may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to Applicants' representative: Edward Fishman, Hogan Lovells US LLP, Columbia Square, 555 Thirteenth Street NW, Washington, DC 20004–1109.

FOR FURTHER INFORMATION CONTACT: Jonathon Binet at (202) 915–4348. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: According to the application, Jane Stiles (Jane) is an individual resident of Minnesota and U.S. citizen. Jane is not a motor carrier and does not hold individual operating authority. Jane owns 50% of the shares of Safe-Way Bus and serves as its Co-President and Secretary. Jane also owns 50% of the shares of Safe-Way Wisconsin and serves as its Co-President and Secretary. (Appl. 3.) Thomas Stiles (Thomas) is an individual resident of Wisconsin, a U.S. citizen, and a brother of Jane. Thomas is not a motor carrier and does not hold individual operating authority. Thomas owns 50% of the shares of Safe-Way Bus and serves as its Co-President and Treasurer. Thomas also owns 50% of the shares of Safe-Way Wisconsin and serves as its Co-President and Treasurer. (*Id.* at 4.)

Prior to the Transaction, each Applicant owned 33% of the shares in Safe-Way Bus and Safe-Way Wisconsin. On March 28, 2022, each Applicant acquired additional shares in Safe-Way Bus and Safe-Way Wisconsin through the settlement of the estate of their late brother, Daniel Stiles. As a result, each Applicant holds 50% of the shares in Safe-Way Bus and Safe-Way Wisconsin. (*Id.*)

The Application describes Safe-Way Bus as a Minnesota corporation that was incorporated on February 25, 1970, in Inver Grove Heights, Minn. Safe-Way Bus was formed by Jane and Thomas's parents, who owned and operated the company as a school bus provider in the Twin Cities area of Minnesota. Ownership was transferred after their deaths to their three children (Jane, Thomas, and Daniel Stiles). (*Id.*)

The Application states that Safe-Way Bus provides service out of its Inver Grove Heights terminal in the Twin Cities region of Minnesota and its terminal in Hudson, Wis. (*Id.* at 11.) Safe-Way Bus is authorized to operate as an interstate motor carrier of passengers subject to the jurisdiction of the FMCSA pursuant to authority issued in Docket No. MC–362288; U.S. DOT No. 813377. Safe-Way Bus also has intrastate operating authority as a motor carrier of passengers from the Minnesota DOT pursuant to Minnesota DOT # 142460.

Safe-Way Bus provides school transportation service under contract to two school districts in the Twin Cities, Minn. area (Inver Grove Heights Public Schools district ISD 199 and South St. Paul Public Schools district/SSD 6) as well as to the Hudson, Wis. public school district. (*Id.* at 5–6.) The Application states that, until June 2023, Safe-Way Bus also provided school transportation service under contract to the St. Paul Public Schools district ISD 625. (*Id.* at 5.)

According to the Application, the Inver Grove Heights Public Schools district consists of approximately five public schools. The district has approximately 3,500 students and the service area encompasses approximately 30 square miles. The contract service that Safe-Way Bus provides for the Inver Grove Heights Public Schools district involves approximately 23 full-sized school buses that are used for transporting regular education students to and from school and conducting extracurricular trips. (*Id.*)

According to the Application, the South St. Paul Public Schools district consists of approximately five public schools. The district has approximately 3,100 students and the service area encompasses approximately six square miles. The contract service that Safe-Way Bus provides for the South St. Paul Public Schools district involves approximately seven full-sized school buses that are used for transporting regular education students to and from school and conducting extracurricular trips. Safe-Way Bus also utilizes approximately seven smaller buses to transport preschool and special-needs students. (*Id.* at 5–6.)

According to the Application, the Hudson Public Schools district consists of approximately eight public schools and one private school. The district has approximately 5,300 students and the service area encompasses approximately 77 square miles. The contract service that Safe-Way Bus provides for the Hudson Public Schools District involves approximately 42 full-sized school buses that are used for transporting regular education students to and from school and conducting extra-curricular trips. Safe-Way also utilizes approximately 12 smaller buses and four vans/SUVs to transport pre-K and special-needs students. (*Id.* at 6.)

According to the Application, Safe-Way Bus provides after-school trips as part of its contracts with the relevant school districts in the Twin Cities area. On limited occasions, these services involve transportation across state lines into neighboring states including Wisconsin. (*Id.*) Safe-Way Bus also provides charter bus service for university and youth groups, transporting them to sporting events and similar activities within the state of Minnesota and across state lines, primarily into Wisconsin. (*Id.*)

The Application states that, in the past 12 months, Safe-Way Bus has conducted approximately 334 interstate trips and approximately 2.11% of its overall revenue is derived from these interstate trips. Safe-Way Bus does not conduct regularly scheduled motorcoach service in interstate commerce. The Safe-Way Bus terminal in Inver Grove Heights has a fleet of approximately 51 school buses. Safe-Way Bus operates its student transportation services out of its terminal in Inver Grove Heights. That terminal has approximately 50 employees, including 45 drivers and five other employees. The terminal in Hudson has approximately 64 employees, including 58 drivers and six other employees. (*Id.* at 6–7.)

The Application describes Safe-Way Wisconsin as a Wisconsin corporation that was incorporated on May 30, 2006, and that has its principal business address in Somerset, Wis. Safe-Way Wisconsin is authorized to operate as an interstate motor carrier of passengers subject to the jurisdiction of the FMCSA pursuant to authority issued in Docket No. MC–1471781; U.S. DOT No. 3923185. Safe-Way Wisconsin also has intrastate operating authority from the Wisconsin Department of Transportation to operate as a common carrier of passengers pursuant to PC221. (*Id.* at 7.)

According to the Application, Safe-Way Wisconsin provides service out of its terminal in Somerset, Wis., and from a terminal in Balsam Lake, Wis. (*Id.* at 10.) Safe-Way Wisconsin is a school transportation operator, providing general and special education transportation to and from school on regular routes under contract to the Somerset Public Schools district in Somerset, and the Unity School District in Balsam Lake. The Somerset Public Schools district consists of three public schools and one non-public school. The district has approximately 1,500 students and encompasses a service area of approximately 95 square miles. The contract service that Safe-Way Wisconsin provides for the Somerset Public Schools district involves running approximately 19 full sized school buses that are used for transporting regular education students to and from school and for extracurricular trips. (*Id.* at 7–8.)

According to the Application, the Unity School District consists of three public schools in the towns of Balsam Lake, Milltown, and Centuria, Wis. The district has approximately 945 students and encompasses a service area of approximately 140 square miles. The contract service that Safe-Way Wisconsin provides for the Unity Public Schools district involves running approximately 15 full-sized school buses that are used for transporting regular education students to and from school and for extracurricular trips. Safe-Way Wisconsin also utilizes approximately one smaller bus and three vans that transport preschool and special-needs students within the Unity Public School district. (*Id.* at 8.)

The Application states that Safe-Way Wisconsin employs approximately 19 school bus drivers and has 22 total employees at the Somerset terminal. In addition, Safe-Way Wisconsin employs approximately 18 school bus drivers and has 21 total employees at the Balsam Lake terminal. Safe-Way Wisconsin has serviced the Somerset Public Schools district continually since 2006, and the Unity School District since 2023. (*Id.*)

According to the Application, Safe-Way Wisconsin provides after-school trips as part of its contract with Somerset Public Schools and the Unity School District for extracurricular activities and other special events within Wisconsin. On limited occasions, these services involve transportation across state lines into neighboring states including Minnesota. Safe-Way Wisconsin provides charter bus service for university and youth groups, transporting them to sporting events and similar activities within the state of Wisconsin and across state lines, primarily into Minnesota. (*Id.* at 8–9.)

According to the Application, Safe-Way Wisconsin does not conduct regularly scheduled motorcoach service in interstate commerce. It operates from its terminals in Somerset and Balsam Lake. It conducts approximately 111 interstate trips per year between those terminals, a number that, according to the Application, is minimal in comparison to Safe-Way Wisconsin's overall intrastate school transportation operations. According to the Application, approximately 2.01% of Safe-Way Wisconsin's overall revenue is from interstate operations. (*Id.* at 9.)

The Application states that, since the Transaction in 2022, both Safe-Way Bus and Safe-Way Wisconsin have continued to operate under their same names. (*Id.*) In addition, both Safe-Way Bus and Safe-Way Wisconsin have provided substantially the same services under the co-ownership and control of the Applicants as they did before the Transaction. (*Id.*) The territories that are primarily served by Safe-Way Bus and Safe-Way Wisconsin do not overlap, as those territories are located approximately 30 miles apart from one another in different states. (*Id.* at 10.)

According to the Application, Safe-Way Wisconsin's main competitors for student transportation services include Kobussen Buses LTD and Go-Riteway Transportation Group. Safe-Way Bus's main competitors for student transportation services in the greater Twin Cities area and in the Hudson area include First Student Transportation, Schmitty & Sons Transportation, Transit Team, Voigt's School Service Inc., Billie Bus Transportation, and American Student Transportation. There are approximately five other direct competitors in each of the service areas, and the competitive landscape has not materially changed since the Transaction in 2022. Both Safe-Way Wisconsin and Safe-Way Bus generally face competition from national, regional

and local bus providers operating within their respective service areas. In addition, both companies face considerable competition for transportation services from other modes of transportation including ride sharing services and local bus service operated by transit agencies. (*Id.*) Other than Safe-Way Bus and Safe-Way Wisconsin, there are no other affiliated carriers with Board-regulated interstate passenger operations within Applicants' control. (*Id.* at 11.)

Applicants state that they now understand that a control application should have been filed with the Board prior to their 2022 acquisition of control of the Carriers. Applicants thus seek after-the-fact authority for the Transaction. (*Id.* at 10–11). *See* 49 U.S.C. 14303(a)(5).

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges that result from the proposed transaction, and (3) the interest of affected carrier employees. Applicants have submitted the information required by 49 CFR 1182.2, including information to demonstrate that the transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded $2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (*See* Appl. 11.)

Applicants state that the Transaction has not resulted in any significant changes to the nature or scope of the general operations conducted by Safe-Way Bus and Safe-Way Wisconsin. (*Id.* at 12.) Applicants assert that the Transaction has not produced adverse competitive effects in any relevant geographic market and has not impaired the adequacy of transportation to the public. (*Id.* at 13–14.) According to the Applicants, the school transportation services that Safe-Way Bus and Safe-Way Wisconsin provide are under contract to different school districts in different service areas that are 30 miles apart, and there is no overlap in the school district service areas or routes served by Safe-Way Bus and Safe-Way Wisconsin. (*Id.* at 12.) Furthermore, both carriers face substantial competition for student transportation services from other bus providers, including national, local and regional, and from numerous other modes of transportation. (*Id.*)

Applicants state that the Transaction did not result in fixed charges that adversely affected the ability of the Safe-Way Bus and Safe-Way Wisconsin to continue to provide safe and quality transportation service and that Applicants did not use debt funding or incur fixed charges in their acquisition of control of Safe-Way Bus and Safe-Way Wisconsin. (*Id.* at 13.) Applicants assert that the Transaction has not had any material adverse effect on employee or labor conditions. (*Id.*) Applicants state that there have been no substantial layoffs at Safe-Way Bus or Safe-Way Wisconsin since the Transaction, and Applicants are not aware of adverse changes to wages, benefits, or working conditions as a result of the Transaction. In fact, according to Applicants, Safe-Way Wisconsin has hired additional drivers and employees to serve the Unity School District contract. (*Id.*)

The Board finds that the Transaction as described in the application is consistent with the public interest and should be tentatively approved and authorized after the fact. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action in this proceeding.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at *www.stb.gov.*

It is ordered:

1. The Transaction is approved and authorized after-the-fact, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective June 23, 2026, unless opposing comments are filed by June 22, 2026. If any comments are filed, Applicants may file a reply by July 6, 2026.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of General Counsel, 1200 New Jersey Avenue, SE, Washington, DC 20590.

5. This notice will be published in the **Federal Register**.

Decided: April 27, 2026.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

Eden Besera,

Clearance Clerk.

[FR Doc. 2026–08776 Filed 5–5–26; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Initiation of Second Four-Year Review Process: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The U.S. Trade Representative is commencing the second, statutory four-year review of the two actions taken under Section 301 of the Trade Act of 1974, as amended (Trade Act), in the investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation. The two actions were effective, respectively, on July 6, 2018, and August 23, 2018, and subsequently were modified by imposing additional duties on supplemental lists of products, by the temporary removal of duties on certain products through product exclusions, and through the first, statutory four-year review. The first step in the four-year review process is notifying representatives of domestic industries which benefit from the actions of the possible termination of the actions and of the opportunity for these representatives to request continuation of the actions. Requests for continuation must be received in the 60-day window prior to the second four-year anniversary of the respective action: (1) between May 7, 2026, and July 5, 2026, for the July 6, 2018, action; and (2) between June 24, 2026, and August 22, 2026, for the August 23, 2018, action. The Office of the United States Trade Representative (USTR) is notifying interested parties of these two time windows for representatives of domestic industries which benefit from the trade actions to request continuation of the corresponding trade actions through the USTR website portal. If the trade actions continue as a result of one or more requests from representatives of

domestic industries which benefit from the actions, USTR will proceed with the next phase of the review of the trade actions. The second phase of the review would be announced in one or more subsequent notices and would provide opportunities for public comments from all interested parties.

DATES: For the July 6, 2018, trade action, the web portal at *https://comments.ustr.gov/s/* will open for requests to continue the action on May 7, 2026, and close at 11:59 p.m. on July 5, 2026. For the August 23, 2018, trade action, the web portal at *https://comments.ustr.gov/s/* will open for requests to continue the action on June 24, 2026, and close at 11:59 p.m. on August 22, 2026.

FOR FURTHER INFORMATION CONTACT: Philip Butler or Megan Grimball, Chairs of the Section 301 Committee, (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

On August 24, 2017, the U.S. Trade Representative initiated an investigation into certain acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation. 82 FR 40213. In a notice published on April 6, 2018, the U.S. Trade Representative announced a determination that the acts, policies, and practices of the Government of China covered in the investigation are unreasonable or discriminatory and burden or restrict U.S. commerce. 83 FR 14906 (the ''April 6, 2018, notice''). The April 6, 2018, notice also invited public comment on a proposed action in the investigation, in the form of an additional 25 percent *ad valorem* duty on products of China classified in a list of 1,333 tariff subheadings, with an annual trade value of approximately $50 billion.

1. Actions Taken Under Section 301 of the Trade Act

Following a period of public notice and comment, the U.S. Trade Representative determined to take action under Section 301 of the Trade Act (19 U.S.C. 2411) in the form of additional duties of 25 percent *ad valorem* on 818 of the proposed tariff subheadings, with an approximate annual trade value of $34 billion, effective July 6, 2018 (List 1). 83 FR 28710 (the ''July 6, 2018, action''). The U.S. Trade Representative also proposed further action in the form of additional *ad valorem* duties of 25 percent on a list of 284 tariff subheadings with an approximate annual trade value of $16 billion. Following a period of notice and comment, the U.S. Trade Representative determined to take action under Section 301 in the form of additional duties of 25 percent on 279 tariff subheadings with an approximate annual trade value of $16 billion, effective August 23, 2018 (List 2). 83 FR 40823 (the ''August 23, 2018, action'').

2. Subsequent Modifications Under Section 307

The U.S. Trade Representative subsequently modified the July 6, 2018, action and the August 23, 2018, action pursuant to authority under Section 307(a) of the Trade Act. (19 U.S.C. 2417(a)). These modifications were in the form of (i) additional duties on supplemental lists of products, (ii) the temporary removal of duties on certain products through product exclusions, and (iii) increasing duties on certain products as a result of the first, statutory four-year review.

The modifications to the July 6, 2018, action and August 23, 2018, action that are currently in effect are as follows:

a. List 3—83 FR 47974 (September 21, 2018), as modified by 84 FR 20459 (May 9, 2019), and as amended by 84 FR 21892 (May 15, 2019); 84 FR 26930 (June 10, 2019); 86 FR 22092 (April 26, 2021); and 87 FR 9785 (February 22, 2022);

b. List 4A—84 FR 43304 (August 20, 2019), as modified by 84 FR 45821 (August 30, 2019), 84 FR 69447 (December 18, 2019), and 85 FR 3741 (January 22, 2020);

c. First Four-Year Review—89 FR 76581 (September 18, 2024) and 89 FR 101682 (December 16, 2024);

d. Exclusions—89 FR 46948 (May 30, 2024), as modified by 89 FR 64038 (August 6, 2024), 90 FR 23987 (June 5, 2025), 90 FR 42500 (September 2, 2025), and 90 FR 55232 (December 1, 2025).

In a second four-year review, USTR would examine the July 6, 2018, action, and August 23, 2018, action, as modified, through these notices.

B. First Phase of the Four-Year Review

The first phase in a four-year review process involves notification to representatives of domestic industries which benefit from the July 6, 2018, action, and August 23, 2018, action, as modified, of the possible termination of the actions and of the opportunity for these representatives to request continuation of the actions. *See* Section 307(c)(2) of the Trade Act (19 U.S.C. 2417(c)(2)). By way of this notice, USTR is notifying all representatives of domestic industries which benefit from the July 6, 2018, action, and August 23, 2018, action, as modified, of the possible termination of the actions and of the opportunity for these representatives to request continuation of the actions. USTR is also notifying by electronic mail representatives of industry associations and labor groups that submitted requests for continuation of one or both of the actions during the first four-year review. Accordingly, representatives of domestic industries that benefit from either trade action should submit requests for continuation through the USTR portal, during the respective time periods for the July 6, 2018 action, and the August 23, 2018 action.

C. Notification to Representatives of Domestic Industries That Benefit From Either Trade Action Under Section 301

USTR is providing the following notice to representatives of domestic industries which benefit from the July 6, 2018, action or the August 23, 2018, action, as modified:

- Section 307(c)(1) of the Trade Act (19 U.S.C. 2417(c)(1)) provides that if—(A) a particular action has been taken under section 301 during any 4-year period, and (B) neither the petitioner nor any representative of the domestic industry which benefits from such action has submitted to the U.S. Trade Representative during the last 60 days of such 4-year period a written request for the continuation of such action, such action shall terminate at the close of such 4-year period.
- The investigation was self-initiated by the U.S. Trade Representative, and thus no petitioner is involved.
- This investigation involves two actions under Section 301: the July 6, 2018, action, and the August 23, 2018, action, as modified.
- Under Section 307(c)(1)(B) of the Trade Act (19 U.S.C. 2417(c)(1)(B)), the July 6, 2018, action and the August 23, 2018, action, as modified, will terminate on their respective four-year anniversary dates (*i.e.,* July 6, 2026 and August 23, 2026, respectively) unless a representative of a domestic industry which benefits from the respective action submits in the 60-day period prior to the four-year anniversary of the respective action a request that the action continue.
- Representatives of a domestic industry which benefits from either of the two actions may submit a request for continuation of an action through the USTR portal, as detailed in this notice.
- Representatives of a domestic industry which benefits from both of the trade actions under Section 301, as modified, should submit two separate requests for continuation of each action within the two respective 60-day time periods.

D. Submission of Requests To Continue Either Action

Representatives of a domestic industry that benefits from either of the two actions under Section 301, as modified, may submit a request to continue the July 6, 2018 action, or the August 23, 2018 action, as modified, or both, using the portal corresponding to the trade action at *https://comments.ustr.gov/s/,* according to the following schedule:

- For the July 6, 2018, action, as modified, any representative of a domestic industry which benefits from the action may submit a request to continue the action between May 7, 2026, and July 5, 2026.
- For the August 23, 2018 action, as modified, any representative of domestic industries benefitting from the action may submit a request to continue the action between June 24, 2026, and August 22, 2026.

Fields marked with an asterisk (*) are required fields. A request to continue the action should identify the specific industry concerned and should address how the domestic industry benefits from the July 6, 2018, action or August 23, 2018, action, as modified. If a representative of a domestic industry which benefits from an action wishes to receive business confidential treatment for its request to continue the action, please contact USTR at the number specified above. Requests to continue the action will not be posted immediately, but will be summarized in the notices announcing whether the July 6, 2018, action or August 23, 2018, action, as modified will be continued.

E. Second Phase of the Review

USTR will announce in subsequent notices whether it has received a request for continuation of the July 6, 2018, action or August 23, 2018, action, as modified, from a representative of a domestic industry which benefits from the action. If USTR receives such a request, the U.S. Trade Representative will announce the continuation of the action, and will undertake a review of the action as described in Section 307(c)(3) of the Trade Act (19 U.S.C. 2417(c)(3)). As part of that review, USTR intends to invite through a separate portal interested persons to submit comments on, among other matters, the effectiveness of the action in achieving the objectives of Section 301, other actions that could be taken, and the effects of such actions on the United States economy, including consumers.

Jennifer Thornton,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2026–08806 Filed 5–5–26; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–4678]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Flight Engineers and Flight Navigators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This collection involves FAA Form 8400–3, Application for an Airman Certificate and/or Rating, (for flight engineer and flight navigator) and applications for approval of related training courses that are submitted to FAA for evaluation. The information collection is necessary to determine applicant eligibility for flight engineer or flight navigator certificates. This collection is also necessary to determine training course acceptability for those schools training flight engineers or navigators.

DATES: Written comments should be submitted by July 6, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Näleé D. Romero, Federal Aviation Administration National headquarters, 10A, 8th Floor, AFS, 800 Independence Ave SW, Washington, DC 20591.

By fax: 412–239–3063.

FOR FURTHER INFORMATION CONTACT: Näleé D. Romero by email at: *Nalee.Romero@faa.gov;* phone: 202–267–4702.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0007.

Title: Flight Engineers and Flight Navigators.

Form Numbers: 8400–3.

Type of Review: Renewal of an information collection.

Background: The information collection is necessary to determine applicant eligibility for flight engineer or flight navigator certificates. This collection is also necessary to determine training course acceptability for those schools training flight engineers or navigators. FAA Form 8400–3, Application for an Airman Certificate and/or Rating, (for flight engineer and flight navigator) and applications for approval of related training courses are available online and are submitted to FAA for evaluation. FAA Form 8400–3 requests information related to type of certificate applying for, applicant's demographic information, current certificates held by the applicant, instructor's recommendation and evaluation record. The information is reviewed to determine applicant eligibility and compliance with prescribed provisions of Title 14 CFR part 63, Certification: Flight Crewmembers Other Than Pilots. Form 8400–3 is multiple-use form also used for control tower operators and aircraft dispatchers.

Respondents: Airman Applicants and Training Schools.

Frequency: Flight Engineer school will renew approval on one course every 24 months, revisions will be submitted as necessary.

Estimated Average Burden per Response: 12 hours.

Estimated Total Annual Burden: 231 Hours.

Issued in Washington, DC on May 1, 2026.

Sandra L. Ray,

Aviation Safety Inspector, AFS–940.

[FR Doc. 2026–08775 Filed 5–5–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0027]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 37 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 4, 2026. The exemptions expire on March 4, 2028.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2025–0027) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

On January 28, 2026, FMCSA published a notice announcing receipt of applications from 37 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (91 FR 3773). The public comment period ended on February 27, 2026, and one comment was received.

The Agency evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

IV. Discussion of Comments

FMCSA received one comment on these exemption applications. The commenter supports granting an exemption for the 37 drivers from the hearing requirement, stating that there is no statistically significant evidence that deafness or hearing loss increases crash risk. The commenter states that hearing ability should not be a determining factor and suggests that individual crash history should be considered instead when evaluating applicants.

V. Basis for Exemption Determination

The Agency's decision regarding these exemption applications is based on relevant scientific information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' [1] The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the

[1] *https://www.fmcsa.dot.gov/regulations/medical/hearing-vestibular-function-and-commercial-motor-vehicle-driver-safety-executive.*

driver has a safe driving history and is used as an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equivalent or greater level of safety would likely be achieved by permitting each of these drivers to drive in interstate commerce, the Agency did not find any evidence that the drivers granted this exemption pose a risk to public safety.

Consequently, FMCSA further finds that in each case exempting these applicants from the hearing standard in 49 CFR 391.41(b)(11) would likely achieve a level of safety equivalent to the level of safety that would be achieved without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

VI. Terms and Conditions

The terms and conditions of the exemption are provided to the applicants in the exemption document and include the following: each driver (1) must report to FMCSA the date, location, and time of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citations and convictions; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all applicable commercial driver's license testing requirements.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 37 exemption applications, FMCSA exempts the following drivers from the hearing standard in 49 CFR 391.41(b)(11), subject to the requirements cited above:

Flint Adams (WI)
Ali Aljanabi (OH)
Sean Boasman (NJ)
Eduardo Bojorquez (CA)
Cody Burks (TX)
Claudius Callwood (NY)
Gregory Carlson (KS)
Michael Carter (VT)
Che Cooper (CA)
William Crump (AZ)
Michael Della Penna (FL)
Wilder Fils Aime (FL)
Kristina Flores (MA)
Rene Romero Gainza (CA)
Brian Garcia Gomez (CA)
Benjamin Geng (MN)
Desi Gonzales (CA)
Travis Haire (VT)
William Harrison (UT)
Stephen Hilsdon (MA)
Joshua Johnson (TX)
Dylan Lewis (DE)
Bradley Mauney (NC)
Carissa Mitchell (TX)
Riley Mueller (WI)
Michael Musser (PA)
Cynthia Osborne (MD)
Christopher Schreiber (OK)
Wayne Sevon (SC)
Jessica Smoot (CA)
Evgeny Tikhomirov (FL)
Wuilmer Vergara (UT)
Harvey Walden (OK)
Marcos Watson (SC)
Leon Wesker (WI)
Sergey Yengoyan (CA)
Michael Zanders (NY)

In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption as set forth above; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–08820 Filed 5–5–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0991]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Hazardous Materials Safety Permits

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. FMCSA requests approval to renew an ICR titled, ''Hazardous Materials Safety Permits.'' This ICR requires companies holding safety permits to develop communications plans that allow for the periodic tracking of the shipments. A record of communications that includes the time of the call and location of the shipment may be kept by either the driver (*e.g.,* recorded in the log book) or the company. These records must be kept, either physically or electronically, for at least 6 months at the company's principal place of business or readily available to the employees at the company's principal place of business.

DATES: Comments on this notice must be received on or before July 6, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2026–0991 using any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC, 20590–0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the

''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Williams, Office of Safety, Hazardous Materials Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4163; *melissa.williams@dot.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments:

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0991), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0991/document,* click on this notice, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Privacy Act:

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

Background:

The Secretary of Transportation is responsible for implementing regulations to issue safety permits for transporting certain HM in accordance with 49 U.S.C. 5101 *et seq.* The HM Safety Permit regulations (49 CFR part 385, subpart E) require initial or first time HM Safety Permit carriers to file using the Unified Registration System, Form MCSA–1. Update and renewal applications must be filed with FMCSA using the ''Combined Motor Carrier Identification Report and HM Permit Application'' (Form MCS–150B). The HM Safety Permit regulations also require carriers to have a security program. As part of the of the HM Safety regulations, carriers are required to develop and maintain a route plan so that law enforcement officials can verify the correct location of the HM shipment. FMCSA requires companies holding permits to develop a communications plan that allows for the periodic tracking of the shipment that includes the time of the call and location of the shipment. The records may be kept by either the driver (*e.g.,* recorded in the log book) or the company. These records must be kept, either physically or electronically, for at least 6 months at the company's principal place of business or readily available to employees at the company's principal place of business.

Title: Hazardous Materials Safety Permits.

OMB Control Number: 2126–0030.

Type of Request: Renewal of a currently approved ICR.

Respondents: Motor carriers subject to the Hazardous Materials Safety Permit requirements in 49 CFR part 385, subpart E.

Estimated Number of Respondents: 1142.

Estimated Time per Response: 5 minutes. The communication between motor carriers and their drivers must take place at least two times per day. It is estimated that it will take 5 minutes to maintain a daily communication record for each driver.

Expiration Date: November 30, 2026.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 799,400 hours [9,592,800 trips × 5 minutes per record ÷ 60 minutes per hour = 799,400].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

David M. Sutula,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2026–08818 Filed 5–5–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0122; FMCSA–2015–0326; FMCSA–2016–0003; FMCSA–2017–0058; FMCSA–2019–0109; FMCSA–2019–0111; FMCSA–2021–0014; FMCSA–2023–0024; FMCSA–2023–0025]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 19 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2013–0122, FMCSA–2015–0326, FMCSA–2016–0003, FMCSA–2017–0058, FMCSA–2019–0109, FMCSA–2019–0111, FMCSA–2021–0014, FMCSA–2023–0024, or FMCSA–2023–0025, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice

listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

On January 29, 2026, FMCSA published a notice announcing its decision to renew exemptions for 19 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (91 FR 3981). The public comment period ended on March 2, 2026, and no comments were received.

The Agency evaluated the eligibility of these applicants and determined that renewing these applicants' exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 19 applicants have satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 19 drivers in this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to the level that would be achieved absent such exemption.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption as set forth above and also in the initial renewal notice (*see* 91 FR 3981); (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based upon its evaluation of the 19 renewal exemption applications and supporting materials, FMCSA announces its decision to grant a 2-year exemption to each of the following drivers from the hearing requirement in 49 CFR 391.41(b)(11).

As of January 3, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, the following nine individuals have satisfied the renewal conditions for obtaining an exemption

from the hearing requirement in the FMCSRs for interstate CMV drivers:

Christopher Anderson (TX)
Joseph Bence (OH)
Christa Butner (NC)
Ryan King (NC)
John Mast (OH)
Willis Ryan (GA)
Barry Schmidt (CO)
Anthony Scott (AL)
Grover Vincent (TX)

The drivers were included in docket numbers FMCSA–2017–0058, FMCSA–2019–0109, FMCSA–2021–0014, FMCSA–2023–0024, or FMCSA–2023–0025. Their exemptions were applicable as of January 3, 2026, and will expire on January 3, 2028.

As of January 6, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Steven Andrews (FL); Jerry Doose (MN); and Donald Howton (AL).

The drivers were included in docket numbers FMCSA–2015–0326 or FMCSA–2017–0058. Their exemptions were applicable as of January 6, 2026, and will expire on January 6, 2028.

As of January 8, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Matthew Burgoyne (MN); Joshua Gelona (OK); and Eduardo Pedregal (TX).

The drivers were included in docket number FMCSA–2016–0003. Their exemptions were applicable as of January 8, 2026, and will expire on January 8, 2028.

As of January 14, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Chase Cooke (VA); and Douglas Gray (OR).

The drivers were included in docket numbers FMCSA–2013–0122 or FMCSA–2017–0058. Their exemptions were applicable as of January 14, 2026, and will expire on January 14, 2028.

As of January 21, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Mario Alvarado (CA); and Herman Fleck (PA).

The drivers were included in docket numbers FMCSA–2017–0058 or FMCSA–2019–0111. Their exemptions were applicable as of January 21, 2026, and will expire on January 21, 2028.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–08821 Filed 5–5–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–1255]

Availability of Motus, FMCSA's New Registration System

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of policy regarding the use of Motus, FMCSA's new registration system; correction.

SUMMARY: In a notice published in the **Federal Register** on April 29, 2026, FMCSA announced a new, online registration system, and explained how use of this new system will satisfy current statutory and regulatory requirements pertaining to the Unified Registration System. The notice contained an error in the docket number.

DATES: This correction is effective May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Secrist, Office of Registration, Chief, Registration Division, DOT, FMCSA, West Building, 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 385–2367; *jeff.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

In FR Doc. 2026–08334 appearing on page 23144 in the **Federal Register** of April 29, 2026, the following correction is made:

1. On page 23144, in the third column, remove the docket number which reads ''FMCSA–2024–xxxx'' and add in its place ''FMCSA–2026–1255''.

Issued under authority delegated in 49 CFR 1.87.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–08819 Filed 5–5–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Low Income Taxpayer Clinic Grant Program; Availability of 2027 Grant Application Package

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Solicitation of grant applications.

SUMMARY: This document contains a notice that the IRS has provided a grant opportunity in *www.grants.gov* for organizations interested in applying for a Low Income Taxpayer Clinic (LITC) matching grant. The IRS is authorized to award multi-year LITC grants not to exceed three years. Grants may be awarded for the development/start up, expansion, or continuation of programs providing qualified services to eligible taxpayers. The budget period for the grant will be January 1, 2027–December 31, 2027. For new grantees, the Period of Performance is generally one year (January 1, 2027–December 31, 2027.) The application period runs from May 6, 2026, through July 6, 2026.

DATES: All applications including continuation requests for the 2027 grant year must be filed electronically by 11:59 p.m. (Eastern Time) on July 6, 2026. The funding number is TREAS–GRANTS–052027–001, and the Catalog of Federal Domestic Assistance program number is 21.008, see *www.sam.gov.* Details are also available at *www.taxpayeradvocate.irs.gov/about-us/litc-grants.* Session one: Tuesday, May 12, 2026 from 1–3 p.m. ET (Application Basics), Session two:

Wednesday, May 13, 2026 from 1–3 p.m. ET (LITCGrants Portal overview and Application Considerations), Session three: Tuesday, May 26, 2026 from 1–3 p.m. (Budget Basics), Question and answer sessions: Tuesday, June 16 and June 29, 2026, from 1- 2 p.m. ET (No formal presentation). See *www.irs.gov/advocate/low-income-taxpayer-clinics* for complete details, including posted materials and any changes to the date and time. A separate session for returning grantees submitting a continuation request will be announced separately on the LITC Toolkit.

FOR FURTHER INFORMATION CONTACT: The LITC Program Office at (202) 317–4700 or by email at *LITCProgramOffice@irs.gov*. The LITC Program Office, located at: IRS, Taxpayer Advocate Service, LITC Grant Program Administration Office, TA:LITC, 1111 Constitution Avenue NW, Room 1026, Washington, DC 20224. Copies of the *2027 Grant Application Package and Guidelines,* IRS Publication 3319 (Rev. 5–2026), can be downloaded from the IRS internet site at *https://www.taxpayeradvocate.irs.gov/about-us/litc-grants/*. See *https://youtu.be/6kRrjN-DNYQ* for a short video about the LITC Program. For more in-depth look at the work of the clinics, consider watching ''Conversations with the National Taxpayer Advocate with three different clinicians.

Part I—Overview of the LITC Program
Part II—What I Wish I Knew When I Started
Part III—Advocating for Taxpayers: The Rewards

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Internal Revenue Code (IRC) § 7526, the IRS will annually award up to $6,000,000 (unless otherwise provided by Congressional appropriation) to qualified organizations, subject to the limitations in the statute. The IRS will allow applicants to request up to $200,000 for the 2027 grant year. The IRS will also continue the ESL Education Program. For FY 2027, if Congress significantly reduces the overall amount of LITC grant funding or reduces the per-clinic funding cap, the IRS will adjust each grant recipient's award to reflect any limitations in place at that time.

For an applicant proposing to provide tax controversy representation, at least 90 percent of the taxpayers represented by the clinic must have incomes which do not exceed 250 percent of the federal poverty level as determined under criteria established by the Department of Health and Human Services. See 91 FR 1797 (Jan. 13, 2026). In addition, the amount in controversy for the tax year to which the controversy relates generally cannot exceed the amount specified in IRC § 7463 for eligibility for special small tax case procedures in the United States Tax Court currently $50,000. IRC § 7526(c)(5) requires clinics to provide dollar-for-dollar matching funds, which may consist of funds from other non-federal sources or contributions of volunteer time or donated goods. See IRS Pub. 3319 for additional details. An applicant who is planning to operate a program to inform ESL taxpayers about their taxpayer rights and responsibilities must have either a volunteer or a staff member designated as a Qualified Tax Expert, generally an attorney, enrolled agent or certified public accountant, to review and approve all educational material.

Mission Statement

Low Income Taxpayer Clinics ensure the fairness and integrity of the tax system for taxpayers who are low-income or ESL by providing *pro bono* representation on their behalf in tax disputes with the IRS; educating them about their rights and responsibilities as taxpayers; and identifying and advocating for issues that impact low-income and ESL taxpayers.

Type of Qualified Services an Organization Can Provide

IRC § 7526(b)(1)(A) authorizes the IRS to award grants to organizations that represent low-income taxpayers in controversies before the IRS or provide education to ESL taxpayers regarding their taxpayer rights and responsibilities.

Pursuant to the ESL Education Program, a grant may be awarded to an organization to operate a program to inform ESL taxpayers about their taxpayer rights and responsibilities under the IRC without the requirement to also provide tax controversy representation to low-income taxpayers. See IRS Pub. 3319 for examples of what constitutes a ''clinic.'' When completing the Form 13424–M in the LITC Portal an applicant will be able to select.

Selection Consideration

The IRS continues to expand access to clinic services through on-boarding new clinics and allowing for expanded service delivery models geared to reach areas where the IRS has been unable to attract qualified applicants. Special consideration will be given to applicants from the following states where there is no LITC physically located within the state: Hawaii, Kansas, Montana, Nevada, South Dakota, West Virginia, and Wisconsin. In addition, there are areas located within states where there is limited or no coverage: Arizona—Gila County, Florida—Glades County, Hardee County, Hendry County, Hernando County, Highlands, County, Indian River County, Martin County, Okeechobee County, Sumter County, Pennsylvania—Lehigh County, Northampton County, Tennessee—Fayette County, Lauderdale County, Tipton County.

As in prior years, the IRS will consider a variety of factors in determining whether to award a grant, including: (1) the number of taxpayers who will be assisted by the organization, including the number of low income and ESL taxpayers in that geographic area; (2) the existence of other LITCs assisting the same population of low-income and ESL taxpayers; (3) the quality of the program offered by the organization, including the qualifications of its administrators and qualified representatives, and its record in providing services to low-income taxpayers; (4) the reasonableness of the proposed budget; (5) the organization's compliance with all federal tax obligations (filing and payment); (6) the organization's compliance with all federal nontax monetary obligations (filing and payment); (7) whether debarment or suspension (31 CFR part 19) applies or whether the organization is otherwise excluded from or ineligible for a federal award; and (8) alternative funding sources available to the organization, including amounts received from other non-federal sources such as state, local, or private endowments and other unrestricted funding sources of the institution sponsoring the organization.

For programs where all or most of cases will be placed with volunteers the following will be considered: (1) the quality of the representatives (attorneys, certified public accountants, or enrolled agents who have agreed to accept taxpayer referrals from an LITC and provide representation or consultation services free of charge) and (2) the ability of the organization to monitor referrals and ensure that the *pro bono* representatives are handling the cases properly, including taking timely case actions and ensuring services are offered for free.

New applications that pass the eligibility screening process will then be subject to technical review. Details regarding the scoring process can be found in Publication 3319. An organization submitting a continuation request for the second or third year of a multi-year grant will be required to

submit a Continuation Request and will be subject to a streamlined screening process. Funding recommendations are made by the National Taxpayer Advocate and final approvals are secured from Treasury, Assistant Secretary for Management (ASM), or Treasury ASM designee.

The costs of preparing and submitting an application are the responsibility of each applicant. Applications may be released in response to Freedom of Information Act requests after any necessary redactions are made. Therefore, applicants must not include any individual taxpayer information. The IRS will notify each applicant in writing once funding decisions have been made.

Kim S. Stewart,

Deputy National Taxpayer Advocate on behalf of the National Taxpayer Advocate.

[FR Doc. 2026–08966 Filed 5–5–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0860]

Agency Information Collection Activity Under OMB Review: Reimbursement of Qualifying Adoption Expenses for Certain Veterans

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by June 5, 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. 2900–0860.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Reimbursement of Qualifying Adoption Expenses for Certain Veterans (VA Form 10–10152).

OMB Control Number: 2900–0860. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Reinstatement without change of a previously approved collection.

Abstract: VA's authority to provide reimbursement of qualifying adoption expenses for certain covered Veterans is found in Section 236 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018, Public Law 115–141 (March 23, 2018) (the ''2018 Act'') and Section 235 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2019, Public Law 115–244 (September 21, 2018) (the ''2019 Act''), which renewed and extended in nearly identical form Section 260 of the prior authorizing ''2017 Act,'' Public Law 114–223. VA has eliminated the section in the regulations that specifies an expiration date in order to accommodate Congressional renewal and extension of this authority under subsequent appropriations law.

Veterans with a service-connected disability that results in their inability to procreate without the use of fertility treatments are authorized to receive reimbursement for certain adoption-related expenses for an adoption that is finalized after September 29, 2016 (the date the 2017 Act was enacted). To implement this benefit, VA uses VA Form 10–10152, which requires any Veteran requesting reimbursement of qualifying adoption expenses to submit required documentation and evidence to support eligibility.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 8310, February 20, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 480 hours.

Estimated Average Burden per Respondent: 6 hours.

Frequency of Response: Once annually.

Estimated Number of Respondents: 80.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–08880 Filed 5–5–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0905]

Agency Information Collection Activity Under OMB Review: Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness (LSV–H) Grant Program

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by June 5, 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. 2900–0905.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness (LSV–H) Grant Program (VA Forms 10–318a–b and 10–319a–b).

OMB Control Number: 2900–0905. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: Law 116–315, Johnny Isakson and David P. Roe, M.D. Veterans

Health Care and Benefits Improvement Act of 2020, provided authority for VA's Homeless Programs Office (HPO) to grant funding to eligible organizations that will coordinate or provide legal services to Veterans who are homeless or at-risk of homelessness. Several sections, including section 4202, of the Act were created to better serve Veterans who are struggling with homelessness or housing insecurity. Requests for funding by applicants are likely to exceed the amount of funding appropriated to the VA for these grants. The VA must collect data to prioritize applicants for funding. The legal authority for this data collection is found under 38 U.S.C., Part I, Chapter 5, Section 527, which authorizes the collection of data that will allow measurement and evaluation of the Department of Veterans Affairs Programs, the goal of which is to improve health care and services for Veterans. This information collection includes grant eligibility criteria, application requirements, scoring criteria, constraints on the allocation and use of the funds, and other requirements necessary to implement this grant program.

HPO will use information collected to determine if an applicant is eligible to receive grant funding. HPO also will obtain information necessary to ensure that federal funds are awarded to applicants who are financially stable and have the capacity to conduct the program for which a grant is awarded. HPO could not perform its statutory obligation to administer the program if this data were not collected. There are increases in the anticipated number of responses and burden hours based upon program data since the last PRA clearance.

The following forms will be used to collect data for the LSV–H Grant Program:

VA Form 10–318a—Application: This form will be used to collect data from eligible entities applying to be LSV–H grant recipients. The items required in this application are used to determine if an applicant can provide legal services to Veterans. The scoring criteria is at VA's discretion and is not mandated by the statute.

VA Form 10–318b—Renewal Application: This form will be used to collect data from existing grantees that were previously awarded LSV–H grants.

VA Form 10–319a—Quarterly Grantee Performance Report: HPO will collect this information to ensure that grantees comply with program requirements described in 38 CFR part 79 and their grant agreements.

VA Form 10–319b—Budget Changes and Corrective Action Plan (CAP): This information is needed for a grantee to inform HPO of significant changes that will alter their approved grant program. HPO may require grantees to initiate and develop corrective action plans and submit them to VA for approval.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 8310, February 20, 2026.

Total Annual Number of Responses = 710.

Total Annual Time Burden = 7,020 hours.

VA Form 10–318a

Affected Public: Private Sector.

Estimated Annual Burden: 4,800 hours.

Estimated Average Burden per Respondent: 24 hours.

Frequency of Response: Once annually.

Estimated Number of Responses: 200.

VA Form 10–318b

Affected Public: Private Sector.

Estimated Annual Burden: 2,000 hours.

Estimated Average Burden per Respondent: 20 hours.

Frequency of Response: Once annually.

Estimated Number of Responses: 100.

VA Form 10–319a

Affected Public: Private Sector.

Estimated Annual Burden: 200 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Four times per year.

Estimated Number of Responses: 400.

VA Form 10–319b

Affected Public: Private Sector.

Estimated Annual Burden: 20 hours.

Estimated Average Burden per Respondent: 2 hours.

Frequency of Response: Once annually.

Estimated Number of Responses: 10.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics Department of Veterans Affairs.

[FR Doc. 2026–08825 Filed 5–5–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0799]

Agency Information Collection Activity under OMB Review: Request for Casket/Urn Allowance

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery 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 June 5, 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. 2900–0799.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: *Title:* Request for Casket/Urn Allowance, VA Form 40–10088.

OMB Control Number: 2900–0799 *https://www.reginfo.gov/public/do/PRASearch*.

Type of Review: Revision of a currently approved collection.

Abstract: The Department of Veterans Affairs, National Cemetery Administration has established VA regulations to implement statutory authority for NCA to provide allowance for the purchase of caskets and urns for the interment of the remains of Veterans without next of kin and sufficient resources available for burial.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection

of information was published at 91 FR 9335, February 25, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 73 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 435.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–08971 Filed 5–5–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Wednesday,

No. 87 May 6, 2026

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 1, 74, 91, et al.

Designation—Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 74, 91, and 107

[Docket No. FAA–2026–4558; Notice No. 26–03]

RIN 2120–AL33

Designation—Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action would implement section 2209, of the FAA Extension, Safety and Security Act of 2016, by establishing a process for operators and proprietors of certain fixed site facilities to request and maintain an unmanned aircraft flight restriction. The proposal also establishes requirements for applicants to demonstrate the unmanned aircraft flight restriction is necessary for: aviation safety, protection of people and property on the ground, national security, or homeland security. Lastly, the proposal identifies the types of operations that are allowed in the unmanned aircraft flight restriction UAFR.

DATES: Send comments on or before July 6, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–4558 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W58–213, West Building 5th Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *https://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michelle Ferritto, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Phone: (844) 359–6982; Email: *2209-UAFR@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary
A. Background
B. What is a standard unmanned aircraft flight restriction?
C. What is a special unmanned aircraft flight restriction?
D. Who can apply for an unmanned aircraft flight restriction?
E. How do I apply for an unmanned aircraft flight restriction?
F. What happens after the UAFR goes into effect?
G. Summary of the Costs and Benefits
II. Authority for This Rulemaking
III. Background and Statement of the Problem
A. Background
B. Statement of the Problem
IV. Overview of the Proposed Rule
A. Introduction
B. What is an unmanned aircraft flight restriction?
V. Discussion of the Proposed Rule
A. Definitions and Abbreviations (Part 1)
B. General Provisions (Subpart A of Part 74)
C. Minimum Requirements for Unmanned Aircraft Flight Restriction (Subpart B of Part 74)
D. Sector-Specific Requirements (Subpart C of Part 74)
E. FAA Evaluation, Approvals and Denial (Subparts D and E of Part 74)
F. Reconsiderations (Subpart E of Part 74)
G. Term, Amendments, Renewal, Modification, and Cancelation of Unmanned Aircraft Flight Restriction (Subpart F of Part 74)
H. Access to Unmanned Aircraft Flight Restriction (Subpart G of Part 74)
I. Parts 91 and 107—Conforming Amendments
VI. Regulatory Notices and Analyses
A. Summary of the Regulatory Impact Analysis
B. Regulatory Flexibility Act
C. International Trade Impact Assessment
D. Unfunded Mandates Assessment
E. Paperwork Reduction Act
F. International Compatibility
G. Environmental Analysis
VII. Executive Order Determinations
A. Executive Order 13132, Federalism
B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments
C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use
D. Executive Order 13609, Promoting International Regulatory Cooperation
VIII. Privacy
IX. Additional Information
A. Comments Invited
B. Confidential Business Information or Classified Information
C. Electronic Access and Filing
D. Small Business Regulatory Enforcement Fairness Act

List of Abbreviations and Acronyms Frequently Used in This Document

AC—Advisory Circular
AGL—above ground level
ATC—Air Traffic Control
DOT—U.S. Department of Transportation
FAA—Federal Aviation Administration
FAARA—FAA Reauthorization Act of 2018
FESSA—FAA Extension, Safety, and Security Act of 2016
LAANC—Low Altitude Authorization and Notification Capability
NAS—National Airspace System
NPRM—Notice of proposed rulemaking
SSM—Security Sensitive Material
TSA—Transportation Security Administration
UA—unmanned aircraft
UAFR—unmanned aircraft flight restriction
UAS—unmanned aircraft system(s)

I. Executive Summary

A. Background

Unmanned aircraft systems (UAS) [1] are fundamentally changing aviation, and, as a part of its congressional mandate,[2] FAA is working to integrate them into the airspace of the United States.[3] The relatively low cost of highly capable UAS technology has triggered hundreds of thousands of new operators to enter the aviation community, some of whom have aviation knowledge and experience and many others who do not. The proliferation of these operations presents significant opportunities for innovation and growth and represents a driving force in the aviation sector. As the scale and scope of UAS activities has grown, some stakeholders have become concerned about the safety and security implications of unmanned aircraft (UA) flying in close proximity to certain types of facilities.

These concerns led Congress to enact section 2209 of the FAA Extension, Safety and Security Act of 2016 (FESSA), directing FAA to create a system under which operators or proprietors of certain fixed site facilities could request FAA to restrict unmanned aircraft operations in close proximity to those facilities. Congress identified the following for the process to apply to: critical infrastructure such as energy production, transmission, and distribution facilities and equipment; oil refineries, and chemical facilities; amusement parks; and ''other locations that warrant such a restriction.'' [4] In the FAA Reauthorization Act of 2018 (FAARA), Congress amended section 2209 to include railroad facilities, and in the FAA Reauthorization Act of 2024, Congress again amended section 2209 to include State prisons. Congress said

FAA may consider the following factors when considering a request for an unmanned aircraft flight restriction (UAFR): aviation safety; protection of people and property on the ground; national security; and homeland security. FAA proposes a new part 74 to implement this mandate and properly balance FAA's other statutory mandates.

Consistent with Executive Order 14305, *Restoring American Airspace Sovereignty,* FAA is proposing to limit facilities eligible for an UAFR to those that are fixed site facilities and meet the definition of critical infrastructure in 42 U.S.C. 5195c(e).[5] Critical Infrastructure is defined as ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating effect on security, national economic security, national public health or safety, or any combination of those matters.'' [6] Additionally, FAA would consider whether an applicant could demonstrate that a UAFR is necessary for aviation safety, protection of people and property on the ground, national security, or homeland security. FAA proposes to limit UAFR eligibility to balance the safety and security concerns Congress identified in section 2209 with the national policy objectives of ensuring the public right of transit, preserving airspace efficiency, and integrating UAS into the NAS.

B. What is a standard unmanned aircraft flight restriction?

A UAFR under this proposal would be airspace with clearly defined horizontal and vertical limits within which unmanned aircraft would be restricted from operating unless the operation fell within a few narrow exceptions (as described in section V.H. of this preamble). The UAFR would not independently create a physical boundary or authorize operators or proprietors of the fixed site facility to establish a geo-fence or other electromagnetic boundary to prevent unauthorized access. However, if an operator or proprietor does possess independent authority to operate such equipment, this regulation does not prevent them from operating that equipment in accordance with applicable law and regulation. The functions of the UAFR would be to create a legal designation informing users not to access the airspace and allow regulators and law enforcement to enforce the restriction. The primary benefit of the UAFR designation is that compliant operators would avoid the designated airspace. Another benefit is that the designation would help fixed site facilities and law enforcement distinguish between lawful and unlawful operations in the vicinity of the facility and focus their resources accordingly.

Anyone conducting unauthorized operations in the UAFR could face a civil or criminal enforcement action. Civil enforcement of violations by FAA would be similar to enforcement conducted for 14 CFR part 91 or part 107 operations. Subpart C of 14 CFR part 13 specifies the penalties FAA may impose in response to a regulatory violation. Those sanctions may, among other things, include a civil penalty or certificate action. FAA has also issued generally applicable guidance on sanctions that may be imposed for regulatory violations, which can be found in FAA Order 2150.3C.

Finally, the proposed rule and established UAFR do not provide relief from federal criminal laws to authorize the facility operator or proprietor to use equipment or technology designed to detect, take control of, destroy, or otherwise interfere with an unmanned aircraft. However, if an entity is authorized by law to use UAS detection and mitigation systems this proposed rule does not affect the existing federal laws and regulations that apply.[7]

C. What is a special unmanned aircraft flight restriction?

A Special Unmanned Aircraft Flight Restriction (Special UAFR) under this proposal would be an airspace designation with defined horizontal and vertical limits that significantly restricts unmanned aircraft operations at locations where a credible safety or security threat has been identified. As with standard UAFRs, a Special UAFR would not create a physical barrier or authorize operators or facility proprietors to use detection or mitigation technologies to interfere with unmanned aircraft. Entities with separate statutory authority to use such systems would remain subject to existing federal laws and regulations. The Special UAFR framework is designed solely to establish a legal airspace designation that restricts UAS operations. This informs operators of prohibited activity and enables regulators and law enforcement to enforce the restriction.

The purpose of a Special UAFR is to minimize UAS overflight of sensitive federal sites and certain eligible fixed-site facilities whose security or operational integrity could be compromised by routine UAS activity. By clearly delineating protected airspace, the Special UAFR would help ensure compliant operators avoid these locations and would support security agencies and facility operators in distinguishing lawful operations from unauthorized or potentially unsafe UAS activity. This differentiation allows federal agencies, military departments, and law enforcement to focus resources on genuinely suspicious or unlawful flights.

Under proposed § 74.6, facilities owned or operated by federal security or intelligence agencies or the Department of War, as well as designated fixed site facilities endorsed by federal security or intelligence agencies, the Department of War, or at the discretion of the Administrator may be eligible for a Special UAFR when supported by a security assessment demonstrating credible risks. This framework parallels the process used today for Special Security Instructions (SSIs) under 14 CFR 99.7 but would create a longer-term, five-year designation to address persistent threats. The FAA also proposes to integrate appropriate existing 99.7 SSIs into the Special UAFR framework, providing a uniform, transparent, and enduring mechanism for managing airspace security at sensitive sites.

Unauthorized operations within a Special UAFR could result in civil or criminal enforcement actions, similar to violations of 14 CFR parts 91 and 107. Penalties under 14 CFR part 13 may include civil fines or certificate actions, and FAA Order 2150.3C provides additional sanction guidance. When a Special UAFR is issued for national security or homeland security purposes, the affected airspace may be designated as national defense airspace under 49 U.S.C. 40103(b)(3), which may carry criminal penalties under 49 U.S.C. 46307.

Finally, Special UAFRs remain subject to notice and comment, except in limited cases where the FAA determines that good-cause exists to forgo notice and comment. This approach balances the need to protect critical federal and national-security sites with the FAA's responsibility to maintain safe and efficient access to the National Airspace System.

D. Who can apply for an unmanned aircraft flight restriction?

Congress directed FAA to establish a process for operators or proprietors of fixed site facilities to apply for a UAFR. FAA interprets ''fixed site facilities'' to mean permanent, non-mobile facilities. Accordingly, under this proposed rule, only owners or proprietors of those types of facilities, individually or collectively, would be eligible to apply for a UAFR.

Congress identified critical infrastructure, such as energy facilities and equipment; oil refineries and chemical facilities; amusement parks; railroad facilities; and State prisons. The Critical Infrastructure Protection Act of 2001 defines ''critical infrastructure'' as ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters'' (Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

As initially designated in Presidential Policy Directive 21 (PPD 21), the National Security Memorandum on Critical Infrastructure Security and Resilience (NSM–22) identified 16 critical infrastructure sectors: chemical; commercial facilities; communications; critical manufacturing; dams; defense industrial base; emergency services; energy; financial services; food and agriculture; government services and facilities; healthcare and public health; information technology; nuclear reactors, materials, and waste; transportation systems; and water and wastewater. FAA, in coordination with the Sector Risk Management Agencies (SRMAs) evaluated facility types within the 16 sectors to determine if they could potentially warrant a UAFR (*i.e.,* is the facility vulnerable to unmanned aircraft; what would be the effect of an unmanned aircraft incident; and how that affect would impact aviation safety, protection of persons and property on the ground, national security, or homeland security). Within these sectors, FAA proposes the facilities must meet certain eligibility criteria related to their operations to be eligible to request a UAFR. These criteria, which are described in section V.D. of this preamble, are designed to distinguish those facilities that present safety or security vulnerabilities associated with unmanned aircraft flights over or near them.

Facilities that meet these criteria must also demonstrate that there is an important need to justify the remedy of restricting airspace. Consistent with the statutory language in section 2209, FAA would then weigh the criticality of the facility with FAA's other statutory mandates. Consistent with E.O. 14305, Section 5 (b), the FAA has coordinated foundational sector-specific criteria and risk analysis with SRMAs. The FAA will incorporate further SRMA coordination, as appropriate, as part of the FAA's national security and homeland security assessments of UAFRs. The Administrator, consistent with 49 U.S.C. 40103 and section 2209, retains final authority to determine whether to approve, deny, or cancel a Standard or Special UAFR.

FAA requests comments on its determination to limit UAFRs to those fixed site facilities within the sixteen sectors discussed above. Please provide any relevant data or technical analysis that does not identify an individual facility that could assist FAA in evaluating comments on the sixteen sectors such as:

- If you identify additional facility types within other industry sectors, please describe the minimum criteria FAA should apply to the sector and the basis for those criteria, which are described in section V.C. of this preamble.
- Explanation of the facility types' specific vulnerabilities to unmanned aircraft, what could happen if these vulnerabilities were exploited, and how the UAFR would provide relief. FAA will assess these vulnerabilities in relation to aviation safety, protection of persons and property on the ground, national security, or homeland security.
- The total number of facilities that fall within the identified sector under the proposed minimum criteria.

E. How do I apply for an unmanned aircraft flight restriction?

To initiate the application process, the applicant [8] would submit information demonstrating that its facility meets the eligibility criteria and that there is a safety or security need for the UAFR.

Applicants would submit information describing existing unmanned aircraft activity over the facility, the nature of the facility's assets, the vulnerabilities of these assets to unmanned aircraft, and potential consequences or effects if an unmanned aircraft exploited a vulnerability (intentionally or unintentionally). The applicant would also need to describe how the requested UAFR would be integrated into a facility's security plans to supplement existing security measures. When considering the request, FAA would consider whether the applicant had already taken reasonable self-help steps, such as restricting ground-based access or other action, to protect vulnerable assets.

FAA would also assess any effect the UAFR would have on the environment and the surrounding community. If, after the assessment, FAA determines that the fixed site facility meets the criteria for establishing a UAFR, FAA would publish the proposal in the **Federal Register** for notice and comment. The comment period would be open for a minimum of 30 days. At the end of the comment period, FAA would assess the comments and make a final determination. If granted, FAA would publish a document in the **Federal Register** and post the UAFR on the agency's website. If denied, FAA would withdraw the NPRM and the applicant would have an opportunity to correct any deficiencies or to submit a petition for reconsideration.

If the applicant did not meet the requirements for the initial assessment, FAA would deny the request and the applicant would have one additional opportunity to correct any deficiencies and re-submit the materials for FAA review. This does not foreclose an applicant reapplying at a future date. Details on how to submit this information are described in section V.F. of this preamble and in the draft Advisory Circular, *Unmanned Aircraft Flight Restrictions*,[9] included in the docket.

This rulemaking, if adopted, sets forth the regulatory framework for applicants to request and FAA to establish a UAFR. This proposal provides notice that flight restrictions may be requested by an applicant in the vicinity of the types of critical infrastructure listed in this NPRM and that specific notice of a requested UAFR would be published for public comment in accordance with the procedures set forth in this proposal.

F. What happens after the UAFR goes into effect?

Once the UAFR goes into effect, unmanned aircraft would be restricted from operating within the boundaries of the UAFR.

Under proposed § 74.250, the FAA would allow only certain UAS operations to access UAFR airspace over fixed site facilities. Allowed operations include those conducted under Parts 91, 107, 108, 135, and 137, which have met rigorous FAA safety requirements and Transportation Security Administration (TSA) security threat assessments where applicable. Operators must broadcast Remote ID in accordance with 14 CFR part 89 and transit the UAFR in the shortest practicable time as well as provide notification to the fixed site facility in accordance with § 74.255. This approach balances the security of sensitive sites with the public's right to navigate the national airspace system by restricting access to operators who have met a higher bar for safety and security.

Proposed § 74.251 establishes stricter access controls for Special UAFRs, which protect highly sensitive facilities. Operations within Special UAFRs require both permission from the

government agency responsible for the site (''using agency'') and approval from the FAA Administrator. The using agency itself may operate within its own Special UAFR without FAA approval.

FAA considers restricting airspace to be a remedy to be applied only when necessary and must balance its other statutory mandates against closing UAS access to the NAS. FAA recognizes the need to promote national security but may need to allow some types of safe and secure operations through UAFRs to support American economic growth.

FAA seeks public comment on the following:

- What additional types of unmanned aircraft operations should FAA allow through a UAFR?
- What would the justification be for allowing those types of operations?
- What would be the economic impact to commercial UAS operators if they are not allowed to transit UAFRs?
- What information should an unmanned aircraft operator need to provide to establish their credibility and demonstrate that they are not a security threat?
- Are there additional requirements, either technological or procedural, that must be in place for these operators to be able to operate in the UAFR? (*e.g.,* remote ID, coordination with site, coordination with law enforcement?).

G. Summary of the Costs and Benefits

The proposed rule may reduce the risk of various negative consequences that could result from UAS flying near critical infrastructure. Potential avoided consequences include fatalities, injuries, and property damage that could result from explosions and other incidents, and economic losses from disruption or loss of operations. The benefits would depend on the ultimate scope of UAFRs in terms of covering facilities that represent the unmanned aircraft risk as well as the effectiveness of a UAFR in reducing the risk. Based on a scenario of over 9,000 eligible fixed site facilities obtaining UAFRs, annualized costs would be between $21 million and $31 million, reflecting a range in unit compliance costs to applicants and including government review costs.

II. Authority for This Rulemaking

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

This rulemaking is promulgated pursuant to 49 U.S.C. 40103(a)(2), which establishes a public right of transit through the navigable airspace and section 40103(b)(1) and (2), which direct FAA to issue regulations: (1) To ensure the safety of aircraft and the efficient use of airspace; and (2) to govern the flight of aircraft for purposes of navigating, protecting and identifying aircraft, and protecting individuals and property on the ground. In addition, 49 U.S.C. 44701(a)(5) charges FAA with promoting safe flight of civil aircraft by prescribing regulations FAA finds necessary for safety in air commerce and national security. This rulemaking is also promulgated pursuant to 49 U.S.C. 40103(b)(3), which authorizes the FAA Administrator to establish areas in the airspace the Administrator decides are necessary in the interest of national defense while allowing the maximum use of the navigable airspace by civil aircraft.

This rulemaking also is promulgated under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules, and 49 U.S.C. 40101(d), which authorizes FAA to consider in the public interest, among other things, the enhancement of safety and security as the highest priorities in air commerce, the regulation of civil and military operations in the interest of safety and efficiency, and assistance to law enforcement agencies in the enforcement of laws related to regulation of controlled substances, to the extent consistent with aviation safety.

Authority for this particular rulemaking is derived from Public Law 114–190, the FAA Extension, Safety, and Security Act of 2016 (FESSA), section 2209 [10] (codified at 49 U.S.C. 44802 note), as amended by section 369 of the FAA Reauthorization Act of 2018 [11] (Pub. L. 115–254), as further amended by section 929 of the FAA Reauthorization Act of 2024 [12] (Pub. L. 118–63), which mandated the Secretary of Transportation establish a process to allow applicants to petition the Administrator of FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.

The June 6, 2025, Executive Order *Restoring American Airspace Sovereignty* directs that a final rule be published as soon as practicable ''establishing the statutorily required process for restricting drone flights over fixed site facilities, and interpreting, to the extent appropriate, critical infrastructure consistent with the definition of that term in this order.'' This proposed rule is published by FAA to fulfill that directive.

III. Background and Statement of the Problem

A. Background

The proliferation of UAS continues to create significant opportunities and challenges. The relatively low cost of highly capable UAS technology has triggered hundreds of thousands of new operators, with and without aviation knowledge and experience, to enter the aviation community. Due to the complexities surrounding the full integration of UAS into the NAS, FAA continues to engage in a phased, incremental, and risk-based approach to rulemaking based upon the statutory authorities delegated to FAA.

In 2012, Congress passed the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) (FMRA). Section 333 directed the Secretary to determine whether UAS operations posing the least amount of public risk and posing no threat to national security could be safely operated in the NAS. If UAS met these standards, the Secretary was to establish requirements for the safe operation of these systems in the NAS.

Given the growth of UAS activity, in January 2015, FAA issued UAS guidance [13] to the law enforcement community outlining FAA's oversight of aviation safety, including UAS operations, as well as how UAS and model aircraft can be operated legally, and the options available for legal enforcement actions against unauthorized or unsafe UAS operators.

On December 16, 2015, the Administrator and Secretary jointly published an interim final rule in the **Federal Register** titled, ''Registration and Marking Requirements for Small Unmanned Aircraft'' (Registration Rule).[14] This interim final rule provided a web-based aircraft registration process for small unmanned aircraft in 14 CFR part 48. The Registration Rule imposed marking requirements on small unmanned aircraft registered under part 48 in which the small unmanned aircraft must display a unique identifier in a manner that is visible upon inspection.[15]

On June 28, 2016, FAA and DOT jointly published the final rule for ''Operation and Certification of Small Unmanned Aircraft Systems'' (2016 Rule) in the **Federal Register**.[16] This rule was an important step towards the integration of civil small UAS operations (for aircraft weighing less than 55 pounds) into the airspace of the United States. The 2016 Rule identified the initial operational structure and restrictions required to allow safe and routine civil operations of small UAS in the NAS. Prior to the 2016 Rule, FAA

authorized commercial UAS operations, including but not limited to real estate photography, precision agriculture, and infrastructure inspection, under section 333 of FMRA.

Publishing part 107 was the first significant regulatory step to enable lower risk, less complex UAS operations in the airspace of the United States. Part 107 opened the airspace of the United States to the vast majority of routine small UAS operations, allowing flight within visual line of sight while maintaining flexibility to accommodate future technological innovations.

On July 15, 2016, Congress enacted section 2209 of FESSA, titled *Applications for Designation,* which directed the Secretary of Transportation to ''establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration (FAA) to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.'' Within section 2209, Congress directed that an eligible facility must be a fixed site facility and identified specific categories of eligible industries: critical infrastructure, such as energy production, transmission, and distribution facilities and equipment; oil refineries and chemical facilities; amusement parks; and other locations that warrant such restrictions.

On October 5, 2018, Congress enacted Public Law 115–254, FAA Reauthorization Act of 2018 (FAARA). FAARA amended part A of subtitle VII of title 49, United States Code by inserting a new chapter 448 titled *Unmanned Aircraft Systems,* which incorporates additional authorities and mandates to support the further integration of UAS into the airspace of the United States. One of those provisions amended section 2209 of FESSA to add rail facilities as an additional fixed site facility sector. Another provision, codified at 49 U.S.C. 44809, allows a person to fly an unmanned aircraft without specific certification or operating authority from FAA, so long as the operation meets certain limitations enumerated in the statute, such as compliance with all airspace and flight restrictions and prohibitions established under that subtitle, such as special use airspace designations and temporary flight restrictions.

The new amendments also included several provisions that specifically address unmanned aircraft operating and certification requirements, counter-UAS technologies, hazard mitigation, and enforcement, as well as the need for remote identification of UAS. All these amendments highlight Congress's support for the safe and secure integration of unmanned aircraft systems into the NAS while also protecting aviation safety, people and property on the ground, and homeland and national security interests.

On January 15, 2021, FAA published the ''Remote Identification of Unmanned Aircraft'' final rule, building on the feedback and concerns about safety and security stakeholders provided in connection with the three February 13, 2019, rulemaking actions.[17] The rule established requirements for unmanned aircraft in flight to provide certain identification, location, and performance information for receipt by people on the ground and other airspace users. Remote identification provides airspace awareness to FAA, national security agencies, law enforcement entities, and other government officials to help distinguish compliant airspace users from those potentially posing a safety or security risk. This signal is accessible to the general public.

On February 5, 2024, FAA released the UAS Detection and Mitigation Systems Aviation Rulemaking Committee Final Report.[18] One of the recommendations included managing airspace in and around critical infrastructure facilities. More specifically, the UAS Detection and Mitigation Systems Aviation Rulemaking Committee recommended FAA develop airspace management procedures for aircraft operating within restricted areas below 400 feet.[19]

On May 16, 2024, the President signed the FAA Reauthorization Act of 2024 (Pub. L. 118–63). Title IX—New Entrants and Aerospace Innovation Subtitle A—Unmanned Aircraft Systems amends title 49, chapter 448. Section 929 amends section 2209 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44802 note) to add State prisons to the list of fixed site facilities. Section 929 also directs FAA to ''temporarily restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.'' It also removes the ''other locations that warrant such a restriction'' category from the list of fixed site facilities.

The implementation of these various rules and regulations related to the operation and identification of unmanned aircraft is key to supporting the safe and secure integration of unmanned aircraft systems into the airspace of the United States. Thus, considering input from organizations and regulatory agencies, FAA's experience and authority, and societal concerns, FAA proposes the framework in this rule to provide a process for owners and proprietors of eligible fixed site facilities to apply to FAA to restrict unmanned aircraft activity near fixed site facilities.

This proposed rule addresses the process for fixed site facilities to request a UAFR. The following sections discuss: (1) the risks associated with unmanned aircraft operations; (2) the current legal framework governing unmanned aircraft activity; and (3) FAA's efforts to ensure the safety of aircraft and the efficient use of airspace by prescribing regulations for the protection of people and property on the ground, as well as homeland security and national security interests.

B. Statement of the Problem

1. Overview

UAS are fundamentally changing aviation and, as a part of its congressional mandate, FAA is working to integrate them into the airspace of the United States.[20] In addition to publishing rules to permit routine operations over people and at night, FAA continues to work with stakeholders to understand how integration affects aviation safety and efficiency as well as the safety of people and property on the ground. At the same time, the scale and scope of UAS activities continue to grow. As these activities expand, stakeholders are concerned about safety and security implications of unmanned aircraft flying close to certain fixed site facilities. These concerns led Congress to enact section 2209 of FESSA, directing FAA to create a system under which eligible owners or proprietors of certain facilities could request a UAFR. This proposed rule implements section 2209, creating a process to evaluate such requests and determine whether it is appropriate to restrict specific airspace.

Nonetheless, there is a natural tension between Congress's mandate in section 2209 to enable unmanned aircraft flight restrictions, and the direction in 49 U.S.C. 40103 for FAA to regulate the use of the NAS to ensure the safety of aircraft and the efficient use of airspace and the public right of transit. In addition, FAA must take into account its statutory mandate to integrate UAS into the NAS. In proposing this rule, FAA does not read section 2209 in a vacuum; to the contrary, FAA reads section 2209 together with the other responsibilities Congress mandated.

2. Examples of Potential Safety and Security Incidents

While no government-wide comprehensive database of unmanned aircraft related events [21] currently

exists,[22] facility operators or proprietors have reported a number of such events to the Department of Justice and other security agencies. A description of some of those incidents follows.

On November 20, 2015, security guards observed a man operating a UAS near the Phillips 66 oil refinery in Linden, New Jersey. ''When approached, the man accidentally crashed his UAS into a nearby truck.'' [23]

Another incident reported to security agencies included an apparent deliberate attempt to attack an electrical substation using an unmanned aircraft. In July 2020, officials recovered an unmanned aircraft trailing a thick copper wire near a Pennsylvania electrical substation. Security partners have opined that the operator modified the unmanned aircraft ''to disrupt operations by creating a short circuit.'' [24]

Other reports indicated surveillance of critical infrastructure. For example, in September 2022, CNN reported that ''drones have been spotted flying over Louisiana chemical facilities and a pipeline over the past year and a half, prompting a warning on Thursday about the potential for espionage and terrorism at critical infrastructure facilities, according to a report obtained by the news agency.'' [25] In addition, ''on March 8, 2021, a drone was discovered flying near a Louisiana pipeline. A law enforcement officer located the drone operator and discovered they had taken pictures.'' Again, on July 29, 2022, observers saw multiple drones flying over a Louisiana chemical facility at night. The group of drones flew several feet above the facility before splitting in two directions. In response, a warning was issued about the potential for espionage and terrorism at critical infrastructure facilities, stating that unmanned aircraft can be used to surveil critical infrastructure.[26]

The year 2019 saw the beginning of increased investigation and prosecution in federal and State courts for drone-delivered introduction of contraband at State prison facilities. A man pleaded guilty in 2019 to introducing large amounts of drugs into the Autry State Prison in the Middle District of Georgia.[27] In August 2021, the third of three men convicted in a scheme to introduce contraband into the Telfair State Prison in the Southern District of Georgia was sentenced.[28] In August 2022, State authorities arrested a man on suspicion of flying a drone carrying contraband over the Yazoo County Regional Correctional Facility, and the suspect was subsequently charged in federal court.[29] In 2023, multiple men were each charged in separate schemes involving drone-delivered contraband to five State prisons in Ohio [30] and six State prisons in California.[31] Finally, in April 2024 the Georgia Governor announced the arrest of around 150 people in an alleged '''multi-State' criminal enterprise using drones to smuggle drugs, guns, cellphones and other contraband in Georgia prisons.'' [32] The pace and scope of multi-State, multi-facility, and multi-actor schemes demonstrate the acute risk posed to State prisons and the need to better protect these facilities from drone-introduced contraband.

3. Potential Risk to Safety and Security

Whether innocent or malicious, unmanned aircraft flying over or near certain types of infrastructure can pose a risk to the safety and security of both the facility and the surrounding population. An example of some sector-specific concerns about the potential threat to public safety and security follows. These examples do not cover every sector, only examples of the potential risks to sectors.

Commercial Facilities Sector—Amusement parks. Unmanned aircraft operating too close to high-speed rides and elevated amusements could strike people or facilities, causing damage to critical safety features and injuring people. In addition, unmanned aircraft in close proximity to areas otherwise restricted from public access, such as ride control systems, could expose amusement parks to cyber-attacks, rendering rides inoperable or unsafe.

Chemical Sector. Careless or malicious unmanned aircraft operations could cause physical damage to facilities and interrupt the production and distribution of critical chemicals that are essential for the everyday lives of Americans. In addition, unchecked surveillance of equipment, processes, and protocols in otherwise restricted areas could allow bad actors to identify vulnerabilities to support destruction of equipment or of hazardous chemicals. Unmanned aircraft operations in otherwise restricted areas could also offer malicious actors the opportunity to use physical or cyber-attack tools that exploit information technology, operational technology, and industrial control systems to alter, disrupt, or disable operations. Ultimately, the potential risk is that assets containing combustible or compressed substances could sustain damage and result in fires, explosions, or hazardous release of toxic chemicals threatening the health and safety of surrounding communities.

Energy Sector Generally. The energy production lifecycle includes the attainment of energy fuel sources, refinement of fuel, the generation of energy from refined fuel converted into electricity and heat, the transmission and distribution of electricity, and with nuclear energy, the cooling, and storage, and recycle/reuse of hazardous spent fuel. Unmanned aircraft could be used to surveil facilities and their associated structures to identify structural and facility physical and operational security vulnerabilities. Sensitive information technology and operational technology as well as supervisory control and data acquisition communication systems could be vulnerable to cyber-attack initiated by unmanned aircraft. In addition, unmanned aircraft operating in close proximity to these facilities and high-voltage transmission and distribution substations could surveil the facility's security operations and potentially, either intentionally or unintentionally crash, into critical components, causing damage to the system, as well as power outages, fires, and property damage that may have a cascading impact to that Nation's power grid.

Energy Sector oil refineries and natural gas facilities. Unmanned aircraft could be used to surveil oil refineries and natural gas facilities to identify structural and security vulnerabilities. Refineries have many components, including towers, pipelines, and valves, that are vulnerable to intrusion by an unmanned aircraft. The highly flammable materials stored and processed onsite at refineries creates the potential for fire, explosion, and/or the release of hazardous materials if an unmanned aircraft were to cause impacts to certain systems.

Transportation Sector Rail facilities. Rail yards consist of a series of tracks used for storing, sorting, or loading and unloading rail vehicles and large cargo containers. While the Transportation Security Administration (TSA) has no reported incidents of unmanned aircraft causing physical damage to rail cars or infrastructure itself or injury to personnel, commercially available unmanned aircraft could access rail yard areas that are otherwise restricted to the public. An unmanned aircraft also could be used to surveil activity to identify structural and security vulnerabilities that could be exploited.

Emergency Services Sector State Prisons. Unmanned aircraft pose a significant challenge for State prisons. Many incidents of unmanned aircraft being used to infiltrate State prisons to deliver contraband such as cellphones, drugs, and weapons have been reported. Unmanned aircraft threaten existing security protocols and perimeter

control, and they can also be used to conduct surveillance.

4. FAA Capability Gap

Stakeholder concerns about the safety and security risks unmanned aircraft pose to fixed site facilities are based on incidents, such as the ones described previously. Many of these incidents are related to the industry's low barriers to entry: unmanned aircraft operators with limited aviation knowledge and experience can easily and at relatively low cost operate unmanned aircraft in the NAS. Existing tools available to FAA and law enforcement agencies are not sufficient to address the safety and security problems that flow from these low barriers to entry and ease of use. While FAA assesses that the majority of unmanned aircraft operators do not realize the risk their operations could pose to the safety or security of fixed site facilities, and FAA believes that most of these operators do not intend to cause harm, FAA has concluded this rule is necessary, for a number of reasons discussed herein and, if aware that their operations could cause harm, would choose to change their behavior.

A primary purpose of this proposed rule is, therefore, to create a mechanism by which FAA can communicate to operators where their operations could pose a risk to public safety and security, and to prohibit the same. FAA anticipates that this mechanism—the UAFR—will keep responsible and compliant operators from creating a risk to public safety and the security of the affected fixed site facilities. There are limitations to the effectiveness of this proposed rule because a UAFR would not necessarily deter operators who willfully disregard their responsibilities and obligations for operating in the NAS from operating in close proximity to the fixed site facilities in question. Nor would the rule necessarily deter operators with malicious intent.

However, the proposed rule would create new tools that facility operators and proprietors, FAA, and law enforcement agencies could use to address public safety and security concerns. For example, when responding to reports of unmanned aircraft, law enforcement officials currently can find it challenging to distinguish between compliant operators and those who mean to do harm. This proposal would create a tool to assist law enforcement in making that distinction; UAFRs clearly establish where unmanned aircraft operators should and should not be operating. This delineation would allow law enforcement officials to focus their attention on operators of non-compliant unmanned aircraft and avoid engaging with compliant operators. As a result, this rule would provide facility operators or proprietors and law enforcement officials another factor to help them assess risk and determine how to respond.

Finally, the proposed rule would resolve some of the regulatory uncertainty regarding airspace access for unmanned aircraft. FAA has the exclusive authority to regulate aviation safety and the efficient use of the airspace by aircraft; the public relies on FAA regulations for direction and clarity. Attempts by State and local governments to regulate in the fields of aviation safety and the efficient use of the airspace by aircraft are preempted.[33] Outside those fields, the States are generally free to regulate—even by enacting laws that affect aviation—as long as their laws do not conflict with FAA regulations, are not aimed at regulating aviation safety or airspace efficiency, and do not relate to the prices, routes, or services of commercial air carriers. FAA anticipates this proposed rule would reduce regulatory confusion in the national airspace for unmanned aircraft access.

IV. Overview of the Proposed Rule

A. Introduction

The purpose of this rule is to comply with the direction in section 2209 of FESSA to create a process for restricting unmanned aircraft in close proximity to certain fixed site facilities. Congress stated FAA may consider the following entities as eligible for UAFR: critical infrastructure such as energy facilities and equipment; oil refineries and chemical facilities; amusement parks; railroad facilities; and State prisons. Congress identified the following factors for FAA to consider when reviewing an application for a UAFR: aviation safety, protection of people and property on the ground, national security, or homeland security.

FAA proposes to create a process under which certain facilities can request a UAFR to address public safety and security concerns associated with unmanned aircraft flying in close proximity to the facility. This proposal takes into account Congress's mandate to establish this process while at the same time balancing FAA's statutory mandates to regulate the use of the NAS to ensure the safety of aircraft and the efficient use of airspace, ensure the public right of transit, and integrate unmanned aircraft into the NAS. In addition, because the rule proposes to restrict unmanned aircraft operations in certain airspace, the proposal also incorporates environmental review and public notice processes similar to those FAA routinely implements for other changes to airspace within the NAS. Finally, restricting airspace is an extraordinary remedy that must be balanced against the public right of transit under 49 U.S.C. 40103 and not unduly affect the efficiency of the NAS. Accordingly, this proposal establishes a process for granting UAFRs only in those limited circumstances in which there is a clearly articulated need that justifies the remedy of restricting airspace, and where narrower measures cannot adequately address a clearly documented security risk.

FAA seeks to balance the public's right of transit through the NAS and a need to secure critical infrastructure fixed sites from UAS threats. In order to ensure preservation of the navigable airspace for aviation to the greatest extent possible, the proposal puts the burden on applicants to provide data and documentation establishing that the restriction is necessary for safety or security. FAA would evaluate that information and determine whether the applicant demonstrated a sufficient need to justify the remedy of restricting airspace.

B. What is an unmanned aircraft flight restriction?

FAA proposes two distinct types of unmanned aircraft flight restrictions designed to manage and protect sensitive airspace around fixed site facilities: Standard UAFRs and Special UAFRs. Both serve as legal airspace designations that restrict unmanned aircraft operations, but they differ in scope, application, and the nature of the threats they address.

Both UAFRs designate a volume of airspace within which unmanned aircraft operations are generally prohibited except for narrowly defined exceptions (see section V.H. of this preamble). The lateral boundaries of a UAFR must lie entirely within the applicant's property lines and are capped by an altitude ceiling of 400 feet above ground level (AGL). In certain cases, the vertical limit may extend above 400 feet to accommodate structures exceeding 300 feet AGL.

Both UAFRs also have two options for the activation duration period continuous or part-time. A continuous UAFR is active year-round without interruption. A part-time UAFR would be active for up to 290 consecutive days per year, providing flexibility for applicants with seasonal or non-year-round operational needs. For example, if flight restrictions apply only for six months annually, a UAFR would be

active 24/7 during this six-month period.

Once activated, a UAFR communicates a legal restriction on unmanned aircraft via a publicly accessible website, directing operators to avoid the restricted airspace. While the UAFR serves as a ''virtual no trespassing sign,'' it does not physically prevent unauthorized access. Violations of Standard UAFRs may lead to civil enforcement actions, while violations of Special UAFRs may lead to civil or criminal enforcement actions consistent with FAA's authority under 14 CFR parts 91, 107, 13, and FAA Order 2150.3C, as well as potential criminal penalties under 49 U.S.C. 40103(b)(3) and 46307 for national security-related UAFRs.

The UAFR does not authorize the use of detection or mitigation technologies to interfere with unmanned aircraft; such activities remain subject to existing federal laws, including Title 18 and Title 49 U.S.C. The UAFR alone does not create a physical or electromagnetic boundary to prevent unauthorized access. However, facilities with independent authority to operate such systems may continue to do so lawfully, and manufacturers may leverage the publicly available UAFR database. Additionally, the rule requires the deployment of Remote Identification (Remote ID) receivers as described in 14 CFR part 89 to monitor UAS activity.

The proposed UAFRs are distinct from other FAA flight restrictions which tend to address temporary or emergency scenarios. As directed by section 929 of the FAA Reauthorization Act of 2024, UAFRs primarily reflect risk profiles correlated with permanent or semi-permanent facility characteristics. Temporary, short-term restrictions remain the purview of existing SSIs under 14 CFR part 99.

Special UAFRs represent a more stringent airspace designation applied at locations where credible safety or security threats exist, particularly at sensitive federal sites and eligible fixed-site facilities that require enhanced protection of their security or operational integrity.

Like standard UAFRs, Special UAFRs define specific horizontal and vertical limits within which unmanned aircraft operations are effectively prohibited, but they do not create physical or electromagnetic barriers. Facility operators with separate statutory authority to deploy counter-UAS technologies may continue existing practices; however, this proposed rule does not grant or expand such authorities.

The primary objective of a Special UAFR is to minimize UAS overflight at critical sites by clearly delineating restricted airspace, thereby assisting compliant operators in avoiding these areas and enabling federal, military, and law enforcement agencies to focus enforcement resources on genuinely suspicious or unauthorized flights.

Under proposed § 74.6, Special UAFRs would be available to federal security agencies, military departments, and designated fixed-site facilities supported by verified security assessments demonstrating credible threats. This framework parallels the well-established security-related Temporary Flight Restrictions under 14 CFR 99.7, but Special UAFRs establish longer-term (five-year) designations for ongoing protection.

Unauthorized operations within Special UAFRs may incur civil or criminal penalties similar to those described for standard UAFRs, with enforcement authority stemming from 14 CFR parts 91, 107, 13, FAA Order 2150.3C, and relevant national security statutes.

Special UAFRs remain subject to notice-and-comment rulemaking unless good cause exists to forgo notice and comment thereby balancing protection of critical national-security sites with the FAA's mandate for safe and efficient NAS access.

V. Discussion of the Proposed Rule

In response to Congress's mandate in section 2209 of FESSA, as amended, FAA proposes to establish a new part 74, in title 14 of the Code of Federal Regulations. This new part would establish a process under which operators and proprietors of certain fixed site facilities may request a UAFR. This proposal describes the types of facilities that could apply for the UAFR, the information the applicant would be required to submit, and how FAA would consider the request. It also describes the terms and conditions that would apply once a UAFR goes into effect. A description of each section of the rule follows.

A. Definitions and Abbreviations (Part 1)

FAA proposes to add a definition of unmanned aircraft flight restriction (UAFR) to 14 CFR 1.1: *Unmanned aircraft flight restriction (UAFR)* means airspace designated under this part within which the operation of unmanned aircraft is subject to restriction. Though a UAFR is a new airspace designation that primarily impacts unmanned aircraft operators, FAA proposes to include this definition in part 1 because all aviators, manned and unmanned, benefit from understanding the requirements for unmanned aircraft operating near a fixed site facility. FAA also proposes to add the abbreviation UAFR to the list of abbreviations and symbols in 14 CFR 1.2.

B. General Provisions (Subpart A of Part 74)

1. Definitions (§ 74.1)

FAA proposes to add a new part 74, *Designation of Unmanned Aircraft Flight Restrictions,* to title 14, chapter I, subchapter E, Airspace. Many of the terms frequently used in proposed part 74 are not currently used in other FAA regulations. In addition, FAA anticipates many fixed site facility operators will not have interacted with FAA or have experience managing aviation operations prior to applying for a UAFR. Defining these terms would assist fixed site facility personnel, and unmanned aircraft operators seeking permission to operate within a UAFR, by ensuring consistent terminology is used during the application and maintenance of a UAFR. In § 74.1, FAA proposes the following definitions:

Applicant. FAA proposes to define applicant as a person requesting a UAFR under new part 74. Consistent with the statutory mandate in section 2209, the applicant would have to be an operator or proprietor of the fixed site facility.

Continuous unmanned aircraft flight restriction. FAA proposes to define *continuous unmanned aircraft flight restriction* to mean a UAFR that is active year-round, and 24 hours per day. This definition distinguishes between the two types of UAFRs: continuous and part-time. A part-time UAFR (described below), may be active for 290 or fewer consecutive days per year.[34]

Critical Infrastructure. FAA proposes to define *critical infrastructure* as having the meaning given in 42 U.S.C. 5195c(e), and includes systems and assets in all of the designated critical infrastructure sectors identified in National Security Memorandum 22 of April 30, 2024 (Critical Infrastructure Security and Resilience) (NSM–22).

Designated representative. FAA proposes to define *designated representative* to be an individual who serves as the authorized agent of the operator or proprietor. This person would serve as the primary point of contact for communications with FAA about a UAFR during the application process and, if the request is granted, while the UAFR is active. An operator or proprietor could serve as the designated representative, or the

operator or proprietor could identify someone else.

Designated unmanned aircraft flight restrictions. FAA proposes to define *designated unmanned aircraft flight restrictions* to mean the UAFRs designated in FAA Order JO 7400.12 (incorporated by reference, see § 74.30).

Fixed site facility. FAA proposes to define *fixed site facility* to mean a permanent structure, building, or asset with defined geographic boundaries. A mobile, virtual, temporary, or impermanent facility would not constitute a fixed site facility.

Operator or proprietor. FAA proposes to define *operator or proprietor* to mean any person who operates or has an ownership interest in the fixed site facility, or who has a legal right or title to the property within the boundaries of a requested UAFR, or within the boundaries of a UAFR after it is issued, including those arising from an easement, right of way, or leasehold. In accordance with this proposed definition, the property below a UAFR could have more than one operator or proprietor, and those operators and proprietors could have different types of legal rights or interests in the property. As discussed in section V.C. of this preamble, FAA expects all operators and proprietors to come to consensus on what property and assets, if any, may need a UAFR prior to submitting an application.

Part-time unmanned aircraft flight restriction. FAA proposes to define a part time unmanned aircraft flight restriction as an unmanned aircraft flight restriction active 24-hours per day for no more than 290 consecutive days. Under part 74, a part-time airspace restriction is active 24 hours a day, but for no more than 290 consecutive days (approximately 9 months) annually. For example, an outdoor amusement park that is closed during the winter months (December, January, and February) might not require a UAFR to be active during the months the park is closed as the potential impacts to the amusement park's operations, guests, and infrastructure from an errant unmanned aircraft is minimal. A part-time UAFR could be inactive during the off-season; however, during the season when the UAFR is active, it would be in effect 24 hours a day. Applying a part-time airspace restriction allows FAA to balance public access to airspace with the need for seasonal airspace restrictions.

Security perimeter. FAA proposes to define *security perimeter* to mean a boundary that restricts or limits access to a specific location. A security perimeter may be tangible, such as a gate or fence, or intangible, such as surveillance cameras or patrolled perimeters. It may also be a natural feature that cannot be easily traversed. The key characteristic of a security perimeter is that it is designed to restrict or deter access to a facility or a portion of a facility. A security perimeter could include procedures, systems, or physical boundaries used to monitor, secure, and prevent unauthorized access to a facility and its assets that the operator or proprietor is trying to protect.

Site manager. FAA proposes to define *site manager* to mean the individual who serves as the operator or proprietor's authorized representative for the purpose of receiving notification of allowed operations under subpart G (Access to Unmanned Aircraft Flight Restriction) of proposed part 74. This site manager could be the designated representative, operator or proprietor, or any other person. This person would also be the single point of contact for communication with FAA in the event that coordination with FAA is necessary.

Unmanned aircraft flight restriction. FAA proposes to define *unmanned aircraft flight restriction* to mean an unmanned aircraft flight restriction that includes both standard unmanned aircraft flight restrictions as described in § 74.5 and special unmanned aircraft flight restrictions described in § 74.6 as specified in part 74. FAA has included this proposed definition to delineate that the process for UAFRs established under §§ 74.5 and 74.6 are both considered when the term unmanned aircraft flight restriction is used. Only when §§ 74.5 or 74.6 are specified is there a difference in the unmanned aircraft flight restriction access or notification requirements.

2. Standard Unmanned Aircraft Flight Restriction Designation (§ 74.5)

A flight restriction is a tool FAA uses to restrict aircraft operations within designated volumes of airspace. In the context of both manned and unmanned aircraft, FAA can use a flight restriction to separate non-participating aircraft from hazardous activities. FAA can also use flight restrictions to restrict aircraft from operating in airspace for national security or homeland security purposes. These restrictions can be permanent or temporary, and they can apply to both manned and unmanned aircraft or just one or the other.

This proposed rule would establish a new type of flight restriction—the Standard UAFR. A Standard UAFR would be a volume of airspace with specific horizontal and vertical limits in which FAA would restrict unauthorized unmanned aircraft operations. The Standard UAFRs' text would show where unmanned aircraft are not authorized to operate (unless they qualify for access as explained in section V.H. of this preamble) and identify whether the restrictions are continuous or part-time. A continuous UAFR is active year-round. A part-time UAFR is active for a period of 290 or fewer consecutive days per year. FAA would publish a legal description of the UAFR in the **Federal Register**.

Approved Standard UAFRs also would be included in FAA Order JO 7400.12 and depicted on a publicly accessible FAA website. New part 74 would describe how and under what circumstances the operator or proprietor of a fixed site facility (or a designated representative acting on their behalf) could request a UAFR.

3. Special Unmanned Aircraft Flight Restriction Designation (§ 74.6)

FAA established the general framework for a UAFR in § 74.5. Under § 74.5, a UAFR allows UAS operations through the airspace designation that are established, known, and conspicuous so long as the operator is operating in accordance with § 74.250.

FAA proposes to provide an alternative UAFR for sites with a credible safety or security threat that would strictly limit UAS operations and minimize UAS overflight. Proposed § 74.6(a) would establish the process for federal intelligence and security agencies (such as DHS, DOD, DOE, and DOJ) and certain fixed site facilities to be designated as a Special UAFR. These sites have vulnerabilities that would be exacerbated by having routine UAS overflight due to national security or specific identified risks to safety.

Under proposed § 74.6, eligible facilities would be limited to facilities that are under the ownership of or sponsored by Federal security agencies and military departments.

Federal security agencies and military departments possess the operational authority, intelligence resources, and mission responsibility necessary to identify credible threats and assess vulnerabilities associated with sensitive Federal activities. Allowing these agencies to directly request Special UAFRs ensures that the FAA receives requests supported by verified security assessments.

Proposed paragraph (a) would allow FAA, Federal security and intelligence agencies, and military departments to directly petition FAA for a Special UAFR for facilities or operations under their ownership, operational control, or

have a special interest in. This proposal mirrors the current 99.7 process used for special security instructions (SSIs) but aims to establish a more enduring solution to address the long-term security needs of these critical locations. Unlike 99.7s, which are intended to be a short-term security measure, Special UAFRs will provide a stable framework for flight restrictions with a term of five years, offering sustained protection against the evolving unmanned aircraft threats.

As part of the proposed framework under § 74.6, FAA plans to integrate all current eligible 99.7 SSIs that align with the intent of this section into Special UAFR designations. By bringing these existing restrictions into the Special UAFR framework, FAA seeks to provide a more permanent, structured, and transparent approach for establishing these airspace designations. This approach also seeks to eliminate inconsistencies that may arise from the temporary nature of 99.7 SSIs, offering a cohesive and uniform standard for managing airspace security at sensitive sites.

FAA also recognizes that certain non-Federal facilities or critical infrastructure as described in subpart C may support national or homeland security, even when those facilities are not directly owned or operated by the Federal Government. These facilities may include infrastructure supporting defense production, intelligence operations, continuity of government functions, or other activities where disruption could create significant national security risks.

Proposed paragraph (a) allows eligible sites as described in subpart C to be eligible for a Special UAFR if sponsored by FAA, or a federal intelligence or security agency such as (DHS, DOD, DOE, and DOJ). During the application evaluation, FAA and the appropriate federal security agency would evaluate whether the proposed UAFR would be designated as a Special UAFR. The federal security agency would provide FAA with a justification in a form and manner as determined by the Administrator.

FAA recognizes that Special UAFRs are more restrictive than the standard UAFR, this is by design. Limiting eligibility to entities with demonstrated national security or homeland security risks helps ensure that such restrictions are requested only when necessary to address credible security risks and that requests are supported by agencies capable of evaluating the broader implications of restricting access to navigable airspace. FAA believes limiting eligibility to the categories described above ensures that Special UAFRs are justified by a demonstrated credible safety or security threat. For example, state prisons are highly vulnerable to contraband delivery by UAS, with significant consequences to the safety of both guards and prisoners. In such cases, the FAA Administrator may determine that a Special UAFR is the appropriate airspace designation for that site.

This proposal aligns with Executive Order 14305, ''Restoring Airspace Sovereignty,'' which underscores the United States' policy to maintain control over national airspace and to protect public spaces, critical infrastructure, mass gatherings, and sensitive government and government-sponsored installations from threats posed by the careless or unlawful use of UAS.

The Special UAFR would remain subject to notice and comment procedures under this rule unless good cause exists to forgo notice and comment. Providing notice and comment for such restrictions allows FAA to evaluate the broader impacts of the restriction on the NAS and the public to provide meaningful input for consideration.

However, FAA recognizes that notice and comment on the proposed special UAFR could increase the risk of revealing threat assessments, security vulnerabilities, or operational timing considerations and thus FAA may limit the type of information provided in the NPRM in the interest of national or homeland security. Nevertheless, FAA anticipates that the most helpful comments for these types of restrictions will be on the size and scope of the restrictions and any considerations that FAA may be unaware of. In addition, FAA anticipates that only a limited number of facilities will be issued Special UAFRs, reducing any significant impacts to accessing navigable airspace.

This procedural distinction reflects FAA's effort to balance national security and national defense considerations with its statutory responsibility under 49 U.S.C. 40103 to preserve safe and efficient access to navigable airspace. FAA seeks to ensure that regulatory procedures remain proportionate to the anticipated operational impact of the restriction by limiting the good cause exception. FAA invites public to comment on the overall proposed framework for Special UAFRs, including the integration and inclusion of existing 99.7 SSIs.

The UAFR and Special UAFR share the same foundational characteristics. Under proposed paragraph § 74.6 (b), the airspace designation would have (1) a horizontal limit defined by a lateral boundary as described in § 74.58, (2) a vertical limit defined by an altitude ceiling § 74.60, and (3) a continuous or part-time activation period as described in § 74.62.

4. Applicability (§ 74.10)

Proposed § 74.10 describes to whom the requirements in new part 74 would apply. Specifically, this section states that part 74 would apply to anyone requesting or managing a UAFR. It includes provisions applicable to anyone who operates unmanned aircraft in the United States. For the avoidance of doubt, nothing in Part 74 constrains the exercise of federal counter-UAS authorities under 6 U.S.C. 124n, 10 U.S.C. 130i, 10 U.S.C. 6227, or 50 U.S.C. 3515a including the deployment or operation of unmanned aircraft systems for counter-UAS detection or mitigation purposes.

5. Requesting a Standard or Special Unmanned Aircraft Flight Restriction (§ 74.15)

Proposed § 74.15 establishes the application requirements for a UAFR. An operator or proprietor would have to successfully complete the steps outlined in paragraphs (a) through (d) to comply with the application requirements.

The first step is described in paragraph (a). To initiate the application process, FAA proposes to require the applicant to establish that the facility meets the criteria in § 74.54. The applicant would submit documentation showing that the facility is a fixed site facility and that it falls within one of the types of facilities described in subpart C of part 74. FAA would not consider any requests from operators or proprietors if their facilities failed to meet the minimum criteria. Only those applicants that demonstrate eligibility under § 74.54 would be able to initiate the application process. Those requirements are described in detail in section V.D of this preamble.

If the operator or proprietor can show that the facility meets the criteria in § 74.54, they would be able to move on to the second step. As described in paragraph (b), the applicant would next be required to demonstrate a safety or security need for the UAFR. During this step, the applicant would describe the problems unmanned aircraft pose to the facility and how the UAFR would help address those problems. For example, proposed § 74.66 would require the applicant to submit information describing existing unmanned aircraft traffic in close proximity to the facility, the facility's specific vulnerabilities to unmanned aircraft, what could happen

if these vulnerabilities were exploited, and how the UAFR would provide relief. In addition, proposed § 74.64 would require the applicant to submit the facility's existing plan for addressing those vulnerabilities and the potential consequences if an unmanned aircraft were to exploit them. FAA would then coordinate with SRMAs on the security assessment provided by the applicable SRMA to assess eligibility. These requirements are described in more detail in section V.C. of this preamble.

As discussed earlier in the preamble, FAA must balance the mandate to ensure public right of transit and the efficiency of the NAS with the mandate to create a process for UAFRs in section 2209. Reading these authorities together, FAA has determined that, prior to issuing a UAFR, the applicant must demonstrate that unmanned aircraft pose a risk or hazard and that a UAFR would add to existing security measures in place at the facility. The information in paragraph (b) would help establish whether that need exists.

FAA is responsible for complying with applicable environmental laws. To fulfill that responsibility, FAA would consider and document the potential environmental effects of each requested UAFR. Accordingly, FAA proposes to require the applicant to submit information about sensitive land uses in the vicinity of the requested UAFR. These requirements are described in more detail in section V.C.11 of this preamble.

After the applicant submits the items required in proposed paragraphs (a), (b), and (c), FAA would evaluate whether the package meets the requirements of subparts B and C of part 74. As a part of that review, FAA will assess whether the facility meets all of the eligibility criteria, and the applicant has demonstrated a sufficient need to justify the requested airspace restriction. This evaluation is discussed in more detail in section V.E. of this preamble. If FAA determines that the applicant meets the requirements and has presented a sufficient need, FAA would publish an NPRM regarding the proposal and accept comments for a period of at least 30 days. At this point, FAA would conduct its final review and decide whether to grant the requested UAFR. If granted, FAA would publish a final rule in the **Federal Register**.

6. Obligation To Update (§ 74.20)

Proposed § 74.20 outlines a fixed site facility operator or proprietor's obligation to provide FAA accurate and current data during the application process and after a UAFR is granted. Paragraph (a) would require the operator or proprietor to ensure that the information submitted during the application process (see proposed § 74.15) is accurate and up to date. It also would require the operator or proprietor who has been granted a UAFR to report any changes to the information submitted during the application process. Paragraph (a) would require the operator or proprietor to submit this information within 5 business days of becoming aware of the change. FAA would provide instructions on how to report these changes in the proposed Advisory Circular (AC), *Unmanned Aircraft Flight Restrictions.*

Paragraph (b) would provide one exception. Generally, proposed § 74.66 requires the applicant to submit information on existing unmanned aircraft traffic patterns in close proximity to the facility. FAA recognizes that it would be burdensome for an operator or proprietor to continually update this information within 5 business days, especially after a requested UAFR is active. Accordingly, FAA proposes to require yearly reports once a UAFR is active. The applicant would not be obligated to update historical unmanned aircraft activity after they submit the request for a UAFR; however, FAA may request supplemental information at any time during the application process (see proposed § 74.100(b)), including updated information about unmanned aircraft traffic patterns.

Proposed paragraph (c) would require the operator or proprietor to provide FAA with an ongoing update of the most current information for the unmanned aircraft flight restriction. To support that review, the Administrator may require the operator or proprietor to provide information in paragraph (b) of this section on a more frequent basis.

Proposed paragraph (d) would require the operator or proprietor of a facility covered by a UAFR to promptly notify FAA of any material change in circumstances that affect the continuing need for the restriction. For example, FAA would expect the operator or proprietor to notify FAA if the facility would be shutting down or having a temporary lapse in service. FAA would use this information to determine whether to modify or cancel the restriction in accordance with proposed § 74.215, *Modification and Cancelation.*

Proposed paragraph (e) would identify the consequences if an operator or proprietor does not comply with this section. They include denying the application under proposed § 74.100, *Denial,* or modifying or canceling the UAFR under proposed § 74.215, *Modification and Cancelation.* FAA's UAFR analysis and decisions are based on FAA's obligation to ensure that the totality of data and circumstances warrant the remedy of restricting airspace. Even after it grants a UAFR, FAA has continuing obligations to ensure the public right of access as well as the safety and efficiency of the NAS. Accordingly, FAA must have current information to discharge these responsibilities. A critical part of this duty is assessing whether any changes to the information on which FAA based its decision would affect FAA's evaluation under subparts D and E of part 74.

7. Incorporation by Reference (§ 74.30)

FAA proposes to publish all newly designated, renewed, modified, and canceled UAFRs in the **Federal Register**.

Under proposed § 74.100 FAA would provide notice and seek comment on the proposed UAFR for applicants who have been conditionally approved. FAA would direct submission of comments to FAA for a minimum of 30 days.

FAA would compile the designated UAFRs annually in FAA Order JO 7400.12, which FAA would incorporate by reference into proposed § 74.30. FAA would then publish periodic designation updates in the **Federal Register**. At the end of the year, FAA would update FAA Order JO 7400.12 with any new, amended, or cancelled UAFRs. FAA would then incorporate the new version of the Order by reference. This process is similar to the existing, established processes FAA uses to establish and maintain a legal description of other airspace designations.[35]

This NPRM proposes to incorporate by reference the final version of FAA Order JO 7400.12, currently available in draft form. During the comment period of this NPRM, FAA Order JO 7400.12, the draft of FAA Order JO 7400.12 is available in the docket for this rulemaking which is available by visiting *https://www.regulations.gov.*

C. Minimum Requirements for Unmanned Aircraft Flight Restriction (Subpart B of Part 74)

FAA proposes to require applicants to submit specific information to FAA in connection with a UAFR request. This section discusses the information applicants would be required to submit to request a UAFR. FAA needs this information so it can fulfill its statutory responsibilities under section 2209, but also to uphold its responsibilities with respect to the public right of access and the safety and efficiency of the NAS.

The information described in this section would help FAA in consultation with the SRMAs to understand whether there is a safety or security need for a UAFR that justifies the remedy of restricting airspace.

1. General (§ 74.50)

Proposed § 74.50 would require applicants to provide the information described in subpart B of part 74 in a form and manner acceptable to the Administrator. FAA is developing a web-based portal (the UAFR Module) through which applicants can submit all required information. FAA recognizes that some applicants may have confidential business information, including security-related materials. Therefore, FAA developed a system where applicants can provide security-related materials with the appropriate security protections. The draft Advisory Circular, *Unmanned Aircraft Flight Restrictions,* available in the docket for public review and comment, provides detailed instructions on how to submit information, including confidential business information and sensitive, classified, or proprietary information.

2. Applicant and Facility Information (§ 74.52)

Proposed § 74.52 would require applicants to provide information identifying both the appropriate points of contact and the location of the facility for which the applicant seeks a UAFR.

Proposed paragraph (a) would require the applicant to provide the name and contact information for the key people associated with the requested UAFR, including any operators or proprietors, as defined in proposed § 74.1. For example, the applicant would provide information pertaining to the operator or proprietor of the facility and anyone with a claimed legal right or interest in the property within the requested boundaries. Paragraph (a) would also require the applicant to provide the name and contact information for a designated representative and a site manager (also as defined in proposed § 74.1).

Prior to requesting a UAFR, the applicant must coordinate with all other operators, proprietors, or other people with a claimed legal interest in the property. This coordination could include, but is not limited to, lessees, easement holders, or other third-parties with a property interest. FAA would expect the applicant to resolve any concerns or disputes among those with a property interest prior to requesting a UAFR. FAA will not intervene in a private property dispute over how the property should or should not be used. FAA would not process an application until all such disputes are resolved and those with a property interest come to consensus on whether and to what extent there should be a UAFR.

Proposed § 74.52(b) would require the applicant to submit to FAA information about the facility, including address, contact information, and a legal description of the property. This information would include not only the physical location and mailing address for the fixed site facility, but also a description of the facility; property boundaries; easements, leaseholds, or other claimed legal rights or interest in the property and the height of the tallest structure above ground level located within the lateral boundary of the requested UAFR.

Section 2209 provides that operators or proprietors may apply for designation individually or collectively.[36] If more than one person has a legal right or title to the property within the proposed UAFR, including a legal right or title arising from an easement or right of way, those persons must apply collectively for a UAFR. FAA interprets ''collectively request'' to mean a request by more than one operator or proprietor for a particular fixed site facility where more than one operator has an interest or exercises control. Any issues arising from lack of coordination between the UAFR applicant and other property owners are beyond FAA's discretion to resolve.

On the other hand, proposed § 74.52(b) would also clarify that each UAFR application applies to only one fixed site facility even if the operator or proprietor owns multiple eligible sites.

3. Eligible Facilities (§ 74.54)

Proposed § 74.54 sets forth the eligibility requirements for requesting a standard UAFR. First, an applicant would be eligible to apply for a UAFR if the site can demonstrate they are a fixed site facility. A fixed site facility is defined as a permanent structure, building, or asset with defined geographic boundaries.[37] A mobile, virtual, temporary, or impermanent facility does not constitute a fixed site facility.

Second, the applicant would need to demonstrate the fixed site facility is critical infrastructure. In 42 U.S.C. 5195c(e), critical infrastructure is defined as, ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.'' [38] NSM–22 identifies 16 critical infrastructure sectors.[39]

FAA engaged with security subject matter experts from each SRMA to develop minimum eligibility criteria for each sector. Executive Order 14305 directed FAA to develop a process for restricting drone flights over fixed site facilities, and to interpret, to the extent appropriate, critical infrastructure consistent with the definition in 42 U.S.C. 5195c(e).[40]

Third, FAA proposes to have an applicant be required to have protective security measures in place that are commensurate with the site's criticality to national security, homeland security, aviation safety, and protection of persons and property on the ground. As high-risk sites, FAA expects them to have layered security measures to protect against a multitude of threats, including threats from unmanned aircraft. § 74.56 outlines what requirements FAA proposes.

Lastly, FAA proposes to have the site demonstrate the facility has one or more critical assets or components of facility operations that are vulnerable to UAS threats. The applicant would provide an explanation of what portions of the site are exposed to this risk and how an unmanned aircraft poses a unique challenge a UAFR can mitigate.

FAA and SRMAs recognize that each of the sectors cover a variety of different assets and facility types which could lead to millions of eligible facilities for flight restrictions in the NAS. As such FAA worked with SRMAs to develop eligibility criteria.

The commentary on what specific vulnerabilities each sector, sub-sector, and specific facility has is limited due to the classification level of the information that highlights the most at-risk parts of a facility and its criticality to national and homeland security. The following criteria were developed to ensure sensitive information protocols were maintained while also giving the public some insight into the methodology on which sites are likely to be considered for a UAFR.

FAA, in coordination with the SRMAs as applicable, considered the following characteristics when developing eligibility criteria:

- Whether the facility meets the definition of 42 U.S.C. 5195c(e).
- Whether the facility is a fixed site with a defined perimeter.
- Whether the facility is openly accessible by other means, including by foot and vehicles.
- Whether the facility has visible external sensitive operations vulnerable to surveillance.

- Whether the facility has security measures in place.
- Whether an unmanned aircraft poses a particular or unusual risk to people or property at the facility.
- The criticality of the facility, including the consequence of disruption or the collection of non-public information from or about the facility, which if disclosed could impact national or homeland security.

These characteristics informed the development of the eligibility criteria generally and for the sector and subsectors. Furthermore, the criteria establish which fixed site facilities would be eligible to request a UAFR under part 74.

4. Protective Security (§ 74.56)

FAA proposes under § 74.56 the outline of protective security that satisfies the eligibility requirements under § 74.54. As high-risk sites, FAA expects facilities to have layered security measures to protect against a multitude of threats, including threats from unmanned aircraft. Therefore, sites would be required to show they meet all of the following security requirements:

(1) Access to the facility, certain areas, or key components must be restricted

(2) The facility must have designated security personnel

(3) The facility must have security monitoring

(4) Must include the capability, either directly or through a contracted service, to receive broadcast Remote Identification messages from unmanned aircraft operating within or in close proximity to the requested unmanned aircraft flight restriction.

UAS are typically difficult to visibly or audibly detect, even at low altitude, without a technical detection capability to assist security personnel. At minimum, FAA believes requiring a fixed site to have a Remote Identification sensing capability is necessary for the site to establish awareness of the airspace around the facility and be able to detect allowed operations outlined in § 74.250. This requirement is limited to passive RF equipment that can receive the Wi-Fi or Bluetooth signals associated with requirements of 14 CFR part 89. FAA encourages fixed sites to explore more advanced detection options as their security and legal authority permit. There are several solutions on the market to sense a Remote ID broadcast from a drone, including through fixed infrastructure such as antennae and third-party subscription services from companies that install and provide security monitoring.

In addition, FAA also recognizes the potential value of remote identification data for law enforcement purposes and as a potential tool to meet mandatory reporting requirements under § 74.20 Obligation to Update. However, FAA is unsure if voluntary retention of data is sufficient for those purposes or if FAA should include a record keeping requirement for the remote identification data. Therefore, FAA is seeking comment on whether FAA should include a retention requirement for this data. If FAA does include a record retention requirement, what is the appropriate duration that entities should be required to retain the records to meet the suggested use of this data. In addition, FAA seeks comment on any associated costs that retaining this information may entail.

FAA seeks public comments on the sufficiency of all requirements under protective security, particularly for Remote ID sensing capabilities, whether additional standards may be required for RID sensing technology, or any additional minimum requirements that might be necessary to adequately delineate between compliant and non-compliant UAS in a UAFR. FAA seeks comment on whether more stringent Remote ID broadcast requirements should be imposed on UAS operating within a UAFR beyond the standard broadcast requirements outlined in 14 CFR part 89. Particularly, FAA is interested in empirical data on the efficacy of current Remote ID broadcast messages such as the distances the broadcasts are picked up, any degradation in the ability to receive the broadcasts and why, and any other pertinent information FAA should consider when requiring Remote ID to be the main methodology for making UAS conspicuous to FSFs. Are there any new or additional Remote ID requirements the FAA should consider to ensure Remote ID can adequately perform the intended function of apprising FSFs of allowed operations? Additionally, FAA seeks comments on the economic impact such requirements would have in terms of cost to the fixed-site operator and market supply of RID sensing technology.

5. Lateral Boundary (§ 74.58)

Proposed § 74.58(a) would require the applicant to identify the lateral boundaries for the requested UAFR. Paragraph (b) would require that the requested UAFR boundary not exceed the operator or proprietor's property boundary. The purpose of these limitations is to make sure that the requested UAFR is limited to property over which the applicant has a legal right or interest. For example, in the case of an application with a single operator or proprietor, the applicant would have legal control of the facility and all property below the requested UAFR. In applying § 74.58(b), FAA intends to draw the smallest practicable polygon consistent with the facility's documented protection needs and will, where feasible, preserve low-risk flight corridors between adjacent facilities to support commercial UAS routes and other NAS users.

In the case where the requested UAFR would extend over a fixed site facility and encompass additional property within the legal control of a third-party other than the operator or proprietor of the facility, the third-party would be considered an operator or proprietor for purposes of proposed part 74 and must be included in the application.

Proposed paragraph (b) would also require that the lateral boundaries not overlap in whole or in part with a permanent airspace restriction. Examples of permanent restrictions include, but are not limited to, special use airspace designations under 14 CFR part 73 such as prohibited or restricted areas; UAFR designations under proposed part 74; or any other established special flight rule, restriction, or regulation in title 14 CFR limiting the operation of aircraft. FAA would not consider a UAFR at locations where a permanent restriction already exists because it would cause a conflict with existing airspace restriction. Moreover, if a restriction is already in place, a UAFR would be unnecessary and redundant.

FAA anticipates that applicants will tailor the lateral boundary of their requested UAFRs to the specific needs of each particular facility. Some facilities may warrant a UAFR to cover the facility from property line to property line. Others may warrant a UAFR over only specific portions of the property. In either case, FAA will evaluate, in accordance with proposed § 74.100, whether the applicant demonstrates a need that justifies the restriction. FAA would work with an applicant to reduce the footprint of the UAFR, if FAA determines that the lateral boundaries, as requested, do not justify an airspace restriction, but a smaller footprint would justify the restriction. The draft advisory circular contains graphical representations of potential UAFR boundaries.

Finally, the lateral boundary may consist of one contiguous geographic area or multiple non-contiguous geographic areas that fall within the fixed site facility's property boundaries. During the development of this

proposal, FAA developed graphics to help the applicant visualize these scenarios. The graphics are in the draft AC, Unmanned Aircraft Flight Restrictions, Appendix B, which is in the docket for this rulemaking.

The FAA solicits comments on whether the property line of a facility applying for a UAFR should be the maximum perimeter of a UAFR in all cases or whether there are certain circumstances FAA should expand the lateral boundaries beyond the property line.

- If FAA does allow the expansion beyond the property line, what circumstances should FAA consider? Additionally, how will the expanded lateral boundaries help aid in security of a site?
- Conversely, if FAA does not allow UAFRs to extend beyond the property line, how might that heighten the risk to some kinds of facilities?
- Should expanded lateral boundaries be considered for all facility types or just specific types of facilities?
- Similarly, FAA seeks comment on if the lateral boundaries should be reduced to less than the property line and what scenarios would be applicable to having less than the property line for a UAFR?
- Are there certain facilities that only need a small section of the property restricted?

6. Altitude Ceiling (§ 74.60)

Proposed § 74.60(a) would require the applicant to identify the altitude ceiling for the requested UAFR. Under proposed paragraph (b), the altitude ceiling could not overlap in whole or in part with a permanent airspace restriction. As discussed in the preceding section, permanent restrictions include, but are not limited to, special use airspace designations under 14 CFR part 73; UAFR designations under proposed part 74; or any other established special flight rule, restriction, or regulation in title 14 CFR limiting the operation of aircraft. FAA would not consider a UAFR at locations where a permanent restriction already exists because it would cause a conflict with the existing airspace restriction. Moreover, if a restriction is already in place, a UAFR would be unnecessary and redundant.

Proposed paragraph (b) also would limit the UAFR to 400 feet above ground level (AGL). This limit is consistent with existing § 107.51, which prohibits small unmanned aircraft flying under part 107 from operating above 400 feet AGL, with limited exceptions. It is also consistent with 49 U.S.C. 44809(a)(6), which limits recreational unmanned aircraft to 400 feet AGL in Class G airspace. Since most small unmanned aircraft are not permitted to operate above 400 feet AGL in most circumstances, it would be unnecessary to issue a UAFR with a ceiling above 400 feet AGL. Nonetheless, FAA recognizes that some unmanned aircraft operations are authorized above 400 feet AGL. Operations that do not fall under part 107 or 49 U.S.C. 44809 are subject to the operating requirements in part 91. Specifically, section 91.119 requires operations above a certain minimum safe altitude (typically 500 or 1000 feet AGL). Many unmanned aircraft operators seek an exemption from that provision to allow operations below that minimum safe altitude. If granted, the exemption would include conditions and limitations for those operations. Regardless, the part 91 operator would remain subject to the UAFR, including the altitude ceiling.

The relevant difference between part 91 operators and the other operators is that under certain conditions, the part 91 unmanned aircraft could fly over the UAFR when the other operators could not. For example, if a UAFR ceiling is set at 400 feet AGL, part 107 and section 44809 operators could fly around the UAFR, but not over it. This is because part 107 and section 44809 prohibit operations above 400 feet AGL. Part 91 operators would not necessarily be limited to 400 feet AGL. If the terms and conditions of their waiver allow them to fly over 400 feet AGL, in theory, they could fly over the UAFR.

FAA considered whether applicants could request UAFR ceilings that exceeded 400 feet AGL to restrict part 91 operations but ultimately determined that the appropriate ceiling should be 400 feet AGL. Currently, manned aircraft, including helicopters and small fixed wing aircraft, routinely operate at altitudes as low as 500 feet (see 14 CFR 91.119). At that altitude, manned aircraft could pose equal to if not greater risk, to fixed site facilities as unmanned aircraft flying at the same altitude. For example, a manned aircraft could cause significantly more damage on impact than a small unmanned aircraft. FAA ultimately concluded that it could not justify proposing to limit part 91 unmanned aircraft from airspace where part 91 manned aircraft could continue to operate.

Proposed paragraph (c) would permit UAFR to exceed 400 feet AGL under certain limited circumstances. FAA proposes that if the tallest component of the fixed site facility located within the lateral boundary of the UAFR exceeds 300 feet AGL, the UAFR could extend vertically from the surface to the height of the facility's tallest component plus 100 feet, rounded up to the next 50-foot increment, across the entire UAFR. For example, if the fixed site facility has a smokestack that is 310 feet above ground level, FAA would add 100 feet to the altitude to arrive at 410 feet. FAA would then round up to the nearest 50-foot increment. Under these circumstances, the UAFR could extend to 450 feet above ground level. The UAFR ceiling would remain at 450 feet AGL, extending to all lateral boundaries.

FAA would not create a ''stair-step'' ceiling on the UAFR in which the UAFR would extend up or down depending on the height of structures. A uniform ceiling creates a simple and easy-to-understand restriction to minimize confusion and maximize compliance for unmanned aircraft operators. The draft Advisory Circular, *Unmanned Aircraft Flight Restriction,* provides graphics depicting other examples and the appropriate UAFR ceilings using this criterion.

7. Activation Duration of Unmanned Aircraft Flight Restriction (§ 74.62)

FAA proposes two types of UAFRs: continuous or part-time. A continuous UAFR would be active 24 hours per day, year-round. A part-time UAFR would be active for a period of 290 or fewer consecutive days per year. In either case, the UAFR would be active 24 hours per day. FAA proposes that UAFRs would always be in effect on a 24-hour basis to make the restrictions easy to understand and to eliminate opportunities for confusion. Similarly, FAA proposes that a part-time unmanned aircraft flight restriction would be in effect during consecutive days to make the restrictions simple and straightforward. FAA would not grant a UAFR for single days or for multiple consecutive groupings of days within a year.

An applicant would request a continuous or part-time UAFR depending upon the following criteria. To request a continuously active UAFR, the applicant would have to demonstrate the facility met the eligibility criteria in proposed § 74.54 more than 290 days in the previous calendar year or, if a site is newly operational, provide data to sufficiently demonstrate how the facility would be eligible if in operation for 290 days. If the facility met those criteria, the applicant could request a continuous UAFR. If the applicant cannot meet these criteria, it may nonetheless be eligible for a part-time restriction. A part-time UAFR would be active 24 hours per day; however, it would be in effect on a seasonal basis for 290 or

fewer consecutive days, as appropriate for the facility in question.

8. Unmanned Aircraft System Security and Incident Response Plans (§ 74.64)

FAA does not believe that the remedy of a flight restriction should be a facility's first line of defense to address risks or vulnerabilities associated with unmanned aircraft. FAA expects that operators or proprietors of facilities will take reasonable steps to address unmanned aircraft prior to requesting a UAFR.

Proposed § 74.64 would require applicants to provide, in form and manner acceptable to the Administrator, the following information related to a facility's security plans, including UAS incident response plans. FAA envisions that this information would include, but not be limited to, graphical representations and descriptions of the existing fixed site facility's security perimeter (as defined in § 74.1), FAA would expect the facility to have some means to restrict ground access to sensitive or vulnerable assets, such as a security perimeter. FAA would consider this information when evaluating the application under proposed § 74.100. This information allows FAA to evaluate whether the fixed site facility has taken actions to minimize its vulnerabilities from an unmanned aircraft. FAA is unlikely to approve a UAFR if the applicant cannot show that it has taken some steps to restrict public access to the facility. However, FAA recognizes that there are situations that may require special consideration regarding how much of the facility is restricted from the public.

9. Demonstration of Need (§ 74.66)

As discussed in section IV.C.2 of this preamble, to balance Congress's direction in section 2209 with FAA's other statutory obligations to ensure right of public transit, safety, efficiency, and unmanned aircraft integration in the NAS, only those applicants with a sufficient safety or security need may obtain a UAFR. Accordingly, FAA proposes to require all UAFR applicants to submit information demonstrating a safety or security need that justifies the remedy of an airspace restriction. To help FAA evaluate need, proposed § 74.66 would require applicants to describe: (1) existing unmanned aircraft traffic in close proximity to the fixed site facility; (2) the facility's specific vulnerabilities to unmanned aircraft traffic; (3) what would happen if an unmanned aircraft were to exploit a vulnerability; and (4) how a UAFR would be integrated into a facility's security plans to supplement existing security measures. No one of these factors would be dispositive. Furthermore, FAA may choose to deny a requested UAFR under 49 U.S.C. 40103 and section 2209 of FESSA even if an applicant meets the minimum criteria outlined in subparts B and C,. The Administrator may make this decision if it is determined that the restriction is unnecessary to address the documented risk or would unduly impair the efficient use of the NAS and the public's right of transit. FAA would evaluate them together with other information the applicant submits to determine whether unmanned aircraft activity presents a problem that a UAFR could address. A discussion of the information FAA proposes to request in § 74.66 follows.

Existing unmanned aircraft traffic patterns. Paragraph (a) would require applicants to submit information describing unmanned aircraft operations in close proximity to the facility during the previous 24 months, if available. Ideally, the applicant would be able to describe the type of operation, identify whether the operator is known to the applicant, and provide the total number of operations the applicant assesses are not associated with the facility itself.

Establishing a baseline for existing traffic would not only help FAA understand current operations over the facility, but it also would create a reference point for evaluating the effectiveness of the UAFR once it is active. FAA would use this information to understand existing threats and hazards and to evaluate the likelihood that a safety or security incident could occur. Whether a facility has heavy or light unmanned aircraft traffic would not be used to determine whether a fixed facility has vulnerabilities to UAS; rather, it is a factor FAA would consider in the balance for ensuring use of airspace. For example, FAA understands that some facilities might experience very light unmanned aircraft traffic; however, its unique vulnerabilities may lead FAA to conclude that a UAFR is warranted. Similarly, a facility may report significant unmanned aircraft traffic, but without demonstrating a vulnerability to those operations, FAA may conclude that the applicant has not demonstrated a need.

Vulnerability. Section 74.66(b) would require the applicant to describe how the facility is vulnerable to unmanned aircraft operating in close proximity to the fixed site facility. This explanation would identify the security weaknesses or gaps that an unmanned aircraft could exploit, either intentionally or unintentionally, to the detriment of the facility's operation or mission. FAA considers a vulnerability to be something in a fixed site facility's infrastructure, software systems, operations, or procedures that an unmanned aircraft could exploit or inadvertently interfere with in a way that could harm the facility, impede the facility's mission, or present a hazard to people or property.

FAA would expect the facility to address as many vulnerabilities as possible through a UAS security response plan or other measures the facility could reasonably take, short of restricting airspace. FAA would evaluate those vulnerabilities that could not be addressed through safety or security measures within the control of the facility as a part of the process for determining whether a UAFR would be appropriate and effective to address the identified vulnerabilities.

Consequence. In addition to identifying potential vulnerabilities to an unmanned aircraft operating over a fixed site facility, the applicant must describe the potential undesirable outcomes if an unmanned aircraft exploits a vulnerability. Accordingly, proposed § 74.66(c) would require the applicant to describe the consequences of an exploitation of the vulnerabilities identified in proposed § 74.66(b), including impact on: (1) the facility's operation or mission; and (2) aviation safety, the protection of persons and property on the ground, national security, or homeland security.

To evaluate whether a UAFR would be appropriate, FAA must understand not only what the vulnerabilities are, but what injury or hazard those vulnerabilities could cause. To establish their need for a UAFR, applicants would provide information showing how an incident could affect the fixed site facility's assets, operations, mission, or personnel. The applicant would address impacts on aviation safety, including those impacts on authorized unmanned aircraft activities and the local population, as well as any impact to national security or homeland security. For example, if the applicant is concerned about an operator losing control of an unmanned aircraft over the facility and it crashing into a structure, the applicant should describe what harm that incident could cause. The consequences might include physical damage leading to a power outage, injury to people in or near the facility, or the release of hazardous materials into the surrounding community. If the applicant is concerned about an unmanned aircraft causing radio frequency interference or disrupting critical communications systems, then

the applicant should describe what effect that interference or disruption would have on the facility's ability to fulfill its mission. FAA would evaluate the likelihood and severity of those consequences, in coordination with other agencies, as a part of its assessment as to whether the applicant can show a safety or security need to justify the UAFR.

Effect. Finally, the applicant must show how the requested UAFR would be integrated into a facility's security plans to supplement existing security measures.

FAA would expect the applicant to provide a description of how the facility would identify and respond to UAFR incursions, how employees would be trained, and how incursions would be reported. For example, would the facility have a way to monitor for UAS activity, report incursions, post signage communicating the airspace restriction, engage local law enforcement? With this information, FAA would evaluate the facility's readiness to incorporate a UAFR into their security plans.

FAA expects that in meeting the requirements of § 74.66, the applicant may consult with and obtain information, analysis, technical data, and other information, as authorized and appropriate, from their respective SRMA outlined in NSM–22.

10. Externalities (§ 74.68)

In addition to evaluating the effect a UAFR would have on the applicant's facility, FAA would also evaluate what effect, if any, the UAFR would have on adjacent landowners and airspace users. Proposed § 74.68 would require the applicant to describe in a form and manner acceptable to the Administrator: (1) the costs, disruptions, or other negative effects to users of the airspace, including known traffic circumnavigating the facility; and (2) any efforts the operator or proprietor of the fixed site facility has taken or would take to reduce or limit those costs, disruptions, or other negative effects.

For example, if a facility knows that a hospital uses unmanned aircraft to transport high value and time sensitive cargo, such as organs or blood for transplants, and they regularly fly over the facility since it is the shortest route to the hospital, what would be the cost and impact to the hospital if they had to fly around the UAFR? Another example may be a neighboring facility or landowner that regularly uses an unmanned aircraft as part of their operations; in that case, how would the fixed site facility's UAFR impact the other entity's operations and mission? To the extent a facility identifies externalities the UAFR would impose on other stakeholders, proposed § 74.68 would also require the applicant to describe any efforts that the applicant has taken or could take to minimize those costs or disruptions. For example, the facility could request a smaller lateral boundary for the UAFR so it encompasses critical facilities but does not impact known unmanned aircraft traffic. The fixed site facility owner could work with neighbors who use unmanned aircraft to establish policies and procedures that would support both their operations and missions. FAA would encourage applicants to understand the impact their requested UAFR would have on others and work with them to identify mutually acceptable mitigations or accommodations before initiating a UAFR request.

FAA would consider the externalities, as well as proposed solutions, when evaluating whether a UAFR is an appropriate remedy for a particular case. It is important for FAA to make sure that, in granting a UAFR to address one risk, it does not create a different concern for other stakeholders. Accordingly, understanding the effect the UAFR would have on others is an important element for FAA to consider when balancing section 2209 with Congress's mandate to ensure public right of access and the safety and security of the NAS.

11. Environmental Impact (§ 74.70)

FAA is responsible for complying with the procedures and policies of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, regulations, and Executive orders prior to designating a UAFR. One such responsibility is to consider and document the potential environmental effects associated with UAFRs. Though FAA anticipates the vast majority of proposed UAFRs will not cause adverse environmental effects, FAA must nonetheless fulfill its obligations under applicable law.

• To enable FAA to evaluate site-specific information about requested UAFRs, FAA proposes to require applicants to provide certain information about sensitive land uses. Specifically, the applicant would be required to identify and describe the following land uses and resource types within, adjacent, or proximate to the proposed UAFR:

• Historic or cultural resources protected under the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101 *et seq.;*

• Presence of Tribal land of Federally-Recognized Tribes or areas to which Federally-Recognized Tribes have ancestral ties or religious and cultural affiliations;

• Properties protected under section 4(f) of the Department of Transportation Act (49 U.S.C. 303(c));

• Recreational or park land purchased with section 6(f) Land and Water Conservation Funds (54 U.S.C. 200305(f));

• Any Federal or State listed endangered, threatened, or candidate species or designated critical habitat, including species protected by individual statute;

• Any seasonal nesting sites, rookeries, or flyways for migratory or other listed, threatened or endangered avian species protected under the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) or other relevant and applicable State and Federal protections;

• Wilderness Areas;

• Wild and Scenic Rivers (those that are known for recreation or vistas) (16 U.S.C. 1271 *et seq.*) and

• Noise sensitive areas and land uses.

Depending on FAA's analysis of the information the applicant provides, FAA proposes the applicant could be required to do the following:

• Prepare a site-specific analysis of circumstances or actions that could result in environmental impacts;

• Provide information to support FAA's development of an Environmental Assessment or its equivalent; or

• Assume financial responsibility for preparation of documentation required by NEPA by an FAA-selected and -managed consultant contractor.

Applicants also would be required to provide other site-specific information FAA may need to complete its evaluation.

D. Sector-Specific Requirements (Subpart C of Part 74)

1. Chemical Sector (§ 74.81)

Overview. This sector is responsible for producing, using, and transporting chemicals essential for the economy and national defense.[41] The chemical sector includes facilities that use, manufacture, store, transport, possess, or deliver potentially dangerous chemicals. Chemicals touch every critical infrastructure sector and impact the lives of Americans every day. The chemical sector is generally made up of four components: agricultural chemicals, basic chemicals, specialty chemicals, and consumer chemicals.

The four components of the chemical sector play unique and critical roles supporting various aspects of daily life

and industrial operations. Diversity within the sector allows it to address a wide range of needs, from agricultural productivity and industrial manufacturing to consumer safety and national security. By maintaining robust production and supply chains for each component, the chemical sector ensures the continued availability and reliability of the chemicals that are essential to society.

Most chemical manufacturing, transportation, storage, and warehousing facilities are privately owned and operated. Because of potential health and safety hazards, chemicals must be carefully managed from manufacturing to end use. Chemical facilities include those related to research, pharmaceuticals, and petrochemicals, among others. With facilities, suppliers, and end users located around the globe, chemical sector operations are vulnerable to a variety of disruptions stemming from a UAS incident. Local or regional disruptions to critical suppliers can cause cascading supply chain disruptions across geographic regions and in multiple industries.

The chemical sector affects most industries, with nearly all sectors requiring chemical products or services for their operations. Therefore, an incident at a chemical facility can cut across multiple sectors increasing the impact in both range and scope. Many of these operations are vital to national security. As a result, the chemical sector has significant impacts on national security, the economy, public health and safety, food and agriculture.

Criteria. FAA worked with SRMA's to create risk-based parameters for chemical facilities eligible to request a UAFR. Relying on previous analysis of chemicals and threshold quantities, FAA in collaboration with the SRMA, developed eligibility criteria based on a facility using, manufacturing, storing, transporting, possessing, or distributing one or more hazardous-release chemicals at or above the minimum concentration percentages and screening threshold quantities that are referenced in the sections of Appendix A. Hazardous release, in this instance, addresses the release of toxic, explosive, and flammable chemicals that could cause a hazard.

FAA proposes that a fixed site facility within the chemical industry may apply for a UAFR designation if the facility uses, manufactures, stores, transports, possesses or distributes one or more hazardous-release chemicals at or above the minimum concentration percentages and screening threshold quantities. To determine the required minimum concentration and percentages FAA proposes to adopt sections of appendix A from 6 CFR part 27 into a new appendix to 14 CFR part 74. The appendix will have a selection of the chemicals that were included in 6 CFR part 27 and other technical edits to those chemicals as recommended by the SRMAs.

2. Commercial Facilities Sector (§ 74.82)

Overview. The Commercial Facilities Sector includes various sites that draw large crowds for shopping, conducting business, entertainment, or lodging.[42] This sector is integral to the U.S. economy, contributing significantly to the U.S. gross domestic product and supporting millions of jobs across the country. The assets in this sector are extremely diverse and play a vital role in the overall well-being of people in the nation, which makes their protection and resilience a matter of national priority. Given the wide variety of facilities and events within this sector, the Commercial Facilities stakeholders encounter an inherent tension in balancing security priorities with the need to provide open access, ensure public confidence, and encourage economic vitality.

Due to their high public visibility and large foot traffic, these facilities prioritize safety and security measures to protect against natural disasters, cyberattacks, terrorism, and public health emergencies. Any impact on the sector's ability to operate normally will directly affect the nation's economy as well as the public's health and safety.[43] The commercial facilities sector has eight subsectors that range from entertainment and media to real estate and sports leagues.

Eligibility criteria for this sector focuses on facilities in the Outdoor Events and Public Assembly Subsectors, with facilities in those subsectors representing the highest risk of significant public safety and economic impacts in the event of a UAS incident. Within Outdoor Events and Public Assembly Subsectors, as well as in the Sports League Subsector, certain high-risk fairs, parades, exhibitions, sporting events, marathons, and events at arenas, stadiums, convention centers, etc. may be eligible to request temporary flight restrictions from FAA. As these facilities host events that are often temporary in nature (*e.g.,* have a start and end time), a temporary flight restriction is more appropriate than a permanent or part-time UAFR. Certain major sporting events also fall under a standing flight restriction for one hour before and one hour after qualifying events.[44] However, there are also many facilities in the Outdoor Events and Public Assembly Subsectors that host large crowds on a non-temporary basis; for example, amusement parks, theme parks, and zoos. Careless or malicious use of UAS around commercial facilities could result in significant harm to people, property, and business operations. The cascading effects of a UA incident occurring at a facility serving this large of a community would extend beyond the target facility and negatively affect supply chains, tourism, and the nation's economy.

Criteria. FAA worked in consultation with the SRMAs to develop the criteria for eligible sites. While FAA is not seeking to limit eligibility to only amusement parks, this facility type offered raw publicly available data. The SRMA's reviewed the annual attendance levels reported in the 2023 Theme Index report from AECOM; this report lists the top 20 amusement and theme parks in North America based on attendance.[45] The lowest annual attendance of the top 20 parks is 2.5 million. A threshold of 2.5 million may potentially allow facilities that host short-term events, such as state fairs, to request a UAFR. The UAFR is meant to be more permanent in nature. Therefore, FAA also proposes that the facility is open to the public at least 120 days a year.

FAA proposes that a fixed site facility within the commercial facilities sector may apply for a UAFR designation if the facility meets the following eligibility requirements. The facility would be required to have a minimum annual attendance of 2.5 million in the previous year, be open to the public for at least 120 days a year, be primarily outdoors and not enclosed, have ticketing or entry controls procedures in place and is not a stadium or venue where the events may be covered by temporary flight restrictions.

3. Communications Sector (§ 74.83)

Overview. The communications sector makes it possible to communicate in rapid time anywhere around the world by providing the products and services that support the efficient operation of today's global information-based society. This sector is responsible for delivering voice, data, video, and internet services to support national security and the economy.[46] Many of these products and services are foundational or necessary for the operations and services provided by all of the other 15 critical infrastructure sectors.

Communications networks involve both physical infrastructure (buildings, switches, routers, towers, antennas, servers, generators, conduits, etc.) and

cyber infrastructure (routing and switching software, operational support systems, user applications, etc.), which presents a holistic challenge to protect the combined physical-cyber infrastructure. The communications sector includes components from broadcasting systems to wireless telecommunication. The communications sector is vitally important to the health of the U.S. economy and the preservation of public safety and national security, as communications infrastructure underlies the operations of all businesses, commerce, medicine, public safety organizations, and government organizations.

Criteria. Eligible facility types in this sector would be limited to broadcast, communications-related data centers, satellite, and wireless. The cable component of this sector primarily supports the distribution of television and internet services, which are considered less critical compared to large scale telecommunications and broadcasting which are essential for emergency communications, public safety, and national security.

Cellular towers, broadcast antennas and satellite uplinks are vulnerable to UAS. Other types of communications facilities such as data centers that contain internet exchange points and colocation facilities. An incident at one of these sites could disrupt phones, internet, or emergency communications and cause outages that could result in emergency response delays, economic disruption, impacts to critical government operations, and loss of human life. Any potential gating criteria in this sector will be limited to eligible facilities for which a disruption would have a regional or national impact on the nation's communications capabilities.

FAA proposes that operators or proprietors within the communications sector may apply for a UAFR if they are a facility type listed below and meet the associated criteria:

- Broadcast network facilities with antennas or transmitters that are essential for the transmission of public safety information and emergency alerts.
- Cellular towers, base stations, or nodes of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security.
- Satellite uplink and downlink stations of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security.
- Facilities underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors (*e.g.,* financial systems, healthcare, energy grid supervisory control and data acquisition systems, national security systems, network operations centers).
- Data Centers/internet Exchange Points and colocation facilities that contain peak traffic throughput of at least 1 terabit per second.

4. Critical Manufacturing Sector (§ 74.84)

Overview. The critical manufacturing sector is crucial to the economic prosperity and continuity of the United States. This sector processes raw materials and produces highly specialized parts and equipment essential to primary operations in several U.S. industries—particularly transportation, defense, electricity, and major construction.[47] Central to the sector's operations is the global transport of raw materials and finished products along large supply chains. According to IndustrySelect's database, there are over 400,000 U.S. manufacturers.[48] From these manufacturers, there are approximately 70,000 facilities within the critical manufacturing sector across the four key functional areas: (1) primary metals manufacturing; (2) machinery manufacturing; (3) electrical equipment, appliance, and component manufacturing; and (4) transportation equipment manufacturing.

Criteria. The critical manufacturing sector is complex, and the criticality of certain facilities may fluctuate based on various factors such as economic winds, national public health, and supply chain changes. For instance, a facility may be the sole source provider of a certain product, and if there is a supply chain shortage for any reason, then that facility may become increasingly critical. Additionally, many facilities may be eligible for a UAFR under criteria for other sectors as there is significant overlap with the Defense Industrial Base, Transportation Systems Sector, and Chemical Sector, among others.

FAA proposes the following minimum eligibility criteria for an operator or proprietor: (1) the facility must be within any of the Critical Manufacturing Sector's four key functional areas aligned to the North American Industry Classification System (NAICS): Primary Metal Manufacturing; Machinery Manufacturing; Electrical Equipment, Appliance, and Component Manufacturing; and Transportation Equipment Manufacturing and (2) has one or more critical components of facility operations occurring in an exposed area without enclosed walls or roofs.

FAA seeks public comment on:

1. Are there additional criteria that would be beneficial for discerning eligible critical manufacturing facilities that have regional or national level consequences if disrupted by unmanned aircraft?

2. Are there specific facilities that were omitted or facilities that should be removed from the current criteria?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

5. Dams Sector (§ 74.85)

Overview. The dams sector is a vital and beneficial part of the nation's infrastructure. Water retention and control services provided by the dams sector support multiple critical infrastructure sectors, industries, and regions. Dams sector assets contribute to hydroelectric power generation, water storage and supply, nuclear plant cooling water, movement of valuable goods on inland waterways, protection from catastrophic flooding, extreme weather mitigation, and contributions to local economies. The dams sector assets include dam projects, navigation locks, and levees.[49]

Dam projects comprise water impoundment or control structures, reservoirs, spillways, outlet works, powerhouses, canals or aqueducts, and in some cases, navigation locks. They provide electricity generation, water storage and supply, sediment and flood control, and/or recreation. The National Inventory of Dams database documents more than 92,000 dams in the United States.[50] Dam failures and associated inundation areas can result in high fatality rates (*i.e.,* the number of fatalities divided by the number of people exposed to the flooding), especially when flooding overwhelms an unsuspecting group of people. As of July 2025, the National Inventory of Dams classifies 16,845 dams in the United States as High-Hazard Potential, meaning that their failure could result in loss of life.[51]

Locks. Locks make inland waterways viable transportation corridors by allowing commercial and recreational traffic to move safely between river pools. The U.S. waterway system includes 12,000 miles of inland and intracoastal waterways and 13,000 miles of inland channels and harbors, made navigable by over 250 locks.[52] Inoperable navigation locks could delay

valuable domestic cargo shipments that move commerce from 28 states, along the inland marine highways, to the rest of the nation and world.[53]

Criteria

Dams. FAA proposes the following minimum eligibility criteria for an operator or proprietor of a Dam to apply for a UAFR. The dam project must be assigned in the National Inventory of Dams database as high- or significant-hazard potential classification and meet one of the following minimum thresholds:

- Hydroelectric dams with a combined nameplate capacity of 350 megawatts or more of power and have produced 1,850,000 megawatt hours or greater during the previous calendar year, or
- Facilities with a drinking water supply function that constitutes the main source of water to a population exceeding 500,000, or
- Facilities with annual total water deliveries (including municipal, industrial, and/or agricultural purposes) exceeding $100 million or 800,000 acre-feet.

Locks. FAA proposes that the operator or proprietor of a fixed site facility may apply for a UAFR designation if the lock has a navigation function associated with annual traffic exceeding 25,000 kilotons.

6. Defense Industrial Base Sector (§ 74.86)

Overview. The Defense Industrial Base Sector (DIB) enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, more than 100,000 defense industrial base companies and their subcontractors who perform under contract to the Department of Defense, companies providing incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities.[54] Defense industrial base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

Criteria. The DIB sector is unique because it is contractual based. The stakeholders in this sector are either contractors or subcontractors for the Department of Defense. As such, to apply for a UAFR within this sector, the operator or proprietor must demonstrate they are a Department of Defense contractor or subcontractor located in the United States.

The contractor or subcontractor would also be required to demonstrate their scope of work specifically pertains to the development, production, or support of mission critical functions such as aircraft assembly; missile defense; munitions and energetics; nuclear modernization, including nuclear command, control, and communications; shipbuilding; space launch vehicles and payload construction and launch sites; and unmanned systems and counter unmanned systems.

7. Emergency Services Sector (§ 74.87)

Overview. The emergency services sector represents the nation's first line of defense in the prevention and mitigation of risk from both intentional and unintentional manmade incidents and natural disasters.[55] Emergency services sector functions support each of the other 15 critical infrastructure sectors and assist a range of organizations and communities in maintaining public safety, security, and confidence in the government by performing lifesaving operations, protecting property and the environment, assisting communities impacted by disasters, and aiding in recovery from emergencies. Five distinct subsectors comprise the emergency services sector including: emergency management, emergency medical services, fire and rescue services, law enforcement, and public works. For the purposes of this rule, state prisons are included in the Emergency Services Sector.

The primary unmanned aircraft-related risks to facilities in the Emergency Services Sector are at correctional facilities. While other sector functions and roles are subject to disruptions from UAS, those incidents are typically not necessarily connected to a fixed site facility.

Correctional facilities routinely face challenges with the delivery of dangerous contraband into correctional institutions using UAS. In some cases, this contraband includes drugs and cell phones; in other cases, more serious contraband, such as weapons and tools to facilitate escape, has been introduced via UAS delivery.[56] Additionally, there are examples where UAS have been used to conduct surveillance prior to delivering contraband to prison inmates.

Between 2013 and 2016, the Georgia Department of Corrections reported a total of three drone sightings. In 2018, Georgia Department of Corrections reported 300 drone sightings.[57] The South Carolina Department of Corrections reported 193 drone incidents in 2019, which rose to 262 drone incidents in 2022.[58] As criminal drone operators use sophisticated techniques to evade detection, reported drone incidents likely represent only a fraction of the actual drone incursions into prisons.

On June 4, 2024, FAA met with the American Correctional Association (ACA) and the Correctional Leadership Association (CLA) to discuss the threat posed by unmanned aircraft to State prisons.[59] Both organizations provided FAA with the Countering the Emerging Drone Threat to Correctional Security Report by RAND.[60] ACA and CLA directed FAA to the endnotes and references in the report which include countless news articles and data documenting the threat unmanned aircraft pose to prisons.

These drone sightings and incursions into prison facilities are not benign. Inmates connected to individuals on the outside are using unmanned aircraft to deliver drugs, weapons, escape tools, cellphones, and other contraband to prison yards.[61] Thus far, activity is reported to have involved the delivery of drugs, cell phones, and weapons; however, there have also been reports of attempts to attack, escape from, and surveil the facilities.[62]

Criteria. FAA proposes emergency services sector facilities seeking a UAFR meet the following minimum qualifications for their specified subsector: if it is an (1) institution under State jurisdiction where the primary purpose of the facility is for the confinement of individuals convicted of a felony or (2) it is a correctional facility federal, local, tribal, territorial, or private and able to house 500 or more inmates.

FAA seeks public comment on the following:

1. Are there additional facility types in this sector that should be considered?

a. What are the UAS concerns, threats, and/or vulnerabilities to these additional facilities?

b. Would these be national level or regional level consequences if affected?

c. What gating criteria would be appropriate to ensure only facilities that have regional or national level impacts are considered?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

8. Energy Sector (§ 74.88)

Overview. The secure and reliable delivery of energy is crucial for national security, economic prosperity, public health, and public safety. The ability to access electricity, natural gas, and petroleum products on demand relies on the uninterrupted operation of the energy infrastructure and supply chains that support energy delivery. All other critical infrastructure sectors depend on energy for their own secure and reliable operation.

Energy systems are highly complex, with many intra-dependencies within the sector. The sheer quantity and geographic distribution of energy infrastructure makes it challenging to harden all assets against physical security threats, including UAS.

However, certain facilities are critical to regional energy supply due to their size and function. Within the electricity sector, large power plants and large transmission substations play critical roles in electricity generation and delivery to end customers. Within the oil sector, large oil refineries are critical for regional supplies of transportation and heating fuels, and within the natural gas sector, large natural gas processing plants are critical for regional supply of pipeline grade natural gas.[63]

Criteria. FAA proposes that energy sector facilities seeking a UAFR meet the following minimum qualifications for their specified subsector:

Electricity Facility. The operator or proprietor of a fixed site facility within the electricity industry may apply for a UAFR if it meets one of the following criteria: (1) the facility is a power-generation facility with a combined nameplate capacity of 500 megawatts or greater of power; (2) the facility is an electrical substation with a capacity of 500 kilovolts or greater of power; or (3) the facility is an electrical substation with a capacity of 345 kilovolts or greater of power in the Electric Reliability Council of Texas.

Oil Refinery. The operator or proprietor of a fixed site facility within the oil refinery industry may apply for a UAFR if: (1) it is a facility where crude oil is converted into petroleum product; and (2) it has the capacity to produce 100,000 barrels per day or more of a petroleum product.

Natural Gas. The operator or proprietor of a fixed site facility within the natural gas processing industry may apply for a UAFR if: (1) it is a facility where natural gas is processed into dry natural gas (also known as pipeline quality or consumer grade gas); and (2) it has a processing capacity of at least 500 million cubic feet per day (MMcf/d) of natural gas.

9. Financial Services Sector (§ 74.89)

Overview. The Financial Services Sector is highly diverse. Each financial institution has unique security and resilience needs, resources, and plans depending on the functions it performs and its approach to risk management. Effectively reducing the sector's physical and cybersecurity risk requires a shared understanding of the critical services the sector provides, the specific security and resilience risks it faces, and the collaboration mechanisms used among the sector's security and resilience stakeholders including financial services sector companies; sector trade associations; federal government agencies; financial regulators; State, local, Tribal, and territorial governments; and other government and private sector partners in the United States and around the world.

The financial services sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial market utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with hundreds of thousands of employees and trillions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities.[64]

The financial sector faces growing risks from UAS due to their increasing accessibility, technological capabilities, and potential use in malicious activities. UAS pose a unique and evolving threat to financial institutions, particularly those with critical physical infrastructure, high concentrations of personnel, or sensitive data centers.

Criteria. FAA proposes that financial services facilities seeking a UAFR meet the following minimum qualifications for their specified subsector:

Corporate Headquarters and Regional Operations Centers. The operator or proprietor of a corporate headquarters or regional operations centers may apply for a UAFR if the facility houses C-suite or high-value personnel or is in urban centers or high-visibility areas.

Cash Vaults, Currency Processing, and ATM Support Facilities. The operator or proprietor of cash vaults, currency processing, and ATM support facilities may apply for a UAFR if that facility has high-volume cash throughput or services multiple branches.

Trading Floors and Financial Exchanges. The operator or proprietor of trading floors and financial exchanges may apply for a UAFR if it is a high-value site for securities and commodities trading and market infrastructure with real-time trading, media presence, or systemic importance.

Third-Party Service Provider Facilities. The operator or proprietor of third-party service provider facilities may apply for a UAFR if the facility supports transaction processing, custody, authentication, or cloud services.

FAA is requesting comment on the following:

1. Are these financial sector facility types appropriate for a UAFR? Please describe why they should be added and the unique risk UAS pose to them.

a. Are there any types of facilities that should be removed from consideration for UAFR?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

10. Food and Agriculture Sector (§ 74.90)

The food and agriculture sector is responsible for the growth, processing, and delivery of food and agricultural products. The food and agriculture sector is almost entirely under private ownership and is composed of farms; manufacturers; processors; storage and warehousing facilities; restaurants, retail establishments, and more. Agriculture, food, and related industries represent 5.6% of U.S. gross domestic product (GDP) and 10.4% of U.S. employment.[65] The food and agriculture sector has critical dependencies with many other critical infrastructure sectors, such as water, transportation, energy, chemicals, and information technology.

The U.S. food and agriculture sector is composed of approximately 1.9 million farms, over 700,000 restaurants, and more than 220,000 registered facilities in food manufacturing, processing, and storage.[66] FAA, in consultation with the SRMAs, could not identify a facility in this sector that was not already captured by another sector or would rise to the level of national level debilitating impact.

Criteria. FAA has not developed criteria for this sector. As such, FAA seeks comments on the following questions to inform the development of the criteria for the food and agricultural sector:

1. What types of facilities within this sector should be considered for a UAFR? Specifically, those that could have debilitating regional or national-level consequences.

2. What characteristics should be considered in the development of gating criteria for those facilities?

3. Should the population served or regional or national economic impact be considered in the development of gating criteria, and if so, what are appropriate thresholds?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

11. Government Services and Facilities Sector (§ 74.91)

Overview. The government services and facilities sector includes a wide variety of buildings, located in the United States, that are owned or leased by federal, State, local, and Tribal governments. Many government facilities are open to the public for government business activities and services, while others contain highly sensitive information, materials, processes, and equipment and are closed to the public. These facilities include general-use and special-use office buildings, courthouses, national laboratories, and structures that may house critical systems and assets. In addition to physical structures, the sector includes cyber elements that contribute to the protection of sector assets for the delivery of mission-oriented services necessary to conduct security- and national security-sensitive operations and supporting services necessary for ensuring the National Essential Functions.[67]

The education services and facilities subsector covers pre-kindergarten through 12th grade schools, institutions of higher education, and business and trade schools. The subsector includes facilities owned by both government and private sector entities.

UAS possess an ever-growing set of capabilities that have the potential for high-risk disruption to the GSFS—its people, customers, facilities (including their assets and systems) and services the sector provides. The range of potential UAS payloads, with various numbers, sizes and types, could cause harm to the facility personnel and customers, facilities, assets and systems resulting in incapacitation and debilitation of critical mission-oriented services necessary for National Essential Functions. Furthermore, the use of UAS near high risk, high-security government entities by adversaries could also result in security disruption, breach, surveillance, espionage, intellectual property theft, and sabotage.

Criteria. Eligible facilities in the government services and facilities sector would be limited to high-risk high-security government facilities with a national or homeland security role and critical mission-oriented services necessary for National Essential Functions as determined by a comprehensive risk assessment considering symbolism, facility size, mission criticality, facility population, and threats to tenant agency. Therefore, FAA proposes that Government Services and Facilities seeking a UAFR meet the following minimum qualifications for their specified subsector:

(1) A high-risk, high-security government facility with a national or homeland security role and critical mission-oriented services along with a security level determination resulting from a comprehensive risk assessment, along with documented related risk management measures in place.

12. Healthcare and Public Health Sector (§ 74.92)

Overview. The healthcare and public health sector encompasses the essential services and assets needed to protect public health and ensure the delivery of healthcare services. Key components include hospitals, outpatient clinics, public health agencies, laboratories, pharmaceutical manufacturers, health insurers, and others. These are distributed across the United States and its territories, with approximately 85% of the healthcare and public health sector's critical infrastructure owned and operated by the private sector. The healthcare and public health sector is also responsible for vast, complex public-private information technology systems required for supporting care delivery and the rapid and secure transmission and storage of large amounts of data.[68]

Drones pose a threat to facilities in this sector because they could collide or interfere with helicopters transporting patients, medical professionals, biologics, and urgent medical equipment and supplies. Drones could also interfere with power supplies and communication systems leading to operational disruptions and potential harm to patients.

Criteria. FAA proposes that operators or proprietors within the healthcare and public health sector may apply for a UAFR if the facility is a Level I trauma center with helipad(s) or pediatric level I trauma center with helipad(s).

13. Information Technology Sector (§ 74.93)

Overview. The information technology sector provides products and services crucial to efficiently operating today's global information-based society. It supports the operations and services of other critical infrastructure sectors and comprises small, medium, and large multinational companies.[69]

The information technology sector has a profound impact on the economy and national security. It enables the operation of other critical infrastructure sectors, supports economic growth through innovation and productivity improvements, and is integral to national defense and emergency response capabilities. Disruptions in the information technology sector can lead to cascading effects across multiple sectors, as was seen in the 2024 Crowdstrike update disruption, highlighting the need for robust security and resilience measures.[70] Information technology products and services are central to the nation's critical infrastructure, with businesses, governments, academia, and private citizens increasingly dependent on information technology Sector functions.[71]

The information technology sector is a cornerstone of the U.S. economy with the U.S. computer systems and design related services industry adding $489.2 billion and data processing, internet publishing, and other information services adding $469.4 billion in value to the U.S. economy in 2023.[72] Information technology infrastructure enhances the safety, resilience, and continuity of all 16 critical infrastructure sectors. Unlike many critical infrastructure sectors, consisting of finite and easily identifiable physical assets, the information technology sector is function-based, encompassing physical assets and virtual systems and networks that enable key capabilities and services in the public and private sectors. These functions are required to maintain or reconstitute networks (*e.g.,* the internet, local networks, and wide area networks) and their associated services. These critical information technology Sector functions are provided through a combination of information technology hardware, software, networks, and services.

Information technology sector functions encompass the complete set of processes involved in creating information technology products and services, including research & development, manufacturing, distribution, upgrades, and maintenance. These functions support

the sector's ability to provide various industries with high-assurance information technology products and services.

Criteria. FAA proposes that operators or proprietors within the information technology sector may apply for a UAFR if they are a facility type listed below and meet the associated criteria:

- Data center hosting cross-sectoral data or platform dependencies where a loss, degradation, or compromise of such services could have a debilitating impact on national security, defense, or continuity of critical government operations.
- Data center underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors.
- Internet exchange point and collocated data centers that contain peak traffic throughput of at least 1 terabit per second (Tbps).[73]
- Exposed long-haul fiber-optic cables at data centers where a loss, degradation, or compromise of such networking infrastructure could have an debilitating impact on national security, defense, or continuity of critical government operations.

14. Nuclear Reactors, Materials, and Waste Sector (§ 74.94)

Overview. The nuclear reactors, materials, and waste sector is critical to U.S. clean power generation, as well as medical and industrial applications and academic research.[74] This sector includes the nation's fleet of commercial nuclear power plants, non-power reactors used for research, training, and radioisotope production, and nuclear and radioactive materials used in medical, industrial, and academic settings.[75] There are 95 nuclear reactors at 54 commercial nuclear power plant sites in 28 states powering one in five homes and businesses across the U.S. As the nation's largest source of clean electricity, nuclear power accounts for more than half of all carbon-free electricity generated.

A significant incident or failure at a major nuclear facility could lead to high economic, national defense, environmental, and safety impacts. There are also public safety implications that would result in a large national security interest in nuclear sector facilities. Several nuclear facilities are located within 50 miles of high-density population centers. Most of the larger plants and facilities were initially built in remote areas; however, during decades of operation, development has increased population density near formerly remote plants. Generally, any facility within 25–50 miles of a major urban area may be considered a heightened national security risk due to the potential for mass casualties, disruption of critical services, and public panic in the event of an incident.

The presence of radioactive material poses an inherent risk to public safety and the environment—a breach or release of nuclear material could result in mass evacuations, widespread contamination, and long-term health impacts.

Criteria. The proposed criteria for the nuclear sector is intended for critical functions in the energy lifecycle, such as storage, conversion, enrichment, fuel fabrication, isotope production, and waste management.

FAA proposes that operators or proprietors within the nuclear sector may apply for a UAFR if the facility meets one or more of the following criteria:

- Nuclear power plants that are currently operating and generating electricity.
- Facilities that convert, enrich, fabricate, or reprocess nuclear material for nuclear reactor fuel.
- Former nuclear power plant sites with spent nuclear fuel, off-site spent nuclear fuel and high-level radioactive waste independent spent fuel storage installations, consolidated interim storage facilities, or monitored retrievable storage installations.
- Isotope Production Facilities where a disruption from a UAS incident could halt isotope supply for medical diagnostics/treatment.
- Nuclear research and test reactors.

15. Transportation Systems Sector (§ 74.95)

Overview. The nation's transportation system quickly, safely, and securely moves people and goods through aviation, roads, rail, maritime, pipelines, and transit systems.[76] The transportation systems sector consists of six key subsectors, or modes:

The aviation subsector includes aircraft, air traffic control systems, and about 19,700 airports, heliports, and landing strips. Approximately 500 provide commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation subsector includes commercial and recreational aircraft and a wide variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.

In the aviation subsector, airports and commercial spaceports are susceptible to UAS operations due to the high impact of drone incidents near these sites. For instance, the implications of the 2018 Gatwick drone incident led to over 1,000 flight cancellations and impacting over 140,000 passengers, significant financial losses for the airport and airlines. U.S. officials told a Senate committee on July 22, 2025 that there have been more than 3,000 drone events near American airports since 2021, including 11 aircraft this year that reported taking evasive action to avoid collisions.[77]

FAA has an existing framework regulating UAS operations near aviation subsector infrastructure. Currently, UA are restricted from flying near an airport without prior authorization from an Air Traffic Controller.[78] FAA also has regulations in place for launch and reentry at commercial spaceports. FAA has frequently used TFRs to segregate hazardous launch, reentry, and amateur rocket operations from all other NAS users.[79] FAA will continue to leverage its existing framework to manage airspace near these sites.

The mass transit and passenger rail subsector include terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail, light rail, passenger rail, and vanpool/rideshare. In 2024, the U.S. public transportation sector delivered 7.7 billion passenger trips, while Amtrak, the national passenger rail service, recorded a record 32.8 million customer trips.[80]

The freight rail subsector consists of six major carriers, hundreds of smaller railroads, over 138,000 miles of active railroad, over 1.33 million freight cars, and approximately 20,000 locomotives. An estimated 12,000 trains operate daily. The Department of Defense has designated 30,000 miles of track and structure as critical to mobilization and resupply of U.S. forces.

During meetings with FAA, the Association of American Railroads (AAR) requested FAA consider allowing UAFRs over approximately 140,000 miles of track to include right-of-way property extending laterally fifty feet from the tracks. FAA does not believe that issuing UAFRs over potentially 140,000 miles of track is consistent with Congress's direction under section 2209 or FAA's statutory mandate to ensure public right of access and the safety and efficiency of the NAS. Moreover, FAA is concerned that airspace restriction on this scale would be inconsistent with its obligation to integrate unmanned aircraft into the airspace.

In this subsector, there are also rail secure areas that are susceptible to UAS threat. A rail secure area is defined in

49 CFR 1500.3 as ''a secure location(s) identified by a rail hazardous materials shipper or rail hazardous materials receiver where security-related pre-transportation or transportation functions are performed or rail cars containing the categories and quantities of rail security-sensitive materials are prepared, loaded, stored, and/or unloaded.'' Rail security sensitive materials (RSSM) are defined in 49 CFR 1580.3 and cover three categories of hazardous materials that, in certain quantities, present serious security risks: material poisonous by inhalation, certain explosive materials, and certain high-level radioactive materials.

The highway and motor carrier subsector encompasses more than 4 million miles of roadway, more than 600,000 bridges, and more than 350 tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including commercial motorcoaches and school buses; vehicle and driver licensing systems; traffic management systems; and cyber systems used for operational management.

The maritime transportation system (MTS) subsector is an integrated network that consists of 25,000 miles of coastal and inland waters and rivers serving 361 ports and supports $5.4 trillion dollars of economic activity each year and accounts for the employment of more than 30 million Americans. The maritime transportation of cargo is critical to U.S. national interests and provides an economical, environmentally friendly, and efficient mode of freight transport. The MTS connects America's consumers, producers, manufacturers, and farmers to domestic and global markets.

The pipeline systems subsector consists of more than 3 million miles of pipelines spanning the country and carrying nearly all the nation's natural gas and about 65 percent of hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included in this subsector.

Criteria. The transportation sector is inherently mobile with many of its critical assets spanning large geographical regions. Many of the assets within each of the modes of transportation are mobile and do not qualify as fixed sites.

FAA proposes that operators or proprietors within the Transportation sector may apply for a UAFR if the facility meets one of the following criteria:

For Surface Transportation:

- Rail facilities required by law to have a rail secure area as defined in 49 CFR 1500.3.
- Intermodal passenger transportation hubs that serve three or more of the following: ferries, commuter rail, heavy rail transit, Amtrak, intracity buses, and intercity buses.
- Pipeline pump stations that are immediately upstream of mountain ranges. (*i.e.,* hydraulically critical).
- Pipeline compressor stations that are just upstream of electric power generating plants or major metropolitan areas.
- Electric substations providing power to pipeline pumping and compressor stations.
- Electric substations providing power to railroad catenary systems.
- Pipeline control stations/rooms that are sole source supply to cities, airports, and national defense infrastructure.
- Highway bridges or tunnels that serve 50,000 or more vehicles daily and have a structure length of at least a half mile.

For Maritime Transportation:

- To be eligible to request an unmanned aircraft flight restriction in the maritime subsector, the facility must be regulated by the Maritime Transportation Security Act and currently have an active Facility Security Plan (FSP) or be covered by a Commandant approved Alternate Security Plan (ASP).

16. Water and Wastewater Systems Sector (§ 74.96)

Overview. The water and wastewater sector is composed of drinking water and wastewater infrastructure of varying sizes and ownership types.[81] The sector has its own unique risks including threats, vulnerabilities, and consequences that drive sector security and resilience activities. With the support of the Department of Homeland Security, the Environmental Protection Agency (EPA) is the lead SRMA for this sector, overseeing the safety and security of the drinking water and wastewater systems of the United States. Below is a breakdown of the types of facilities that service this sector.

Drinking Water Systems. There are approximately 153,000 public water systems (PWSs) in the United States. These water systems are categorized according to the number of people they serve, source of water, and whether the same customers are served year-round or on an occasional basis. Public water systems provide water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serve an average of at least 25 people for at least 60 days a year. Public water systems are divided into three categories: (1) Community Water System—a public water system that serves people year-round in their residences; (2) Non-transient non-community water system—a public water system that is not a community water system but still regularly serves at least 25 of the same people more than six (6) months of the year (*e.g.,* schools, factories, office buildings, and hospitals that have their own water systems); and (3) Transient Non-Community Water System (TNCWS)—a public water system that serves transient consumers. Transient consumers represent individuals who have the opportunity to consume water from a water system but who do not fit the definition of a residential or regular consumer. Examples include gas stations or campgrounds where people do not remain for long periods of time. There are more than 51,000 community water systems, more than 18,000 non-transient non-community water system, and approximately 84,000 transient non-community water systems in the United States.[82]

There are relatively few very large drinking water systems as compared to the number of smaller utilities. There are approximately 410 community water systems (CWS) that service more than 100,000 people; approximately 3,746 CWS service between 10,001 and 100,000 people; approximately 4,871 CWS that service populations between 3,301 and 10,000; and approximately 42,624 CWS that service fewer than 3,301 people.[83]

Wastewater Systems. There are more than 16,500 publicly owned treatment works in the United States that collectively provide wastewater service and treatment to more than 227 million people and are generally designed to treat domestic sewage. However, publicly owned treatment works also receive wastewater from industrial (non-domestic) users; these industrial users discharge effluent into a collection system for subsequent treatment at a publicly owned treatment works and are subject to the national pretreatment program. Many states are authorized to administer this program, which ensures that effluent is compatible with the utility's treatment capabilities or, if not, that the effluent is pretreated before being discharged to the collection system. Major and minor dischargers are defined according to a formula that considers the type of industry, flow rate, types of pollutants, and other factors.

Approximately 79 percent of utilities treat less than one (1) million gallons per day and provide wastewater treatment to less than 23 million people

or approximately 10 percent of the population served by publicly owned treatment works. Utilities that treat more than one million gallons per day provide wastewater treatment to the other 90 percent of the population served or approximately 205 million people.

As with drinking water, there are relatively few very large wastewater utilities as compared to the number of smaller utilities. There are approximately 382 publicly owned treatment works that service more than 100,000 people; approximately 2,288 publicly owned treatment works service between 10,001 and 100,000 people; approximately 2,598 publicly owned treatment works that service populations between 3,301 and 10,000; and approximately 11,050 publicly owned treatment works that service fewer than 3,301 people.[84]

Criteria. FAA has not developed criteria for this sector. As such, FAA seeks comments on the following questions to inform the development of the criteria for the water and wastewater systems sector:

1. What types of drinking water and wastewater systems should be considered in development of gating criteria?

2. What are the characteristics of drinking water and wastewater systems that should be considered in development of gating criteria?

3. Should population served by a drinking water or wastewater system be considered in development of gating criteria, and if so, what are appropriate population thresholds?

4. Should critical customers served by a drinking water or wastewater system be considered in development of gating criteria?

5. Should a history of unauthorized drone flight over a drinking water or wastewater system be considered in development of gating criteria?

When providing a response, please identify the sector and question to which the response is provided to distinguish from the other sectors that have similar questions.

E. FAA Evaluation, Approvals and Denial (Subparts D and E of Part 74)

1. Evaluation (§ 74.100)

After the applicant submits the information described in proposed subpart B of part 74, FAA would review and evaluate the UAFR request. During this review, FAA would determine whether the applicant demonstrated a safety or security need that justifies the remedy of restricting airspace. If FAA concludes that the applicant satisfied this burden, FAA would then provide public notice of the requested UAFR and accept public comments. A discussion of those processes follows.

FAA's evaluation of an applicant's UAFR request takes into account the totality of the circumstances, balancing the facility's safety and security needs with the public right of transit and the statutory mandate to integrate unmanned aircraft into the NAS. Taking these factors into account, FAA proposes to require that the applicant demonstrate that the totality of the circumstances presents a need that justifies the airspace restriction. Importantly, FAA would not consider individual factors in isolation; rather, FAA would consider them in the broader context of the airspace and any impact to people and property on the ground, homeland security and national security needs.

FAA does not enter into airspace restrictions lightly. To strike the right balance between the public right of access, safety, security, and the mandate to integrate, FAA proposes to require the applicant to bear the burden of showing that the UAFR is an appropriate remedy. FAA will consider recommendations provided by SRMAs on the requested UAFR as part of its evaluation of UAFR applications.

The applicant must demonstrate that unmanned aircraft present real risks, vulnerabilities, or potential consequences to safety or security when in close proximity to the facility and that the applicant has taken proactive measures to address those problems before applying for a UAFR. The applicant must also describe how the requested UAFR would be integrated into a facility's security plans to supplement existing security measures. FAA would expect the applicant to provide a description of how the facility would identify and respond to UAFR incursions, how employees would be trained, and how incursions would be reported. With this information, FAA would evaluate the facility's readiness to incorporate a UAFR into their security plans.

In section 2209, Congress directed that FAA may consider aviation safety, protection of people and property on the ground, national security, or homeland security when determining whether to grant or deny a UAFR. Accordingly, FAA would consider these four factors as a part of its analysis, together with the information the applicant submits in subpart B of proposed part 74. When considering these four factors, FAA may rely on both the information the applicant submits as well as other independent information available to FAA.

Proposed paragraph (b) would require the applicant to provide other information relevant to the UAFR FAA may identify as necessary for evaluating the UAFR request.

Proposed paragraph (c) provides that, after concluding review, FAA would either deny or conditionally approve the requested UAFR. If during the evaluation process FAA determines the applicant has not met the burden of showing there is a demonstrated need to justify the flight restriction, FAA would deny the request.

Proposed paragraph (f) outlines the denial process; if FAA denies the request, it would provide an explanation for the denial and the applicant could petition FAA for reconsideration under proposed § 74.160 (see section V.F. of this preamble). Alternatively, the applicant could initiate a new request and start the process from the beginning.

If FAA determines that, based upon the totality of circumstances, to include the security assessment from the associated SRMA, the UAFR is justified, FAA would issue a conditional approval. Following the conditional approval FAA would publish the proposal in the **Federal Register** for notice and comment. The comment period would last at least 30 days. Publishing in the **Federal Register** provides broad public visibility, conforms to established administrative practice, and creates a clear, durable record for notice and comment rulemaking. For these reasons FAA proposes the **Federal Register** as the primary vehicle for formal notice and comment on UAFRs.

Once the comment period has closed, FAA would review and make a final determination within 90 days from when owner/operator submits their application. FAA would review the complete application materials to make a final determination whether to approve or deny the requested UAFR. FAA's review would be based upon the totality of circumstances and information available to FAA. To reach a final determination, FAA may consider the following: (1) information the applicant submitted to FAA at any point in the process; (2) any changes or updates the applicant submitted to FAA; (3) any public comments received; and (4) any other information the Administrator deems relevant.

FAA would have already considered the need for and impacts of the requested UAFR during the conditional approval stage. FAA would not revisit that decision *de novo* during the final

application stage. As a part of the final application review, FAA would consider: any new issues or unforeseen consequences raised in the comments; new or updated information the applicant submitted after conditional approval; and anything else relevant to the analysis.

If FAA approves of the UAFR designation airspace request and FAA would publish the UAFR in the **Federal Register** as a Final Rule. Then, the UAFR would become effective on the date specified in the published document.

If FAA denies the requested UAFR, it would withdraw the NPRM and would provide the applicant with the basis for the denial. The applicant would have 30 days to either correct any deficiencies or petition for reconsideration under § 74.160. If the applicant does not submit a revised application addressing the identified deficiencies within 30 days, the applicant would no longer have an opportunity to correct any deficiencies. If FAA denies the application again after a resubmission, the applicant would have 30 days from the date of that denial to petition for reconsideration under § 74.160.

FAA also considered an alternative approach whereby FAA would publish the proposal on FAA's website for notice and comment as opposed to in the **Federal Register**. The comment period would last at least 30 days. If FAA determines the submitted application is complete and a UAFR is justified, FAA would approve the application and publish a final rule document in the **Federal Register**.

This process would likely reduce interagency redundancies and provide a streamlined application process. The challenge with this approach is that the public is familiar with the **Federal Register** notice and comment process and FAA would need to ensure that users of the airspace receive sufficient notice of each proposed airspace designation and have a meaningful opportunity to provide comment on the proposed airspace designation.

FAA seeks comment on the benefits and drawbacks of each of the approaches. FAA also seeks comment on what procedures the agency should use if FAA adopts the website-based approach to ensure the public and interested parties have notice and a meaningful opportunity to comment.

FAA invites comment on all aspects of the primary proposal and the alternative approach. Commenters should address the following questions:

1. What are the practical benefits and drawbacks of a website-first, conditional approval process versus immediate **Federal Register** publication? Would a website posting materially improve processing speed or reduce interagency duplication, and if so, how?

2. What procedures or safeguards would be necessary to ensure that a website posting provides notice and an opportunity to comment that are equivalent to the **Federal Register**? Examples include but are not limited to automated email notifications to registered stakeholders, use of the *regulations.gov* API, targeted outreach to affected operators, or parallel postings to other federal notice systems.

3. Is a minimum 30 day comment period adequate for meaningful review and response? Can the comment period be shorter or longer? If so, what period would be appropriate and why?

4. Please provide any other data, evidence, or examples of best practices FAA should consider regarding website-based notice, email or subscription notification, *regulations.gov* integration, or hybrid notice approaches.

FAA anticipates that FAA will be required to issue a significant number of letters demonstrating delay due to both resources and the application numbers under either proposal. FAA has considered variations to the proposed process to streamline the application. FAA seeks comment on the viability of these variations and on any other measures FAA could take to streamline the application process.

1. FAA considered requiring an applicant to seek a security assessment from the applicable SRMA prior to petitioning FAA. Are there any practical benefits or drawbacks of this variation? Would this requirement materially improve processing speed or reduce interagency duplication, and if so, how?

2. FAA considered staggering the effective dates or alternatively staggering the application windows for the various sectors. Are there any practical benefits or drawbacks of this variation? Would this change materially improve processing speed or better allow FAA to utilize agency resources, and if so, how?

3. If FAA does adopt variation two, how should FAA determine the order of the sectors effective dates or application windows? What factors should FAA consider? Should FAA focus on the sectors with the largest volume or the greatest security risk? Is there an alternative metric that FAA should consider?

F. Reconsiderations (Subpart E of Part 74)

1. Petitions To Reconsider Denial (§ 74.160)

FAA proposes to allow applicants an opportunity to appeal FAA's decision to deny a UAFR application by submitting a petition for reconsideration. Proposed § 74.160 would permit an applicant to seek reconsideration of a denial issued during FAA review process in proposed subpart D of part 74.

The applicant would have 30 days from the date of the denial to file a petition demonstrating that FAA denied the application in error. If the applicant takes the opportunity to correct any deficiencies in accordance with proposed § 74.100, and FAA affirms its denial, the 30 days would begin to run after FAA affirms the denial. To demonstrate error, the applicant would have to present a material fact not previously presented to FAA during the application process, show that FAA made a material error of fact, or show that FAA incorrectly interpreted applicable law, regulation, or precedent.

FAA would consider timely filed petitions. If FAA determines that it issued the denial in error, it would rescind the denial and permit the applicant to continue with the UAFR application process. If FAA determines that it did not issue the denial in error, the denial would become final.

G. Term, Amendments, Renewal, Modification, and Cancelation of Unmanned Aircraft Flight Restriction (Subpart F of Part 74)

1. Term (§ 74.200)

FAA proposes to make UAFRs granted under proposed part 74 effective for a maximum of five years from the date they go into effect. The UAFR would expire at the end of the term unless the operator or proprietor seeks a renewal under proposed § 74.210.

FAA proposes a limit of five years to balance the operator or proprietor's interest in safety and security with the practical reality that the UAS operational environment is dynamic. As FAA continues to implement policies and regulations to safely integrate UAS into the NAS, FAA will have to review, validate, and adapt UAFRs to determine whether the UAFR is still warranted. Moreover, though the need to secure fixed site facilities may remain constant, technologies for surveilling and protecting facilities will continue to evolve, including those related to remote identification, detection, and geofencing. FAA anticipates that advancements in unmanned aircraft

systems traffic management (UTM), beyond visual line of sight (BVLOS) operations, unmanned aircraft remote identification (Remote ID) as well as the growth of new remote and autonomous operations such as urban air mobility (UAM) and advanced air mobility (AAM), will affect stakeholder use of the airspace as well as safety and security cases for those operations.

Finally, as unmanned aircraft operators become more cognizant of the need to avoid fixed site facilities, UAFR requirements may change or may not be required at all. Accordingly, FAA must retain the flexibility to adjust to changing needs of the airspace and stakeholder communities. Five-year UAFR term limits afford FAA that flexibility.

2. Amendments (§ 74.205)

Under proposed § 74.205, an operator or proprietor may request to amend a UAFR. For substantive amendments that would increase the altitude ceiling, lateral boundary, or activation duration of a UAFR, FAA would publish a new NPRM seeking public comment and a final rule.

For all other requests, FAA proposes to require operators or proprietors to provide updates in accordance with the operator or proprietor's continuing obligation to update in accordance with proposed § 74.20. FAA anticipates that other changes, such as administrative updates or requests to decrease the airspace volume or decrease the active period of the UAFR would have minimal or no operational impact on unmanned aircraft operations.

FAA anticipates that operators or proprietors would be able to submit requests for amendments electronically via the UAFR Module. The draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions,* would provide guidance on how to submit this information.

3. Renewal (§ 74.210)

Proposed § 74.210 would permit operators or proprietors to request renewal of a UAFR. FAA would require operators or proprietors to submit the request no later than 120 days before the UAFR expires. The 120-day lead time would give FAA time to process the request before the UAFR expires. If the operator or proprietor requests a renewal less than 120 days before expiration, FAA would not be able to guarantee that it will have sufficient time to complete a review before the UAFR expires. If the UAFR expires before FAA can issue a renewal, the operator or proprietor of the fixed site facility may have to apply for a new UAFR under proposed part 74. FAA will publish guidance for submitting a renewal package as provided in the draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions.*

FAA proposes a UAFR term limit of five years from the effective date. FAA proposes subsequent renewal periods would also run for five years. The five-year term would be to ensure periodic review of the UAFR for the reasons explained in section V.F.1 of this preamble.

4. Modification and Cancelation (§ 74.215)

Proposed § 74.215 describes how either the operator or proprietor may request FAA to cancel an active UAFR or FAA itself can cancel an active UAFR.

Proposed paragraph (a) would provide that the operator or proprietor could ask FAA to cancel the UAFR for any reason and at any time. FAA proposes to provide information on how to request cancelation in the draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions.* Paragraph (a) would also put an affirmative obligation on the operator or proprietor to request cancelation if the fixed site facility no longer meets the eligibility criteria in proposed § 74.54 and subpart C of part 74. For example, to be eligible for a UAFR, proposed § 74.88 requires facilities within the energy sector to have certain minimum outputs, depending on the type of facility. If the facility's output no longer met the minimum threshold, the operator or proprietor would have to cancel the UAFR.

Proposed paragraph (b) provides that any UAFR is subject to FAA's ongoing review. If FAA determines the basis for its approval of a UAFR no longer meets the requirements of proposed part 74, FAA may cancel or amend the UAFR. In other words, over time the facts and circumstances that justified the remedy of restricting airspace could change. FAA reserves the right to reconsider the UAFR in light of those circumstances and potentially adjust or terminate the UAFR, if appropriate. For example, proposed § 74.58(b)(2) prohibits a UAFR from overlapping with a permanent airspace restriction. If FAA establishes a permanent airspace restriction that overlaps with an active UAFR, FAA would modify or terminate the UAFR to reflect the new condition. Other examples could include a facility that no longer meets the eligibility criteria discussed in section V.C. of this preamble or a facility where the security asset vulnerabilities no longer exist due to external changes.

FAA would provide the operator or proprietor with notice explaining why it intends to cancel the UAFR. The operator or proprietor would have 30 days to demonstrate why FAA should not cancel the UAFR. If the operator or proprietor does not respond, FAA would cancel the UAFR. If the operator or proprietor does respond, FAA would consider the response and make a decision on whether to cancel the UAFR.

H. Access to Unmanned Aircraft Flight Restriction (Subpart G of Part 74)

FAA recognizes there may be circumstances under which there is a need to allow limited access to airspace that is otherwise restricted. Accordingly, under existing regulations, FAA accommodates certain operations when there is an important need for access. Consistent with this historical approach to airspace access, FAA proposes to establish a process under which unmanned aircraft systems operators could access a UAFR under certain circumstances. This approach is consistent with Congress's mandate. In section 2209(a), Congress directed the agency to create a process to ''prohibit or *restrict*'' (emphasis added) unmanned aircraft in close proximity to fixed site facilities. By using the word ''restrict,'' Congress recognized that some unmanned aircraft might be able to access the designated airspace under certain circumstances. Moreover, in paragraph (d), Congress was explicit about its intent, stating that FAA has clear authority to authorize operations within airspace designated for a UAFR. FAA would exercise that authority under proposed §§ 74.250 and 74.255.

1. Allowed Operations (§ 74.250)

In accordance with E.O. 14307 *Unleashing American Drone Dominance* and consistent with FAA's statutory responsibilities under 49 U.S.C. 40103(a)(2), FAA must balance public right of transit in the NAS with national security risk to sensitive fixed sites.[85] As such, proposed § 74.250 would establish the terms under which certain unmanned aircraft system operators could access UAFR airspace, under § 74.5, that is otherwise restricted to unmanned aircraft operations. FAA's intent is to allow established, known, and conspicuous operators to enter and transit UAFRs.

Proposed paragraph (a) outlines the requirements for an allowed operator to enter the UAFR.

In § 74.250 (a)(1), allowed operators would be required to broadcast remote ID in accordance with 14 CFR part 89, unless otherwise authorized by the

Administrator, to transit a UAFR. This requirement is intended to balance the need to secure the airspace with the efficiency of the NAS. The requirement supports a facility's ability to identify UAS operations and contact law enforcement, if necessary, without imposing undue barriers to lawful UAS operations by enabling operators to be readily identifiable.

FAA has historically relied on aircraft conspicuity to enhance safety and security while preserving NAS access. For example, in the Automatic Dependent Surveillance-Broadcast (ADS–B) Out Performance Requirements to Support Air Traffic Control (ATC) Service final rule, FAA emphasized that increased identification and situational awareness would improve the safety and efficiency of the airspace system without unduly restricting compliant operators.[86] Consistent with this approach, FAA proposes to require UAS broadcast Remote ID. The intent of this requirement is to require that the UAS be conspicuous so that the fixed site facility operator or proprietor would be able to identify allowed operators through remote identification. This requirement, in conjunction with the requirement for UAFR fixed sites to have a remote ID sensing capability in proposed § 74.56, and notification procedures in proposed § 74.255 requiring allowed operators to submit their remote ID serial number to the fixed site, would lead to enhanced UAS visibility and identification in the UAFR.

Paragraph (a)(2) proposes that operations within a UAFR must transit a UAFR in the shortest amount of time practicable. FAA considered imposing operational restrictions for operations within a UAFR, such as prohibitions on hovering or landing, but ultimately believed that a performance-based time objective was a more flexible method to meet the intent of balancing the safety and security of a UAFR with the rights of the public to navigable airspace. FAA's intent with using the word practicable is to strike this balance without hindering those operators' ability to maneuver for safety of flight such as pausing for air traffic deconfliction purposes. FAA understands that some UAS operations, such as business applications of the fixed site facility (*e.g.,* infrastructure inspection), law enforcement or national security investigations, or first amendment activity, may require non-transitory operations within a UAFR. FAA is interested in the public's feedback on whether the language in (a)(2) is broad enough to enable both legitimate transitory and non-transitory operations within a UAFR, with the appropriate notification to the fixed site facility, while still preserving the integrity of the airspace restriction. Ultimately, the requirement in (a)(2) is rooted in the overarching need to maintain security within the UAFR, an area where authorization to operate does not automatically confer permission for all types of operations. In such sensitive environments, specific behaviors such as hovering, orbiting, landing, or loitering, may present security challenges that are distinct from conventional aviation safety issues. These types of behaviors, when conducted over sensitive sites, draw heightened concern from security personnel. Consequently, FAA believes a performance-based operational limitation is necessary to safeguard the integrity and security of the airspace, and seeks comment on the reasonability of the current proposed limitation, specific categories of operations that limitations should or should not apply to, and any additional language FAA should consider to balance the integrity of a UAFR with the public's right to navigable airspace.

Proposed paragraph (a)(3) would limit unmanned aircraft operations within a UAFR to the types of operations described in paragraphs (b) through (f).

Proposed paragraph (a)(4) is intended to limit the operations in paragraph (a)(3) to only flight restrictions established under § 74.5.

Proposed paragraph (b) would permit people operating unmanned aircraft systems under 14 CFR part 91 with an FAA-issued airman certificate or as Public Aircraft Operation (PAO) to enter a UAFR. Unmanned aircraft operating under part 91 are often, but not always, large UAS for commercial purposes or law enforcement, firefighters, and government agencies operating as PAO. UAS operations conducted under part 91 must engage with FAA to receive authorization to operate in the NAS. Civil operations generally require that the operator obtain an exemption, which also requires the pilot(s) to hold an airman certificate. PAO operations are largely exempt from requirements for civil aircraft, but are required to meet the statutory definition of PAO performing a governmental function. These operators are known to FAA and have undergone a Department of Homeland Security (DHS) Transportation Security Administration (TSA) Security Threat Assessment (STA) or are a government agency which mitigates potential security risks. An example part 91 operation within a UAFR could be Federal, state, or local emergency response personnel responding to a major catastrophe at a chemical facility that are using an unmanned aircraft to assess the situation prior to dispatching response personnel.

Proposed paragraph (c) would permit a person operating an unmanned aircraft system under 14 CFR part 107 with a requisite airman certificate to enter a UAFR. Operations under part 107 are often conducted by governments for public safety operations or commercial businesses such as inspection, aerial surveying, and mapping. These types of operations can be crucial for fixed site facilities to perform business related needs. For instance, the operators or proprietors may hire a third-party unmanned aircraft operator to inspect smokestacks or conduct an airborne inventory within the lateral boundary of their UAFR. Operators conducting part 107 operations must adhere to strict safety requirements and have undergone a TSA Security Threat Assessment ensuring security risk mitigation.

Proposed paragraph (d) would permit unmanned aircraft operations under FAA proposed 14 CFR part 108 with either an FAA-issued operating permit or certificate to enter a UAFR. On August 7, 2025, FAA published the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* NPRM,[87] which proposes performance-based regulations for the design and operation of UAS at low altitudes beyond visual line of sight (BVLOS). Examples of the types of operations enabled by this cover BVLOS commercial operations related to infrastructure inspection, agricultural operations, package delivery, and civic interest operations to include public safety missions. These operations must meet rigorous safety requirements such as having a robust detect-and-avoid method, reliable command and control links, Remote ID compliance, maintenance program, ground risk mitigation strategy, and emergency and contingency procedures. These newly proposed operations will also have to meet rigorous security requirements; the TSA proposed to require operations supervisors, flight coordinators, and other covered personnel to obtain up to a level 3 security threat assessment. The navigability of the UAFR airspace, within the bounds of known and vetted operators, allows for the continued integration of UAS into the NAS with its commensurate economic and societal benefits, be it by allowing approved operations at the behest of the fixed site facility owner or by allowing a UAS to take the most expeditious and safest path by transiting through a UAFR. FAA believes these operations must be able

to either provide commercial services to the fixed site or be able to transit through UAFRs to access communities near a UAFR unabated to promote *American Drone Dominance.*[88]

Proposed paragraph (e) would permit unmanned aircraft operating under 14 CFR part 135 with a requisite part 119 certificate to enter a UAFR. This is an air carrier certificate that allows commercial drone package delivery. FAA requires people operating under part 135 hold an airman certificate, which includes a TSA security threat assessment. Additionally, FAA evaluates key personnel for safety responsibilities, safety manuals, and procedures for handling goods. These types of operations undergo significant scrutiny for both safety and security and are critical for building a ''strong domestic drone sector'' in accordance with E.O. 14307.[89]

Currently, FAA approves package delivery operations with UA by issuing qualified operators a part 119 certificate and then exempting them from certain part 135 operating rules, as these are currently the only regulations pertaining to transportation of property with smaller aircraft. However, part 135 does not specifically address UA operations. In the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* rulemaking,[90] FAA is creating a pathway specific to UAS operations in part 108, with the appropriately tailored requirements for UAS package delivery.

For existing package delivery operations, FAA exempts package delivery operators from multiple part 135 regulations, as these parts were originally developed for manned aircraft. Part 108 will allow package delivery operations in the NAS without requiring exemptions. In developing this *Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility* NPRM, FAA anticipates that package delivery operations currently conducted under 14 CFR part 135 in UAFR airspace would transition to operations under part 108 in accordance with compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.

Proposed paragraph (f) would permit a person operating an unmanned aircraft system under 14 CFR part 137 with a requisite FAA-issued airman certificate and part 137 certificate to enter a UAFR. These operations are for agricultural spraying and dispensing. They have undergone safety and security checks prior to operation and provide a crucial economic use case for many fixed sites or communities near a fixed site. Operators under part 137 were subject to a TSA security threat assessment to obtain an airman certificate and the operations themselves have met stringent FAA safety standards for aircraft reliability, safe dispensing systems, pilot competency, safe chemical handling practices, and have demonstrated to FAA their ability to conduct the operation before issuance of a part 137 certificate. FAA proposes these operations can enter and transit a UAFR or provide services within a UAFR that are cooperated with the fixed site facility.

Currently, agricultural operations using UA are conducted under 14 CFR part 137, which provides rules for conducting agricultural aircraft operations. However, part 137 was written for manned agricultural operations, rather than UA. As such, there are provisions in part 137 that cannot be met by UA operators. Similar to UA operations under part 135, FAA has been issuing part 137 exemptions for operators conducting agricultural operations with UA. The part 108 agricultural operations certificate will create regulations related to agricultural aircraft operations that are specifically tailored to the needs and risks of part 108 UAS. FAA anticipates in developing this *Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility* NPRM, that agricultural spraying and dispensing currently conducted under 14 CFR part 137 in UAFR airspace would transition to the operations under part 108 in accordance with compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.[91]

In summation, FAA proposes these categories of allowed operations with the intent of minimizing impact to operators who have already met stringent safety and security checks. FAA believes it is essential that these types of trusted operations be able to continue while still protecting sensitive fixed sites by restricting unmanned aircraft systems that have not met higher standards of safety and security. The allowed operations in paragraphs (b)–(f) have demonstrated commercial and governmental need to either enter or transit a UAFR for economic, safety, or security rationale. FAA has proposed a strict Remote ID equipage requirement for operations within a UAFR to aid with identification for fixed site facilities. This is a crucial component that compliments requirements under § 74.56 for fixed site operators to use a Remote ID sensing capability. Additionally, FAA has proposed operations within a UAFR must transit a UAFR in the shortest amount of time practicable. The intent is to minimize the amount of time that operations unrelated to the fixed site have within a UAFR to reduce security concerns.

FAA requests comment on whether it would be appropriate to include other categories of allowed operations in proposed § 74.250. Please provide information describing the types of operations, why they should be allowed, and any conditions or limitations that should be applied to those operations.

FAA requests comment on if there are circumstances where allowed operations should not be allowed entry and transit through a UAFR, please define what those use cases are, if there is a limited subset of allowed operations that are affected, and potential solutions that would ameliorate any perceived issues. FAA seeks input on if there are specific UAFR sectors (*i.e.,* Chemical, Energy, etc.) that should have more limited allowed operations.

2. Access Requirements to Special UAFR (§ 74.251)

Proposed paragraph § 74.251 outlines the requirements for special access requirements for § 74.6 special UAFRs. FAA proposes that no UAS operator may conduct operations within a Special UAFR without permission of the using agency. The using agency is the agency, organization or military command that established the requirements for the Special UAFR. The using agency will not be required to seek approval from FAA to conduct operations in a special UAFR established in relation to their fixed site facility. The majority of expected UAS operations within these types of UAFRs will likely be U.S. government UAS operations being conducted over U.S. government facilities. Other users are expected to seek both using agency permission and approval from FAA Administrator in a form and manner acceptable to the Administrator. FAA expects the amount of UAS operations conducted in Special UAFRs, that does not originate with the using agency, will be rare. Advisory Circular, *Unmanned Aircraft Flight Restrictions,* will provide information on how to submit a request. FAA seeks comment on the access provisions for these Special UAFRs and how FAA should approve access.

3. UAFR Access Notification (§ 74.255)

FAA proposes that anyone who operates or plans to operate an unmanned aircraft in accordance with proposed § 74.250(a)(3) must provide notice to FAA and fixed site facility manager. The notice, which includes

information described in the following paragraph, would enable fixed site facility managers to have situational awareness of lawful unmanned aircraft activity in the UAFR. In addition, FAA would use this as a part of its oversight of the UAFR program, including assessing the effectiveness of individual UAFRs.

FAA proposes the unmanned aircraft operator provide the following required information:

(1) Name, mailing address, email address and phone number of person(s) providing notice;

(2) Name and on-site phone number of the person(s) operating the unmanned aircraft;

(3) Airman certificate number or 14 CFR part 108 permit or certificate number the allowed operation is being conducted under.

(4) Remote Identification Serial Number(s) associated with allowed operation.

(5) Unmanned aircraft registration number(s);

(6) Unmanned aircraft flight restriction site identification number;

(7) Date, approximate time, number of unmanned aircraft, and area of operations within the UAFR; and

(8) Type of allowed unmanned aircraft operation as defined in § 74.250.

FAA anticipates using a web-based module solution to provide notice. The draft Advisory Circular, *Designation of Unmanned Aircraft Flight Restrictions,* has additional information on how the unmanned aircraft operator would submit this information. That proposed document is in the docket for this NPRM.

FAA is responsible for the efficient management of all airspace within the United States and retains control of the UAFR. FAA requires fixed site facility site managers to receive UAFR access notifications. Individuals should not infer that FAA is delegating this airspace authority to private entities. The purpose of notification is to provide situational awareness to operators and proprietors of lawfully operating unmanned aircraft close to their facilities. Nothing in this proposed rule would confer authority on site managers to approve, disapprove, restrict, or prohibit operations. Any operator that meets the requirements of proposed § 74.250(b) through (f) may access a UAFR upon providing the notice described in § 74.255.

FAA proposes in paragraph (c) that unmanned aircraft operators flying in accordance with § 74.250 must notify the fixed site facility's manager as soon as reasonably possible in advance of the operation. Advance notification would allow site managers to have situational awareness of lawful unmanned aircraft activity within the UAFR, allowing them to distinguish between lawful and unlawful activity.

For those operations that are conducted by a government agency or law enforcement, FAA acknowledges that certain operations may require operational security due to national security or other law enforcement sensitive reasons such as criminal investigations. FAA proposes that the operator must notify the fixed site facility manager in accordance with § 74.255 as soon as reasonably possible in advance of the operation. Alternatively, the unmanned aircraft operator would notify the fixed site facility site manager verbally as soon as reasonably possible then provide written notice in accordance with § 74.255 within seven calendar days.

FAA seeks comment on notification requirements to the fixed site facility and FAA on a case-by-case basis. FAA is considering other solutions that may involve one-time submission to the FAA of airman certificate number(s) and remote ID serial number(s) associated with the intended allowed operations, that could be included on a developed ''whitelist'' of remote ID serial numbers to be made available to fixed site facilities. FAA seeks comment on the feasibility of remote ID technologies for providing a more automated notification procedure to support future scaled UAS operations and from fixed site operators on their ability to handle whitelisted operators. FAA intends to strike a balance between the security needs of the fixed site facilities and the economic growth of the UAS industry commensurate with both E.O. 14305 *Restoring American Airspace Sovereignty* and E.O. 14307 *Unleashing American Drone Dominance.* To do so, FAA must limit to the extent possible the burden on both UAS operators and fixed site facilities and still maintain the safety and security of the NAS. FAA seeks comment on technological solutions that can meet this goal.

4. Enforcement and Penalties (§ 74.260)

FAA proposes to identify UAFR issued for national security or homeland security purposes under 49 U.S.C. 40103(b) in proposed § 74.260. As provided in proposed § 74.260(b) and (c), knowing or willful violation of such UAFR may result in criminal penalties under 49 U.S.C. 46307 in addition to potential civil penalties. UAFRs issued for national security or homeland security purposes under 49 U.S.C. 40103(b) in proposed § 74.260 will be graphically depicted in a manner which makes itself readily distinguishable from UAFRs established/issued for other purposes. This proposal would assist the Department of Justice to comply with section 6 of Executive Order 14305, Restoring American Airspace Sovereignty, to ensure full enforcement of applicable civil and criminal laws when drone operators endanger the public or violate established airspace restrictions. This proposal is consistent with Executive Order 14294, section 2(d), in that it specifically describes the proscribed conduct (violating a UAFR issued for national security or homeland security purposes), the authority which is 49 U.S.C. 46307 and 40103(b), and the mens rea of knowing or willful.

I. Parts 91 and 107—Conforming Amendments

FAA proposes amendments to parts 91 and 107 to conform those parts to new part 74. FAA would add a new § 91.134 and amend existing § 107.45 to prohibit unmanned aircraft operations within a UAFR, except as otherwise permitted under part 74. These amendments would update parts 91 and 107 to make clear that unmanned aircraft operations are prohibited in UAFRs.

VI. Regulatory Notices and Analyses

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' The Office of Management and Budget has determined that this proposed rulemaking is a significant regulatory action as defined in section 3(f)(1) of Executive Order (E.O.) 12866. Accordingly, FAA has prepared a Regulatory Impact Analysis (RIA) for the proposed rule, summarized in this section and available in the docket.

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires that, for each new regulatory rule, Office of Management and Budget (OMB) must identify 10 prior regulations for elimination for each new regulation issued. This rule responds to statutory requirements (section 2209 of the FAA Extension, Safety, and Security Act of 2016, section 369 of the FAA Reauthorization Act of 2018, and section 929 of the FAA Reauthorization Act of 2024, all of which contained statutory deadlines either for implementation or for the promulgation

of an NPRM and final rule. This rule also responds to Executive Order 14305 which states: ''It is the policy of the United States to ensure control over our national airspace and to protect the public, critical infrastructure, mass gathering events, and military and sensitive government installations and operations from threats posed by the careless or unlawful use of UAS.'' The agency has not yet determined whether a final rule here would be considered 'regulatory' or partially or fully exempt from the requirements of Executive Order 14192, but will make that determination at the time of the final rule.

A. Summary of the Regulatory Impact Analysis

1. Baseline for the Analysis

The National Security Memorandum on Critical Infrastructure Security and Resilience (NSM–22) identified 16 critical infrastructure sectors. SRMAs identified approximately 125,000 fixed site facilities in these sectors that may be high priority for a UAFR based on minimum thresholds established in the proposed rule. Criteria are not yet fully established for all sectors as there may be additional public comment, and thus additional facilities may be identified. Operation of UAS within the boundaries of most of these facilities currently are not regulated. However, in separate rulemaking, FAA is establishing a regulatory framework to enable scaled UAS beyond visual line of sight operations which, depending on timing, may be in effect prior to this rule.

SRMAs have identified the risks of UAS activity over fixed critical infrastructure sites to include explosion or release of toxins (*i.e.,* hazardous material), fatality or injury, property damage, prison contraband access, intelligence, surveillance, cyber intrusion, reconnaissance, and a stop or delay of operations (*e.g.,* harassment, disruption). Recent incidents over eligible fixed site facilities highlight these risks and have included groups of drones flying several feet above chemical facilities, unmanned aircraft flying over a pipeline, near an oil refinery, and near an electrical substation, and multiple cases involving drone-delivered contraband to State prisons.

2. Benefits

FAA anticipates enactment of a UAFR would result in: (1) compliant operators would avoid the designated airspace; (2) facility operators and law enforcement would be better able to distinguish between lawful and unlawful operations; and (3) local law enforcement, FAA, the Department of Justice, and the Department of Homeland Security would be able to focus resources and efforts on enforcement actions as needed. FAA does not have data on how these outcomes would reduce risks under the proposed rule. As such, FAA relied on information provided by security partners, industry organizations, and research institutions.

A UAFR will not necessarily deter operators who willfully disregard their responsibilities and obligations for operating in the NAS from operating near the fixed site facilities in question. However, based on the reduction of compliant UAS operations over eligible fixed site facilities, FAA estimates the probability of these consequences occurring is reduced under the proposed rule. Consequences potentially avoided include fatalities and injuries, property damage, and other economic losses from impacts to operations, the value of which would vary by sector and site.

3. Costs

FAA estimated costs for a scenario in which an estimated percentage of the eligible facilities apply for a UAFR, depending on the number eligible in each sector. FAA assumed an equal phase-in of applications over a five-year period. The main cost component for these facilities is the cost to obtain a UAFR. FAA does not have data on this cost. However, the proposed process is similar to applying for an exemption from FAA regulations. Therefore, FAA estimated the unit cost to obtain a UAFR based on available estimates of the cost of exemptions (between $5,000 and $10,000). FAA is developing a web-based portal (the UAFR Module) through which applicants can submit all required information.

Applicants must also have security monitoring that includes the capability to receive, log, and retain broadcast remote identification messages from unmanned aircraft operating within or in proximity to the UAFR. FAA estimated the unit cost based on an example system ($2,800 onetime and $1,000 annually). FAA does not have data on the number of potential applicants likely to already have this capability.

Consistent with E.O. 14305, Section 5 (b), FAA shall coordinate UAFR security assessments with the relevant SRMA. The Administrator, consistent with 49 U.S.C. 40103 and section 2209, retains final authority to determine whether to approve, deny, or cancel a standard or special UAFR. This would also be a new process and therefore the level of effort is also uncertain. Preliminarily, FAA estimates the government review costs per application in the range of approximately $1,000.

4. Summary of Benefits and Costs

The proposed rule may reduce the risk of various negative consequences that could result from UAS flying over critical infrastructure, including fatalities, injuries, and property damage that could result from explosions and other incidents, and economic losses from disruption of operations. The benefits would depend on the ultimate scope of UAFRs in terms of covering facilities that represent the greatest risk as well as the effectiveness of a UAFR in reducing the risk. Based on a scenario of over 9,000 eligible fixed site facilities obtaining UAFRs, Table 1 provides a summary of the quantified annual and total costs to applicants and the government.

TABLE 1—SUMMARY OF COSTS [1]

[Millions $2024]

Category	Low estimate		High estimate	
	Annualized	Present value (5 years)	Annualized	Present value (5 years)
3% Discount rate:				
Fixed site facilities	$19.7	$90.1	$28.8	$132.0
Government	1.9	8.6	1.9	8.6
Total	21.5	98.7	30.7	140.6

TABLE 1—SUMMARY OF COSTS [1]—Continued

[Millions $2024]

Category	Low estimate		High estimate	
	Annualized	Present value (5 years)	Annualized	Present value (5 years)
7% Discount rate:				
Fixed site facilities	19.5	80.1	28.7	117.6
Government	1.9	7.7	1.9	7.7
Total	21.4	87.8	30.6	125.3

Note: Detail may not add to total due to independent rounding.
[1] Low and high estimates reflect uncertainty in the unit cost for applicants.

5. Uncertainties and Sensitivity Analyses

There are several limitations and uncertainties in the analysis of benefits and costs. In the baseline for the analysis, highlighted incidents may not be indicative of the extent and nature of all risks from UAS activity over critical infrastructure. Similarly, a key limitation for estimating benefits is a lack of data on the potential magnitude of consequences from events involving UAS. For costs, FAA does not have data on the extent to which operators of eligible fixed site facilities will apply for a UAFR or the cost to obtain each UAFR. Costs associated with the exemption process may over or understate cost to obtain a UAFR.

6. Regulatory Alternatives

FAA considered several alternatives to the proposed rule, including conducting rulemaking for each UAFR, setting objective criteria under which an applicant automatically would be eligible for a UAFR, and limiting the scope to six critical infrastructure sectors. Table 2 provides a summary of the alternatives.

TABLE 2—SUMMARY OF ALTERNATIVES

Scenario	Change from proposed rule		
	Affected entities	Benefits (millions)	Costs (millions)
Rulemaking for each UAFR	No change	A less efficient process or more costly process could lead to fewer requests and lower benefits.	Potentially increased.
Objective eligibility criteria	No change	Could reduce uncertainty about the number that will apply for UAFRs.	Reduced applicant costs (eliminates demonstration of need); net impact uncertain (depends on criteria and number that apply).
Limited scope and thresholds	Reduced	Could reduce benefits depending on risk	Likely reduced (depending on applications).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, Public Law 96–354, 94 Stat. 1164 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857, Mar. 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111–240, 124 Stat. 2504 Sept. 27, 2010), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

FAA is publishing this Initial Regulatory Flexibility Analysis (IRFA) to aid the public in commenting on the potential impacts to small entities from this proposal. FAA invites interested parties to submit data and information regarding the potential economic impact that would result from the proposal. FAA will consider comments when making a determination or when completing a Final Regulatory Flexibility Analysis.

Under section 603(b) and (c) of the RFA, an IRFA must contain the following:

(1) A description of the reasons why the action by the agency is being considered;

(2) A succinct statement of the objective of, and legal basis for, the proposed rule;

(3) A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

(4) A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

(5) An identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule; and

(6) A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.

1. Reasons the Action Is Being Considered

UAS are fundamentally changing aviation and, as a part of its congressional mandate, FAA is working to integrate them into the airspace of the United States while balancing the needs of security stakeholders. As the scale and scope of UAS activities has grown, stakeholders are concerned about the safety and security implications of unmanned aircraft flying in close

proximity to certain types of critical infrastructure facilities.

These concerns led Congress to enact section 2209 of FESSA, directing FAA to create a system under which operators or proprietors of certain fixed site facilities could request FAA restrict unmanned aircraft operations in close proximity to those facilities. With this rule FAA proposes to create a process to implement this mandate.

2. Objectives and Legal Basis of the Proposed Rule

The objective of this proposed rule is to provide a means by which applicants may petition FAA to restrict or prohibit unmanned aircraft from flying in close proximity to certain fixed site facilities identified in section 2209 of the FESSA, as amended. FAA proposes this rule in accordance with the mandate in section 2209, as amended. FAA also proposes this rule under its authority to issue rules on aviation safety. Title 49 U.S.C. Subtitle I, section 106 describes the authority of the FAA Administrator and Subtitle VII, Aviation Programs, describes the scope of FAA's authority.

3. All Federal Rules That May Duplicate, Overlap, or Conflict

There are no relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

4. Description and Estimate of the Number of Small Entities

FAA used the definition of small entities in the RFA for this analysis. The RFA defines small entities as small businesses, small governmental jurisdictions, or small organizations. In 5 U.S.C. 601(3), the RFA defines ''small business'' to have the same meaning as ''small business concern'' under section 3 of the Small Business Act. The Small Business Act authorizes the Small Business Administration (SBA) to define ''small business'' by issuing regulations. The RFA defines ''small governmental jurisdiction'' as the government of a city, county, town, school district or special district with a population of less than 50,000.

For small businesses, SBA has established size standards for various types of economic activities, or industries, under the North American Industry Classification System (NAICS). These size standards generally define small businesses based on the number of employees or annual receipts. Note that the SBA definition of a small business applies to the parent company and all affiliates as a single entity. Table 3 shows example industrial classification codes potentially relevant for the proposed rule for privately owned eligible fixed sites.

TABLE 3—EXAMPLE SMALL BUSINESS SIZE STANDARDS: CRITICAL INFRASTRUCTURE SECTORS

NAICS code	Description	Size standard
221111	Hydroelectric Power Generation	750 employees.
221112	Fossil Fuel Electric Power Generation	950 employees.
221113	Nuclear Electric Power Generation	1,150 employees.
221118	Other Electric Power Generation	650 employees.
221121	Electric Bulk Power Transmission and Control	950 employees.
221122	Electric Power Distribution	1,100 employees.
221210	Natural Gas Distribution	1,150 employees.
482111	Line Haul Railroads	1,500 employees.
221310	Water Supply and Irrigation Systems	$41.0 million.
221320	Sewage Treatment Facilities	$35.0 million.
331110	Iron and Steel Mills and Ferroalloy Manufacturing	1,500 employees.
482112	Short Haul Railroads	1,500 employees.
324110	Petroleum Refineries	1,500 employees.
325110	Petrochemical Manufacturing	1,300 employees.
325180	Other Basic Inorganic Chemical Manufacturing	1,000 employees.
325314	Fertilizer (Mixing Only) Manufacturing	550 employees.
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	650 employees.
486110	Pipeline Transportation of Crude Oil	1,500 employees.
486210	Pipeline Transportation of Natural Gas	$41.5 million.
488310	Port and Harbor Operations	$47.0 million.
517111	Wired Telecommunications Carriers	1,500 employees.
517112	Wireless Telecommunications Carriers (except Satellite)	1.500 employees.
622110	General Medical and Surgical Hospitals	$47.0 million.
713000	Amusement Parks	$47.0 million.

NAICS = North American Industrial Classification System.
Source: Small Business Administration (SBA) 2023. Table of Size Standards. Effective March 17, 2023. *https://www.sba.gov/document/support--table-size-standards.*

The preliminary RIA accompanying the proposed rule provides the estimated number of eligible facilities in the critical infrastructure sectors. The number of small businesses that would apply for a UAFR is uncertain. Similarly, the number of small nonprofit organizations (*e.g.,* Level 1 trauma centers) that would apply for a UAFR is uncertain. States and the federal government are not small governmental jurisdictions under the RFA. However, eligible fixed sites may be owned by small local governments. The number of small local governmental jurisdictions that would apply for a UAFR is also uncertain.

5. Projected Reporting, Recordkeeping, and Other Compliance Requirements

To determine eligibility for and consequently receive a UAFR, an applicant must submit information to FAA. During the initial application phase, the applicant would submit information on the facility, the altitude ceiling, the duration of the flight restriction, a UAS security plan and a demonstration of need. The applicant would also submit information on externalities including costs, disruptions or other negative effects and efforts taken to reduce or limit these effects. The applicant would submit information on environmental effects including information on sensitive land use and other resources. Documentation submitted during a final application review stage would include a description of, and explanation of,

changes to the UAFR since initial submission, and a statement of intent to comply with part 74. FAA estimates that General and Operations Managers at fixed site facilities possess the skills required to meet these requirements at fixed site facilities.

The preliminary RIA accompanying the proposed rule provides the estimated range of costs to applicants ($5,000 to $10,000 for the application process; $2,800 onetime and $1,000 annually for security monitoring capability). Based on average revenues in example industrial sectors,[92] costs would not exceed 2 percent of sales using the high application cost plus the onetime monitoring cost. [93] The exception is firms in the smallest employment size category (less than 5 employees) in the nuclear power industrial classification. However, these are not the specific firms in this sector eligible for a UAFR.[94]

6. Significant Alternatives Considered

The FAA Extension, Safety, and Security Act of 2016 (FESSA), section 2209 (codified at 49 U.S.C. 44802 note), as amended by section 369 of the FAA Reauthorization Act of 2018 (Pub. L. 115–254), as further amended by section 929 of the FAA Reauthorization Act of 2024 (Pub. L. 118–63), requires the Secretary of Transportation to establish a process to allow applicants to petition the Administrator of FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility. In meeting this requirement, FAA considered several alternatives to the framework of the proposed rule, including conducting rulemaking for each UAFR, setting objective criteria under which an applicant automatically would be eligible for a UAFR, and limiting the scope to six critical infrastructure sectors. Section VI.A of this preamble provides a comparison of these alternatives to the proposed rule. FAA also considered alternatives to specific sections of the rule. One section FAA considered was the scope of the UAFR restrictions. FAA initially considered heavily restricting all or nearly all UAS traffic from transitioning a UAFR. In comparison to this alternative, the proposed approach for allowed operations may lessen any adverse impacts on small operators. FAA requests comments on alternatives to the proposed rule that accomplish the stated objectives of the applicable statutes, and that minimize impact of the proposed rule on small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

FAA evaluated the potential effect of this rule and determined that it ensures the safety of the American public by limiting unmanned aircraft flights over eligible fixed site facilities in the U.S. It does not impact foreign commerce of the United States. As a result, FAA does not consider this rule as creating an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or Tribal government or the private sector to incur direct costs without the Federal government having first provided the funds to pay those costs. FAA determined that the proposed rule will not result in the expenditure of $193,000,000 or more ($100,000,000 adjusted for inflation using the most current Implicit Price Deflator for the Gross Domestic Product) by State, local, or Tribal governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number.

This action contains the following proposed new information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), FAA has submitted this proposed new information collection to OMB for its review.

Summary: FAA is proposing to establish the criteria and procedures for operators and proprietors of eligible fixed site facilities to apply to FAA for an unmanned aircraft flight restriction. With this rule FAA proposes to establish an application process for such requests. Operators or proprietors of eligible fixed site facilities would submit documentation and data to FAA through the UAFR Module. The documentation that would be submitted during the initial application review includes applicant and facility information; proposed lateral boundaries and altitude ceiling; 24 months, if available, of historical unmanned activity data; fixed site facility's UAS Security Response Plan; fixed site facility's demonstration of need; potential externalities; and unmanned aircraft flight restriction potential environmental impacts, if any. Documentation submitted during a final application review stage would include a description of, and explanation of, changes to the UAFR since initial submission, and a statement of intent to comply with part 74. Once the UAFR is designated, the operator or proprietor must report UAS activity over the facility in a form and manner acceptable to the Administrator annually.

Use: FAA would use the information collected to implement FESSA section 2209 by determining whether an eligible fixed site facility requesting a UAFR should be granted a UAFR. The information that the applicant would submit to FAA would help demonstrate that the UAFR is necessary for one of the four reasons Congress identified: aviation safety, protection of people and property on the ground, national security, and homeland security.

Respondents (including number of): The number of respondents is uncertain but FAA could receive approximately 9,159 applications over 5 years. Under this scenario, FAA estimates that there will be 5,495 respondents in the first 3 years following promulgation of the rule.

Frequency: Other than submission of information for a first application for a UAFR, operators/proprietors would submit information when they renew applications every five years. Unmanned aircraft operators would submit information to the UAFR Module only if they belong to a permitted category and only if they intend to fly within the UAFR for a permissible purpose.

Annual Burden Estimate: FAA estimates that complying with the reporting, recordkeeping, and disclosing requirements to be imposed on applicants under part 74 will take approximately 55,000 hours and $5.1 million in labor costs, on average, annually, and $4.3 million to $11.9 million in associated cost.

FAA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of FAA, including whether the information collected will have practical utility;

(2) Evaluate the accuracy of FAA's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collecting information on those who are to respond, including by using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Individuals and organizations may send comments on the information collection requirement to the address listed in the **ADDRESSES** section at the beginning of this preamble by August 4, 2026. Comments also should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for FAA, New Executive Office Building, Room 10202, 725 17th Street NW, Washington, DC 20053.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

G. Environmental Analysis

FAA has analyzed the environmental impacts of this proposed rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). FAA has determined this rule is categorically excluded pursuant to Paragraph B–2.6(f) of Appendix B to FAA Order 1050.1G, FAA National Environmental Policy Act Implementing Procedures.[95] Categorical exclusions are categories of actions 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).[96] 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.[97] This rulemaking, which would implement section 2209 of the FAA Extension, Safety, and Security Act of 2016, is categorically excluded pursuant to Paragraph B–2.6(f) of FAA Order 1050.1G: ''Regulations, standards, and exemptions (excluding those that if implemented may cause a significant impact on the human environment.''

As such, this rulemaking action is not expected to result in any potentially significant environmental impacts. In accordance with DOT Order 5610.1D § 9, FAA has reviewed this rulemaking action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

The action that is the subject of this rulemaking, establishment of UAFRs, is also subject to NEPA review. Since FAA's future establishment of UAFRs may have potential to significantly affect the human environment, as defined by the NEPA, the potential environmental impacts of the establishment of UAFR are being reviewed in a Programmatic Environmental Assessment (PEA). Therefore, FAA is preparing a PEA to review the potential environmental impacts of establishing UAFRs at applicant facilities pursuant to NEPA and other relevant laws, Executive Orders and guidance, including FAA's NEPA implementing regulations in FAA Order 1050.1G and FAA Order 7400.2, Chapter 32, as applicable. The PEA embodies a broad assessment of environmental impacts, both adverse and beneficial, that would result from the proposed establishment of UAFRs. FAA expects potential future unmanned aircraft flight restrictions would have similar environmental effects across the country. Specific facility-focused environmental reviews would be conducted later, as necessary, based on FAA's receipt of site-specific information from applicants indicating that a particular UAFR has the potential for environmental impacts that were not known at the time the PEA was developed. The Draft PEA is included in the docket to this rule.[98]

VII. Executive Order Determinations

A. Executive Order 13132, Federalism

FAA has analyzed this proposed rule under the principles and criteria of Executive Order (E.O.) 13132, Federalism. FAA has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Consistent with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,[99] and FAA Order 1210.20, American Indian and Alaska Native Tribal Consultation Policy and Procedures,[100] FAA ensures that Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the potential to affect uniquely or significantly their respective Tribes. At this point, FAA has not identified any unique or significant effects, environmental or otherwise, on Tribes resulting from this proposed rule.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. FAA has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. FAA has analyzed this action under the policies and agency responsibilities of E.O. 13609, and has determined that this action would have no effect on international regulatory cooperation.

VIII. Privacy

With regard to the information persons may submit in accordance with this proposed rule's requirements, FAA conducted a privacy impact assessment (PIA) under section 522(a)(5) of division H of the FY 2005 Omnibus Appropriations Act, Public Law 108–447, 118 Stat. 3268 (Dec. 8, 2004) and section 208 of the E-Government Act of 2002, Public Law 107–347, 116 Stat. 2889 (Dec. 17, 2002).

As part of the PIA, FAA analyzed the effect the proposed rule might have on collecting, storing, and disseminating personally identifiable information (PII) of Unmanned Aircraft Flight Restriction Applicants. FAA also examined and evaluated protections and alternative information-handling processes in developing the proposed rule to mitigate potential privacy risks. A copy of the draft PIA is posted in the docket for this rulemaking.[101]

IX. Additional Information

A. Comments Invited

FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. FAA also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rule. Before acting on this proposal, FAA will consider all comments it receives on or before the closing date for comments. FAA may change this proposal in light of the comments it receives.

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

B. Confidential Business Information or Classified Information

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 is relevant or responsive to this NPRM, it is important you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' 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 the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

If your comment contains classified, controlled unclassified information not intended for public release, sensitive security information, or other information, contact the person named in the **FOR FURTHER INFORMATION CONTACT** section of this document for information on how to securely provide that comment to FAA.

C. Electronic Access and Filing

A copy of this NPRM, all comments received, any final rule, and all background material may be viewed online at *www.regulations.gov* using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *www.federalregister.gov* and the Government Publishing Office's website at *www.govinfo.gov.* A copy may also be found at FAA's Regulations and Policies website at *www.faa.gov/regulations_policies.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104 121, 110 Stat. 857, Mar. 29, 1996) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 74

Airspace, Aircraft, Incorporation by reference, Reporting and recordkeeping requirements, Safety, Security measures.

14 CFR Part 91

Aircraft, Airmen, Aviation safety.

14 CFR Part 107

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements, Security measures.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

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

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

■ 2. Amend § 1.1 by adding the term ''unmanned aircraft flight restriction'' in alphabetical order to read as follows:

§ 1.1 General definitions.

* * * * *

Unmanned aircraft flight restriction is airspace designated under part 74 within which the operation of unmanned aircraft is subject to restriction.

* * * * *

■ 3. Amend § 1.2 by adding the abbreviation ''UAFR'' in alphabetical order to read as follows:

§ 1.2 Abbreviations and symbols.

* * * * *

UAFR means an unmanned aircraft flight restriction.

* * * * *

■ 4. Add part 74 to read as follows:

PART 74—DESIGNATION OF UNMANNED AIRCRAFT FLIGHT RESTRICTIONS

Subpart A—General

74.1 Definitions.
74.5 Standard unmanned aircraft flight restriction designation.
74.6 Special unmanned aircraft flight restriction designation.
74.10 Applicability.
74.15 Requesting a standard or special unmanned aircraft flight restriction.
74.20 Obligation to update.
74.30 Incorporation by reference.

Subpart B—Minimum Requirements

74.50 General.
74.52 Applicant and facility information.
74.54 Eligible facilities.
74.56 Protective security.
74.58 Lateral boundary.
74.60 Altitude ceiling.
74.62 Activation duration of unmanned aircraft flight restriction.
74.64 Unmanned aircraft system security and incident response plans.
74.66 Demonstration of need.
74.68 Externalities.
74.70 Environmental impact.

Subpart C—Sector-Specific Requirements

74.81 Chemical sector.
74.82 Commercial facilities sector.
74.83 Communications sector.
74.84 Critical manufacturing sector.
74.85 Dams sector.
74.86 Defense industrial base sector.
74.87 Emergency services sector.
74.88 Energy sector.
74.89 Financial services sector.
74.90 Food and agriculture sector.
74.91 Government services and facilities sector.
74.92 Healthcare and public health sector.
74.93 Information technology sector.
74.94 Nuclear reactors, materials, and waste sector.
74.95 Transportation systems sector.
74.96 Water and wastewater systems sector.

Subpart D—Evaluation

74.100 Evaluation.

Subpart E—Reconsideration

74.160 Petitions to reconsider denial.

Subpart F—Term, Amendments, Renewal, and Cancelation

74.200 Term.
74.205 Amendments.
74.210 Renewal.
74.215 Modification and Cancelation.

Subpart G—Access to Unmanned Aircraft Flight Restrictions

74.250 Allowed operations.
74.251 Access procedures for a special unmanned aircraft flight restriction.
74.255 Unmanned aircraft flight restriction access notification.

Subpart H—Enforcement and Penalties

74.260 Enforcement and Penalties.
Appendix A to Part 74– Guidance for Determining Minimum Concentration Percentages and Screening Threshold Quantities

Authority: 49 U.S.C. 106(f), 40101(d), 40103(a)(2), 40103(b), 44701(a)(5), 44802 note.

Subpart A—General

§ 74.1 Definitions.

The following definitions apply to this part. If there is a conflict between the definitions of this part and the definitions specified in § 1.1 of this chapter, the definitions in this part control for purposes of this part:

Applicant means the operator or proprietor requesting an unmanned aircraft flight restriction under this part.

Continuous unmanned aircraft flight restriction means an unmanned aircraft flight restriction active 24 hours a day year-round.

Critical Infrastructure has the meaning given in 42 U.S.C. 5195c(e), and includes systems and assets in all of the designated 16 critical infrastructure sectors initially identified Presidential Policy Directive 21 and later in National Security Memorandum 22 of April 30, 2024 (Critical Infrastructure Security and Resilience) (NSM–22).

Designated Representative means an individual who serves as the authorized agent of the operator or proprietor.

Designated unmanned aircraft flight restrictions are the unmanned aircraft flight restrictions designated in FAA Order JO 7400.12 (incorporated by reference, see § 74.30).

Fixed site facility means a permanent structure, building, or asset with defined geographic boundaries. A mobile, virtual, temporary, or impermanent facility does not constitute a fixed site facility.

Operator or *proprietor* means any person who operates or has an ownership interest in the fixed site facility or who has a legal right or title to the property within the boundaries of a requested unmanned aircraft flight restriction or within the boundaries of an unmanned aircraft flight restriction after it is issued. The term operator or proprietor includes anyone with a legal right or title arising from an easement, right of way, or leasehold. There may be more than one operator or proprietor where multiple entities have legal rights to or ownership interests in the facility and property within the boundaries of the requested unmanned aircraft flight restriction.

Part-time unmanned aircraft flight restriction means an unmanned aircraft flight restriction active 24-hours per day for no more than 290 consecutive days.

Security perimeter means a boundary that restricts or limits access to a specific location. A security perimeter may be tangible, such as a gate or fence, or intangible and implemented through measures such as surveillance cameras or patrols. It may also be a natural feature that cannot be easily traversed.

Site manager means the individual who serves as the operator or proprietor's authorized representative for the purpose of receiving notification of allowed operations under subpart G of this part.

Unmanned aircraft flight restriction means an unmanned aircraft flight restriction that includes standard unmanned aircraft flight restrictions as described in § 74.5 and special unmanned aircraft flight restrictions described in § 74.6, unless otherwise specified in this part.

§ 74.5 Standard unmanned aircraft flight restriction designation.

(a) *General.* FAA may designate airspace under this part to restrict unmanned aircraft operations. At the discretion of the FAA Administrator, a standard unmanned aircraft flight restriction may be established for a specific location as requested by another Federal department or agency.

(b) *Characteristics.* Airspace designated as an unmanned aircraft flight restriction under this part must have the following characteristics:

(1) A horizontal limit defined by a lateral boundary.

(2) A vertical limit defined by an altitude ceiling.

(3) A continuous or part-time activation period.

§ 74.6 Special unmanned aircraft flight restriction designation.

(a) *General.* At the Administrator's discretion or at the request of a Federal security or intelligence agency, the Department of Defense, or the Department of Energy, the FAA may designate airspace as a Special Unmanned Aircraft Flight Restriction (Special UAFR) when supported by a credible safety or security threat.

(b) *Characteristics.* In addition to the requirements of § 74.5, a Special UAFR must have a designated using agency and include the lateral boundaries, altitude limits, and activation periods specified under §§ 74.58, 74.60, and 74.62.

§ 74.10 Applicability.

The requirements contained in this part apply to any person who:

(a) Requests FAA restrict the operation of unmanned aircraft in close proximity to a fixed site facility, as defined in this part, in the United States;

(b) Is responsible for the management of an unmanned aircraft flight restriction designated under this part;

(c) Submits comments for consideration during processing of a requested or amended unmanned aircraft flight restriction; or,

(d) Operates an unmanned aircraft in an unmanned aircraft flight restriction in the United States.

§ 74.15 Requesting an unmanned aircraft flight restriction.

An operator or proprietor of a fixed site facility seeking an unmanned aircraft flight restriction must comply with the following in a form and manner acceptable to the Administrator:

(a) Demonstrate to FAA the fixed site facility meets the minimum criteria, as described in § 74.54 of this part;

(b) Submit documentation to FAA demonstrating there is sufficient need for an unmanned aircraft flight restriction, as described in subparts B and C of this part;

(c) Submit documentation to FAA that supports an environmental analysis, as described in subpart B of this part;

(d) Submit an application for an unmanned aircraft flight restriction, as described in subpart D of this part.

§ 74.20 Obligation to update.

(a) An operator or proprietor has a continuing obligation to update information submitted to FAA during the application process and after FAA designation of an unmanned aircraft flight restriction. The operator or proprietor must report these updates to FAA within five business days of becoming aware of the change in a form and manner acceptable to the Administrator, except as provided in paragraph (b) of this section.

(b) An operator or proprietor must report unmanned aircraft operations authorized under subpart G of this part as well as unauthorized operations in a form and manner acceptable to the Administrator annually.

(c) An unmanned aircraft flight restriction is subject to ongoing review by the Administrator. To support that review, the Administrator may require the operator or proprietor to provide information in paragraph (b) of this section on a more frequent basis.

(d) The operator or proprietor of a facility covered by a UAFR shall promptly notify the FAA of any material change in circumstances that affects the continuing need for the restriction.

(e) Failure to maintain current information may result in denial of the application under subpart D of this part or cancelation of the unmanned aircraft flight restriction under subpart F of this part.

§ 74.30 Incorporation by reference; designated unmanned flight restrictions.

(a) Unmanned aircraft flight restrictions designated by FAA are listed in FAA Order JO 7400.12, Unmanned aircraft flight restriction designations, dated [TBD]. FAA Order JO 7400.12 is incorporated by reference with the approval of the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order JO 7400.12 is effective [MM/DD/YYYY] through [MM/DD/YYYY+1]. This incorporation by reference (IBR) material is available for inspection at the FAA and at the National Archives and Records Administration (NARA). Contact FAA at Rules and Regulations Group, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597, (202) 267–8783. An electronic version of FAA Order JO 7400.12 is available on FAA's website at *www.faa.gov/air_traffic/publications.* For information on the availability of this material at NARA, visit *www.archives.gov/federalregister/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

(b) Before updating FAA Order JO 7400.12, FAA will publish any proposed changes to the unmanned aircraft flight restriction designations, in full text, as proposals in the **Federal Register**, unless there is good cause to forgo notice and comment rulemaking, followed by publication of associated final rules in the **Federal Register**. FAA will then integrate these interim updates into the next edition of FAA Order JO 7400.12. FAA will request that the Director of the Federal Register approve the IBR of the next edition of the order as of [MM/DD/YYYY+1].

Subpart B—Minimum Requirements

§ 74.50 General.

To apply for an unmanned aircraft flight restriction, an applicant must provide to FAA the information identified in this subpart in a form and manner acceptable to the Administrator.

§ 74.52 Applicant and facility information.

(a) *Contact information.* The applicant must provide the name and contact information for each of the following:

(1) The applicant;

(2) All operators or proprietors, as defined in § 74.1.

(3) A designated representative to serve as the authorized agent of, and represent the interests of, the applicant seeking an unmanned aircraft flight restriction.

(4) A site manager who will coordinate allowed operations with members of the public in accordance with subpart G of this part;

(b) *Facility information.* The applicant must provide the following information:

(1) The name, physical address, mailing address (if different from the physical address), telephone number, email address, and website (if applicable) of the fixed site facility;

(2) A detailed description of the fixed site facility, including a legal description of the property, the boundaries on which the fixed site facility is located, and the height of the tallest structure associated with the fixed site facility.

§ 74.54 Eligible facilities.

Unless otherwise authorized by the Administrator, to be eligible to apply for an unmanned aircraft flight restriction an applicant must demonstrate the request is for a facility that—

(a) Meets the definition of fixed site facility in § 74.1;

(b) Meets the definition of critical infrastructure as defined in § 74.1;

(c) Fulfills the criteria of a sector under subpart C of this part;

(d) Has protective security as described in § 74.56;

(e) Has one or more critical assets or components of the facility operations that are vulnerable to unmanned aircraft systems;

(f) Demonstrates how the factors listed in paragraphs (a) through (e) of this section demonstrate that damage or disruption to, or destruction of, the facility would have a regional or national-level debilitating impact.

§ 74.56 Protective security.

Protective security is physical security measures for a facility that includes all of the following:

(a) Access to the facility, certain areas of the facility, or key components of the facility must be restricted;

(b) The facility must have designated security personnel; and

(c) The facility must have security monitoring.

(d) For purposes of paragraph (c) of this section, security monitoring must include the capability, either directly or through a contracted service, to receive broadcast Remote Identification messages from unmanned aircraft

operating within or in close proximity to the requested unmanned aircraft flight restriction, using equipment that is compatible with the requirements of part 89 of this chapter. Nothing in this paragraph authorizes electronic interference or interception of aircraft or navigation signals.

§ 74.58 Lateral boundary.

(a) The applicant must provide a description of the lateral boundary for the requested unmanned aircraft flight restriction.

(b) The lateral boundary of the unmanned aircraft flight restriction must be narrowly tailored to the specific security concern and may not:

(1) Exceed the fixed site facility property boundary; or

(2) Overlap in whole or in part with a permanent airspace restriction.

§ 74.60 Altitude ceiling.

(a) The applicant must identify the requested altitude ceiling for the requested unmanned aircraft flight restriction.

(b) The altitude ceiling must not:

(1) Overlap in whole or part with a permanent airspace restriction; or

(2) Exceed 400 feet above ground level, except in accordance with paragraph (c) of this section.

(c) If the tallest component of the fixed site facility located within the lateral boundary of the requested unmanned aircraft flight restriction exceeds 300 feet above ground level, the flight restriction may extend vertically from the surface to the height of that tallest component plus 100 feet rounded up to the next 50-foot increment across the entire flight restriction.

§ 74.62 Activation duration of unmanned aircraft flight restriction.

(a) An applicant must request either a continuous unmanned aircraft flight restriction or a part-time unmanned aircraft flight restriction and provide documentation to support the facility's eligibility in accordance with this section.

(b) A continuous unmanned aircraft flight restriction is active 24 hours each day, seven days per week, year-round. A fixed site facility may be eligible for a continuous unmanned aircraft flight restriction if it met the relevant eligible sector's criteria in § 74.54 more than 290 days during the previous calendar year.

(c) A part-time unmanned aircraft flight restriction is active 24 hours each day, for 290 or fewer consecutive days per year. A fixed site facility may be eligible for a part-time unmanned aircraft flight restriction if it met the relevant eligible industry's criteria in § 74.60 fewer than 290 days during the previous calendar year.

§ 74.64 Unmanned aircraft system security and incident response plans.

In a form and manner acceptable to the Administrator, the applicant must provide the fixed site facility's unmanned aircraft system security and incident response plans to address the vulnerabilities and consequences described in § 74.66. The applicant must also provide a description of the security perimeter(s), as defined in § 74.1, if not included in the unmanned aircraft system security and incident response plans.

§ 74.66 Demonstration of need.

The applicant must provide data and documentation in a form and manner acceptable to the Administrator that describes:

(a) *Existing unmanned aircraft traffic patterns.* Describe unmanned aircraft operations over the fixed site facility during the last 24 months, where available. The description must include the type of unmanned aircraft operation, if known; identify whether the operator is known to the operators or proprietors; and quantify the total number of operations not associated with the facility itself.

(b) *Vulnerability.* Describe the weaknesses or gaps that may be intentionally or unintentionally exploited by unmanned aircraft to the detriment of the facility's operation or mission, irrespective of the facility's unmanned aircraft system security plan. Include information on the specific assets or elements of the facility that may be exploited.

(c) *Consequence.* Describe the consequences of the vulnerability identified in paragraph (b) of this section if exploited. Include information on how the weaknesses or gaps described in paragraph (b) of this section may affect:

(1) The facility's operation or mission; and

(2) Aviation safety, the protection of persons and property on the ground, national security, or homeland security.

(d) *Effect.* Describe how the unmanned aircraft flight restriction would be integrated into a facility's security plans to supplement existing security measures.

(e) *Sector Risk Management Agency Support.* In meeting the requirements of this section, the applicant may consult with and obtain information, analysis, technical data, and other information, as authorized and appropriate, from their respective Sector Risk Management Agency.

§ 74.68 Externalities.

In a form and manner acceptable to the Administrator the applicant must describe the following items, if any, that could result from the designation of the requested unmanned aircraft flight restriction:

(a) Costs, disruptions, or other negative effects to manned and unmanned users of the airspace, including re-routing known traffic, or displacement of existing or planned commercial unmanned aircraft routes,;

(b) Any efforts taken to reduce or limit those costs, disruptions, or other negative effects; and

(c) Any measures the applicant has taken or will take to minimize these externalities, such as narrowing the lateral boundary, coordinating with local UAS operators, or adjusting security posture to rely on narrower mitigations.

§ 74.70 Environmental impact.

The Administrator is responsible for complying with the procedures and policies of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws, regulations, and Executive Orders prior to designating an unmanned aircraft flight restriction. An operator or proprietor must provide FAA with the following information needed to comply with these requirements. FAA will consider and document the potential environmental effects associated with designating an unmanned aircraft flight restriction.

(a) Each operator or proprietor must provide FAA information that identifies and describes sensitive land uses and other resources identified in paragraphs (a)(1) through (10) of this section that are within, adjacent, or proximate to the boundary of the proposed unmanned aircraft flight restriction. Such information must include the following land uses and resource types (name, specific geographic location, the category in which the land use falls, and any other information that could be used in the assessment of environmental impacts, etc.):

(1) Historic or cultural resources protected under the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 300101 *et seq.;*

(2) Presence of Tribal land of Federally Recognized Tribes or areas to which Federally Recognized Tribes have ancestral ties or religious and cultural affiliations;

(3) Properties protected under section 4(f) of the Department of Transportation Act (49 U.S.C. 303(c));

(4) Recreational or park land purchased with section 6(f) Land and

Water Conservation Funds (54 U.S.C. 200305(f));

(5) Any federal or State listed endangered, threatened, or candidate species or designated critical habitat, including species protected by individual statute;

(6) Any seasonal nesting sites, rookeries, or flyways for migratory or other listed, threatened or endangered avian species protected under the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) or other relevant and applicable State and Federal protections;

(7) Wilderness Areas;

(8) Wild and Scenic Rivers (those that are known for recreation or vistas) (16 U.S.C. 1271 *et seq.*);

(9) Noise sensitive areas and land uses, and

(10) Other site-specific information as may be necessary to assess potential for adverse impacts to the environment on, near, or adjacent to applicant facilities.

(b) FAA may require the operator or proprietor do the following when appropriate:

(1) Prepare a site-specific analysis of circumstances or actions that could result in environmental impacts;

(2) Provide information to support FAA's development of an Environmental Assessment or its equivalent;

(3) Assume financial responsibility for preparation of documentation required by NEPA by an FAA-selected and -managed consultant contractor; or

(4) Provide any other information related to environmental impacts the Administrator deems relevant.

Subpart C—Sector-Specific Requirements

§ 74.81 Chemical sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility uses, manufactures, stores, transports, possesses or distributes one or more hazardous-release chemicals at or above the minimum concentration percentages and screening threshold quantities as outlined in appendix A to this part.

§ 74.82 Commercial facilities sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility meets all of the following requirements:

(a) Has an annual attendance that met or exceeded 2,500,000 visitors in the previous calendar year;

(b) Has ticketing or entry control procedures;

(c) Is primarily outdoors and not enclosed;

(d) Is open to the public at least 120 days of the year;

(e) Is not a stadium or venue where the events may be covered by temporary flight restrictions.

§ 74.83 Communications sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Broadcast network facility—with antennas or transmitters that are essential for the transmission of public safety information and emergency alerts;

(b) Cellular tower, base station, or node of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security;

(c) Satellite uplink and downlink station of which disruption could result in debilitating impact to regional or national, public health, financial systems, or national security;

(d) Facility underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors (*e.g.,* financial systems, healthcare, energy grid supervisory control and data acquisition systems, national security systems, network operations centers); or

(e) Data center/internet exchange point and colocation facilities that contain peak traffic throughput of at least 1 terabit per second.

§ 74.84 Critical manufacturing sector.

A fixed site facility satisfies the requirements under § 74.54(c) if—

(a) The facility is within one of the four key functional areas of the critical manufacturing sector. These functional areas are aligned to the North American Industry Classification System (NAICS) and include: Primary Metal Manufacturing; Machinery Manufacturing; Electrical Equipment, Appliance, and Component Manufacturing; and Transportation Equipment Manufacturing; and

(b) Has one or more critical components of facility operations occurring in an exposed area without enclosed walls or roofs.

§ 74.85 Dams sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Dam assigned in the National Inventory of Dams database as high- or significant-hazard potential classification and meets one of the following minimum thresholds:

(1) A hydroelectric dam with a combined nameplate capacity of 350 megawatts or more of power and have produced 1,850,000 megawatt hours or greater during the previous calendar year;

(2) A facility with a drinking water supply function that constitutes the main source of water to a population exceeding 500,000; or

(3) A facility with annual total water deliveries (including municipal, industrial, and/or agricultural purposes) exceeding $100 million or 800,000 acre-feet.

(b) Lock that has a navigation function associated with annual traffic exceeding 25,000 kilotons.

§ 74.86 Defense industrial base sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a Department of Defense contractor or subcontractor located within the United States as that term is defined in § 1.1 of this chapter and demonstrates their scope of work specifically pertains to the development, production, or support of mission critical functions including but not limited to:

(a) Aircraft assembly;

(b) Missile defense;

(c) Munitions and energetics;

(d) Nuclear modernization, including nuclear command, control, and communications;

(e) Shipbuilding;

(f) Space launch vehicles and payload construction and launch sites; or

(g) Unmanned systems and counter unmanned systems.

§ 74.87 Emergency services sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Institution under State jurisdiction where the primary purpose of the facility is for the confinement of individuals convicted of a felony; or

(b) Correctional facility (Federal, local, Tribal, territorial, or private) able to house 500 or more inmates.

§ 74.88 Energy sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Electricity facility that meets the following criteria:

(1) The facility is a power-generation facility with a combined nameplate capacity of 500 megawatts or greater of power;

(2) The facility is an electrical substation with a capacity of 500kilovolts or greater of power; or

(3) The facility is an electrical substation with a capacity of 345kilovolts or greater of power in the Electric Reliability Council of Texas.

(b) Oil refinery that meets the following criteria:

(1) It is a facility where crude oil is converted into petroleum product; and

(2) The facility has the capacity to produce 100,000 barrels per day or more of a petroleum product.

(c) Natural gas facility that meets the following criteria:

(1) It is a facility where natural gas is processed into dry natural gas (also known as pipeline quality or consumer grade gas); and

(2) The facility has a processing capacity of at least 500 million cubic feet per day (MMcf/d) of natural gas.

§ 74.89 Financial services sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Financial services Corporate Headquarters or Regional Operations Center that houses C-suite or high-value personnel, or is located in urban centers or high-visibility areas;

(b) Cash Vault, Currency Processing, or ATM Support Facility that has high-volume cash throughput or services multiple branches;

(c) Trading Floors or Financial Exchange that is a high-value site for securities and commodities trading and market infrastructure with real-time trading, media presence, or systemic importance; or

(d) Third-Party Service Provider Facility that supports transaction processing, custody, authentication, or cloud services.

§ 74.90 Food and agriculture sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility—

(a) [Reserved]

§ 74.91 Government services and facilities sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility demonstrates through a comprehensive risk assessment and documented risk management plan that includes correlating protective security measures that is a high-risk, high-security government facility with a national security role and critical mission-oriented service. This determination resulted from a comprehensive risk assessment that evaluated facility attributes such as symbolism, facility size, mission criticality, facility population, threats to tenant agency, and other intangible factors.

§ 74.92 Healthcare and public health sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Level I trauma center with helipad(s); or

(b) Pediatric level I trauma center with helipad(s).

§ 74.93 Information technology sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Data center hosting cross-sectoral data or platform dependencies (*e.g.,* Software/cloud Platform, domain name system root zones, cloud platforms, federal systems, Infrastructure as a Service providers) where a loss, degradation, or compromise of such services could have a debilitating impact on national security, defense, or continuity of critical government operations;

(b) Data center underpinning interconnected services where disruption could result in regional or national-level debilitating impact to multiple downstream sectors;

(c) internet exchange point and collocated data centers that contain peak traffic throughput of at least 1 terabit per second (Tbps); or

(d) Exposed long-haul fiber-optic cables at data centerswhere a loss, degradation, or compromise of such networking infrastructure could have a debilitating impact on national security, defense, or continuity of critical government operations.

§ 74.94 Nuclear reactors, materials, and waste sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Nuclear power plant that is currently operating and generating electricity;

(b) Facility that converts, enriches, fabricates, or reprocesses nuclear material for nuclear reactor fuel;

(c) Former nuclear power plant site with spent nuclear fuel, off-site spent nuclear fuel and high-level radioactive waste independent spent fuel storage installations, consolidated interim storage facilities, or monitored retrievable storage installations;

(d) Isotope production facility where a disruption from an unmanned aircraft system incident could halt isotope supply for medical diagnostics/treatment; or

(e) Nuclear research and test reactors.

§ 74.95 Transportation systems sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility is a(n)—

(a) Rail facility required by law to have a rail secure area as defined in 49 CFR 1500.3;

(b) Intermodal transportation hub that serves three or more of the following: ferries, commuter rail, heavy rail transit, Amtrak, and intercity buses;

(c) Pipeline pump station that is immediately upstream of mountain ranges (*i.e.,* hydraulically critical);

(d) Pipeline compressor station that is just upstream of electric power generating plants or major metropolitan areas;

(e) Electric substation providing power to pipeline pumping and compressor stations;

(f) Electric substation providing power to railroad catenary systems;

(g) Pipeline control station/room that is a sole source supply to cities, airports, and national defense infrastructure;

(h) Highway bridge or tunnel that serves 50,000 or more vehicles daily and has a structure length of at least a half mile; or

(i) Facility regulated by the Maritime Transportation Security Act and currently has an active Facility Security Plan (FSP) or is covered by Commandant approved Alternate Security Plan (ASP).

§ 74.96 Water and wastewater systems sector.

A fixed site facility satisfies the requirements under § 74.54(c) if the facility—

(a) [Reserved]

Subpart D—FAA Evaluation and Determination

§ 74.100 Evaluation.

(a) *General.* The FAA will review and evaluate the information submitted to determine whether the applicant demonstrated a need that justifies an unmanned aircraft flight restriction based on the totality of the circumstances. The FAA may consider all the following:

(1) The facility's vulnerability identified in § 74.66(b).

(2) The potential consequences of an unmanned aircraft-related event, incident, or occurrence identified in § 74.66(c).

(3) The facility's UAS security and UAS incident response plan as identified in § 74.64.

(4) The effect of the unmanned aircraft flight restriction identified in § 74.66(d).

(5) The externalities identified in § 74.68(a).

(6) Efforts taken to reduce or limit externalities, identified in § 74.68(b).

(7) Environmental impact, as identified in § 74.70.

(8) The impact of the unmanned aircraft flight restriction on:

(i) Aviation safety;

(ii) Protection of people and property on the ground;

(iii) National security; and

(iv) Homeland security.

(9) Any other relevant information the FAA deems necessary.

(b) *Supplemental information.* At any time during the review, FAA may require the applicant to provide supplemental data, documentation, or other information to support FAA's evaluation.

(c) *Conditional Approval.* After FAA concludes its review and evaluation under paragraph (a) of this section to include a security assessment from the applicable SRMA, FAA will either deny the applicant's request with a basis for its determination or conditionally approve an unmanned aircraft flight restriction. If the FAA conditionally approves an unmanned aircraft flight restriction FAA will publish a notice of proposed rulemaking proposing the final designation unless FAA has good cause to forgo notice and comment.

(d) *Unmanned Aircraft Flight Restriction Final Determination.* Meeting the minimum requirements in subparts B and C of this part does not entitle an applicant to an unmanned aircraft flight restriction. The Administrator retains sole discretion, to deny a request when, in light of the totality of the circumstances, the Administrator determines that an unmanned aircraft flight restriction is not necessary or would unduly affect the efficient use of the navigable airspace. When making the final determination the FAA will evaluate the information submitted in the application and NPRM to determine whether to issue or deny the requested unmanned aircraft flight restriction. In reaching its final determination, the FAA may consider:

(1) Information the applicant submitted to the FAA at any point in the process;

(2) Any changes or updates the applicant submitted to the FAA;

(3) Any public comments received; and

(4) Any other information the Administrator deems relevant.

(e) *Approval.* If the FAA approves the application under paragraph (d), the FAA will notify the applicant and publish the unmanned aircraft flight restriction in accordance with § 74.30.

(f) *Denial.* If FAA denies an application, the FAA will notify the applicant of the basis for the denial. An applicant may petition for reconsideration of a denial in accordance with § 74.160 within 30 days of receiving notice of denial in accordance with this section.

Subpart E—Reconsideration

§ 74.160 Petitions to reconsider denial.

(a) *Petition.* Any applicant may appeal FAA's decision to deny a request for an unmanned aircraft flight restriction by submitting a petition to FAA in a form and manner acceptable to the Administrator within 30 calendar days of a denial pursuant to § 74.100.

(b) *Demonstration of Error.* The petition must demonstrate one of the following:

(1) The existence of a material fact not previously presented to FAA;

(2) The Administrator made a material error of fact; or

(3) The Administrator did not correctly interpret a law, regulation, or precedent.

Subpart F—Term, Amendments, Renewal, Modifications, and Cancelation

§ 74.200 Term.

An unmanned aircraft flight restriction granted under this part is effective for a term not to exceed five years from the effective date. If the operator or proprietor fails to seek renewal, the unmanned aircraft flight restriction will expire at the end of the term.

§ 74.205 Amendments.

(a) The operator or proprietor of a fixed site facility for which FAA issued an unmanned aircraft flight restriction may apply to amend that restriction.

(b) For requests that increase the altitude ceiling, lateral boundary, or activation duration of the flight restriction, the operator or proprietor must apply for an amendment following the process in subparts B and D of this part.

(c) For all other requests, the operator or proprietor must notify FAA in accordance with § 74.20.

§ 74.210 Renewal.

(a) *Request.* An operator or proprietor requesting to renew an unmanned aircraft flight restriction must submit a request for renewal no later than 120 days prior to the expiration of the unmanned aircraft flight restriction in a form and manner acceptable to the Administrator. The Administrator may deny requests submitted less than 120 days from the current expiration date.

(b) *Determination.* The Administrator may grant, grant in part, or deny the request for renewal.

(c) *Supplemental information.* The Administrator may require the operator or proprietor to submit information identified in subpart B of this part to support the request for renewal.

§ 74.215 Modification and cancelation.

(a) *Operator or proprietor cancelation requests.*

(1) The operator or proprietor may request that FAA cancel the unmanned aircraft flight restriction by notifying FAA in a form and manner acceptable to the Administrator for any reason, at any time.

(2) The operator or proprietor must submit a request to cancel the unmanned aircraft flight restriction within 5 business days of a change in facts or circumstances that result in the fixed site facility not meeting the eligibility criteria for an unmanned aircraft flight restriction in § 74.60.

(b) *FAA modification and cancelation.*

(1) The Administrator may cancel or modify the flight restriction if the Administrator determines that the basis for designating the unmanned aircraft flight restriction no longer meets the requirements of this part or the operator or proprietor does not comply with the requirements of this part.

(2) The operator or proprietor has 30 days from the issuance of the notice to submit information demonstrating why the unmanned aircraft flight restriction should not be canceled. FAA will consider this information when determining whether to cancel the unmanned aircraft flight restriction.

Subpart G—Access to unmanned aircraft flight restrictions

§ 74.250 Allowed operations.

(a) *General.* Unless otherwise authorized by the Administrator unmanned aircraft may only operate within an unmanned aircraft flight restriction if the unmanned aircraft meets the following requirements:

(1) The unmanned aircraft broadcasts remote identification in accordance with 14 CFR part 89.

(2) The unmanned aircraft transitions the UAFR in the shortest amount of time practicable.

(3) The unmanned aircraft is one of the operations described in paragraphs (b)–(f) of this section.

(4) The unmanned flight restriction is a standard unmanned aircraft flight restriction established under § 74.5.

(b) *Part 91 Operations.* An unmanned aircraft may operate within an

unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 91 with an airman certificate or as a Public Aircraft Operation (PAO).

(c) *Part 107 Operation.* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 107 with an airman certificate.

(d) *Part 108* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under proposed 14 CFR part 108 as a permitted or certificated operation.

(e) *Part 135 Operation.* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 135 with a 14 CFR part 119 certificate.

(f) *Part 137 Operation.* An unmanned aircraft may operate within the unmanned aircraft flight restriction if the unmanned aircraft is operated under 14 CFR part 137 with an airman certificate and a 14 CFR part 137 certificate.

§ 74.251 Access procedures for a special unmanned aircraft flight restriction.

(a) *General.* Unless otherwise authorized by the Administrator, unmanned aircraft may only operate within a special unmanned aircraft flight restriction established under § 74.6 if the unmanned aircraft meets the following requirements:

(1) The unmanned aircraft has the approval of the using agency; and

(2) If the aircraft is not operated by the using agency, the unmanned aircraft must have the approval of the Administrator in a form and manner acceptable to the Administrator.

§ 74.255 Unmanned aircraft flight restriction access notification.

(a) *General.* Any person that operates or plans to operate an unmanned aircraft in accordance with § 74.250 in an unmanned aircraft flight restriction must provide notice to the fixed site facility site manager in a form and manner acceptable to the Administrator.

(b) *Contents.* The notice must include:

(1) Name, mailing address, email address, and phone number of the person providing notice;

(2) Name and on-site phone number of the person(s) operating the unmanned aircraft;

(3) Airman certificate number or 14 CFR Part 108 permit or certificate number the allowed operation is being conducted under.

(4) Remote Identification Serial Number(s) associated with allowed operation.

(5) Unmanned aircraft registration number(s);

(6) Information identifying the unmanned aircraft flight restriction site;

(7) Date, approximate time, number of unmanned aircraft, and area of operations within the unmanned aircraft flight restriction.

(8) Type of operation permitted in accordance with § 74.250.

(c) *Timeline for Notification.* An operator must provide notice as soon as reasonably possible in advance of the operation; unless the operation is conducted by or on behalf of a government agency or law enforcement acting within the scope of their legal authority then notification must be provided verbally as soon as reasonably possible and written notification within seven calendar days.

Subpart H—Enforcement and Penalties

§ 74.260 Enforcement and penalties.

(a) Unmanned aircraft flight restrictions issued for a national security or homeland security purpose under this part are promulgated pursuant to 49 U.S.C. 40103(b)(3).

(b) Any person who knowingly or willfully violates an unmanned aircraft flight restriction issued under this part pursuant to paragraph (a) of this section may be subject to criminal penalties under 49 U.S.C. 46307.

(c) Violators of an unmanned aircraft flight restriction issued under this part pursuant to paragraph (a) of this section may also be subject to a civil penalty action or suspension or revocation of any certificate, rating, or authorization held by that person.

Appendix A—Guidance for Determining Minimum Concentration Percentages and Screening Threshold Quantities

Guidance for determining the minimum concentration percentages and screening threshold quantities in the included appendix A section are listed below.[102] This guidance is critical to ensure that chemical quantities are measured correctly in the context of chemical security concerns.

(a) The following requirements apply to all appendix A release chemicals. Only include the following:

1. In a vessel as defined in 40 CFR 68.3, in an above ground storage facility, or stored in an above ground magazine as defined in 27 CFR 555.11;

2. In transportation containers used for storage not incident to transportation, including transportation containers connected to equipment at a facility for loading or unloading and transportation containers detached from the motive power that delivered the container to the facility;

3. Present as process intermediates, by-products, or materials produced incidental to the production of a product if they exist at any given time;

4. In natural gas or liquefied natural gas stored in above ground peak shaving facilities;

5. In gasoline, diesel, kerosene, or jet fuel (including fuels that have flammability hazard ratings of 1, 2, 3, or 4, as determined by 6 CFR 27.204(a)(2)), stored in above ground tank farms, including tank farms that are part of pipeline systems.

(b) The following requirements are related to specific categories of release chemicals.

1. Release-Toxic Chemicals. If a release-toxic chemical of interest is present in a mixture, and the concentration of the chemical is equal to or greater than one percent (1%) by weight, the facility shall count the amount of the chemical of interest in the mixture toward the screening threshold quantity. If a release-toxic chemical of interest is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight of the mixture, the facility need not count the amount of that chemical in the mixture in determining whether the facility possesses the screening threshold quantity.

i. Except for oleum, if the concentration of the chemical of interest in the mixture is one percent (1%) or greater by weight, but the facility can demonstrate that the partial pressure of the regulated substance in the mixture (solution) under handling or storage conditions in any portion of the process is less than 10 millimeters of mercury (mm Hg), the amount of the substance in the mixture in that portion of a vessel need not be considered when determining the screening threshold quantity. The facility shall document this partial pressure measurement or estimate.

2. Release-Flammable Chemicals. If a release-flammable chemical of interest is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a National Fire Protection Association flammability hazard rating of 4, the facility shall count the entire amount of the mixture toward the screening threshold quantity. Except as provided in 6 CFR 27.203(b)(1)(v) for fuels that are stored in above ground tank farms (including farms that are part of pipeline systems), if a release-flammable chemical of interest is present in a mixture in a concentration equal to or greater than one percent (1%) by weight of the mixture, and the mixture has a National Fire Protection Association flammability hazard rating of 1, 2, or 3 [103], the facility need not count the mixture toward the screening threshold quantity.

i. If a release-flammable chemical of interest is present in a mixture, and the concentration of the chemical is less than one percent (1%) by weight, the facility need not count the mixture in determining whether the facility possesses the screening threshold quantity.

3. Release-Explosive Chemicals. For each release-explosive chemical of interest, a facility shall count the total quantity of all commercial grades of the chemical of interest

toward the screening threshold quantity, unless a specific minimum concentration is assigned in the Minimum Concentration column of Appendix A, in which case the facility should count the total quantity of all commercial grades of the chemical at the specified minimum concentration.

(c) For all release chemicals, facilities should not include chemicals:

1. Used as a structural component;

2. Used as products for routine janitorial maintenance;

3. Contained in food, drugs, cosmetics, or other personal items used by employees;

4. In process water or non-contact cooling water as drawn from environment or municipal sources;

5. In air either as compressed air or as part of combustion;

6. Contained in articles, as defined in 40 CFR 68.3.

7. In solid waste (including hazardous waste) regulated under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.,* except for the waste described in 40 CFR 261.33;

8. In naturally occurring hydrocarbon mixtures prior to entry of the mixture into a natural gas processing plant or a petroleum refining process unit. Naturally occurring hydrocarbon mixtures include condensate, crude oil, field gas, and produced water as defined in 40 CFR 68.3; or

9. Used at agricultural production facilities on crops, feed, land, livestock, or poultry.

(d) Additionally, for all release chemicals, facilities should not:

1. Include release-toxic, release-flammable, or release-explosive chemicals of interest that a facility manufactures, processes, or uses in a laboratory at the facility under the supervision of a technically qualified individual as defined in 40 CFR 720.3.

i. This exemption does not apply to specialty chemical production; manufacture, processing, or use of substances in pilot plant scale operations; or activities, including research and development, involving chemicals of interest conducted outside the laboratory.

2. Count propane in tanks of 10,000 pounds or less or below 87.5% concentration.

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Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Acetaldehyde	75-07-0	1.00	10,000		X	
Acetylene	74-86-2	1.00	10,000		X	
Acrolein	107-02-8	1.00	5,000	X		
Acrylonitrile	107-13-1	1.00	10,000		X	
Acryloyl chloride	814-68-6	1.00	10,000		X	
Allyl alcohol	107-18-6	1.00	15,000	X		
Allylamine	107-11-9	1.00	10,000		X	
Ammonia (anhydrous)	7664-41-7	1.00	10,000	X		
Ammonia (aqueous)	7664-41-7	20.00	20,000	X		
Ammonium nitrate, [with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance]	6484-52-2	ACG	5,000			X
Ammonium perchlorate	7790-98-9	ACG	5,000			X
Ammonium picrate	131-74-8	ACG	5,000			X
Arsenic trichloride	7784-34-1	1.00	15,000	X		
Arsine	7784-42-1	1.00	1,000	X		
Barium azide	18810-58-7	ACG	5,000			X
Benzotriazole, 5-nitro-	2338-12-7	ACG	5,000			X
Boron trichloride	10294-34-5	1.00	5,000	X		
Boron trifluoride	7637-07-2	1.00	5,000	X		
Boron trifluoride compound with methyl ether	353-42-4	1.00	15,000	X		

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Bromine	7726-95-6	1.00	10,000	X		
Bromotrifluoroethylene	598-73-2	1.00	10,000		X	
Butadiene-1,3	106-99-0	1.00	10,000		X	
Butane	106-97-8	1.00	10,000		X	
Butene	25167-67-3	1.00	10,000		X	
Butene-1	106-98-9	1.00	10,000		X	
Butene-2	107-01-7	1.00	10,000		X	
2-Butene-cis	590-18-1	1.00	10,000		X	
2-Butene-trans	624-64-6	1.00	10,000		X	
Carbon disulfide	75-15-0	1.00	20,000	X		
Carbon oxysulfide	463-58-1	1.00	10,000		X	
Chlorine	7782-50-5	1.00	2,500	X		
Chlorine dioxide	10049-04-4	1.00	1,000	X		
Chlorine monoxide	7791-21-1	1.00	10,000		X	
Chloroform	67-66-3	1.00	20,000	X		
Chloromethyl ether	542-88-1	1.00	1,000	X		
Chloromethyl methyl ether	107-30-2	1.00	5,000	X		
Crotonaldehyde	4170-30-3	1.00	10,000		X	
Crotonaldehyde, (E)-	123-73-9	1.00	10,000		X	
Cyanogen	460-19-5	1.00	10,000		X	
Cyanogen chloride	506-77-4	1.00	10,000	X		

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Cyclohexylamine	108-91-8	1.00	15,000	X		
Cyclopropane	75-19-4	1.00	10,000		X	
Diazodinitrophenol	87-31-0	ACG	5,000			X
Diborane	19287-45-7	1.00	2,500	X		
Dichlorosilane	4109-96-0	1.00	10,000		X	
Diethyleneglycol dinitrate	693-21-0	ACG	5,000			X
Difluorocthanc	75-37-6	1.00	10,000		X	
1,1-Dimethylhydrazine	57-14-7	1.00	10,000		X	
Dimethylamine	124-40-3	1.00	10,000		X	
Dimethyldichlorosilane	75-78-5	1.00	10,000		X	
Dingu	55510-04-8	ACG	5,000			X
Dinitrophenol	25550-58-7	ACG	5,000			X
Dinitroresorcinol	519-44-8	ACG	5,000			X
Dipicryl sulfide	2217-06-3	ACG	5,000			X
Dipicrylamine	131-73-7	ACG	5,000			X
Epichlorohydrin	106-89-8	1.00	20,000	X		
Ethane	74-84-0	1.00	10,000		X	
Ethyl acetylene	107-00-6	1.00	10,000		X	
Ethyl chloride	75-00-3	1.00	10,000		X	
Ethyl ether	60-29-7	1.00	10,000		X	
Ethyl mercaptan	75-08-1	1.00	10,000		X	
Ethyl nitrite	109-95-5	1.00	10,000		X	

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Ethylamine	75-04-7	1.00	10,000		X	
Ethylene	74-85-1	1.00	10,000		X	
Ethylene oxide	75-21-8	1.00	10,000		X	
Ethylenediamine	107-15-3	1.00	20,000	X		
Ethyleneimine	151-56-4	1.00	10,000		X	
Fluorine	7782-41-4	1.00	1,000	X		
Formaldehyde (solution)	50-00-0	1.00	15,000	X		
Furan	110-00-9	1.00	10,000		X	
Hexanitrostilbene	20062-22-0	ACG	5,000			X
Hexolite	121-82-4	ACG	5,000			X
HMX	2691-41-0	ACG	5,000			X
Hydrazine	302-01-2	1.00	10,000		X	
Hydrochloric acid	7647-01-0	37.00	15,000	X		
Hydrocyanic acid	74-90-8	1.00	2,500	X		
Hydrofluoric acid	7664-39-3	50.00	1,000	X		
Hydrogen	1333-74-0	1.00	10,000		X	
Hydrogen chloride (anhydrous)	7647-01-0	1.00	5,000	X		
Hydrogen fluoride (anhydrous)	7664-39-3	1.00	1,000	X		
Hydrogen selenide	7783-07-5	1.00	10,000		X	
Hydrogen sulfide	7783-06-4	1.00	10,000	X		
Iron, pentacarbonyl-	13463-40-6	1.00	10,000		X	
Isobutane	75-28-5	1.00	10,000		X	

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Isobutene	115-11-7	1.00	10,000		X	
Isobutyronitrile	78-82-0	1.00	20,000	X		
Isopentane	78-78-4	1.00	10,000		X	
Isopentene	563-45-1	1.00	10,000		X	
Isoprene	78-79-5	1.00	10,000		X	
Isopropenyl chloride	557-98-2	1.00	10,000		X	
Isopropyl chloride	75-29-6	1.00	10,000		X	
Isopropyl chloroformate	108-23-6	1.00	15,000	X		
Isopropylamine	75-31-0	1.00	10,000		X	
Lead azide	13424-46-9	ACG	5,000			X
Lead styphnate	15245-44-0	ACG	5,000			X
Mercury fulminate	628-86-4	ACG	5,000			X
Methacrylonitrile		1.00	10,000	X		
Methane	74-82-8	1.00	10,000		X	
2-Methyl-1-butene	563-46-2	1.00	10,000		X	
Methyl chloride	74-87-3	1.00	10,000		X	
Methyl chloroformate	79-22-1	1.00	10,000		X	
Methyl ether	115-10-6	1.00	10,000		X	
Methyl formate	107-31-3	1.00	10,000		X	
Methyl hydrazine	60-34-4	1.00	15,000	X		
Methyl isocyanate	624-83-9	1.00	10,000	X		
Methyl mercaptan	74-93-1	1.00	10,000		X	

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Methyl thiocyanate	556-64-9	1.00	20,000	X		
Methylamine	74-89-5	1.00	10,000		X	
Methyltrichlorosilane	75-79-6	1.00	10,000		X	
Neopentane	463-82-1	1.00	10,000		X	
Nickel Carbonyl	13463-39-3	1.00	10,000		X	
Nitric acid	7697-37-2	80.00	15,000	X		
Nitric oxide	10102-43-9	1.00	10,000	X		
Nitrocellulose	9004-70-0	ACG	5,000			X
Nitroglycerine	55-63-0	ACG	5,000			X
Nitromannite	15825-70-4	ACG	5,000			X
Nitrostarch	9056-38-6	ACG	5,000			X
Nitrotriazolone	932-64-9	ACG	5,000			X
Octolite	57607-37-1	ACG	5,000			X
Octonal	78413-87-3	ACG	5,000			X
Oleum	8014-95-7	1.00	10,000	X		
1,3-Pentadiene	504-60-9	1.00	10,000		X	
Pentane	109-66-0	1.00	10,000		X	
1-Pentene	109-67-1	1.00	10,000		X	
2-Pentene, (E)-	646-04-8	1.00	10,000		X	
2-Pentene, (Z)-	627-20-3	1.00	10,000		X	
Pentolite	8066-33-9	ACG	5,000			X
Peracetic acid	79-21-0	1.00	10,000		X	

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Perchloromethylmercaptan	594-42-3	1.00	10,000	X		
PETN	78-11-5	ACG	5,000			X
Phosgene	75-44-5	1.00	500	X		
Phosphine	7803-51-2	1.00	10,000		X	
Phosphorus oxychloride	10025-87-3	1.00	5,000	X		
Phosphorus trichloride	7719-12-2	1.00	15,000	X		
Picrite	556-88-7	ACG	5,000			X
Piperidine	110-89-4	1.00	10,000		X	
Propadiene	463-49-0	1.00	10,000		X	
Propane	74-98-6	87.50	60,000		X	
Propenyl chloride	590-21-6	1.00	10,000		X	
Propionitrile	107-12-0	1.00	10,000	X		
Propyl chloroformate	109-61-5	1.00	10,000		X	
Propylene	115-07-1	1.00	10,000		X	
Propylene oxide	75-56-9	1.00	10,000		X	
Propyleneimine	75-55-8	1.00	10,000	X		
Propyne	74-99-7	1.00	10,000		X	
RDX	121-82-4	ACG	5,000			X
RDX and HMX mixtures	121-82-4	ACG	5,000			X
Silane	7803-62-5	1.00	10,000		X	
Sulfur dioxide (anhydrous)	7446-09-5	1.00	5,000	X		
Sulfur tetrafluoride	7783-60-0	1.00	2,500	X		

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Sulfur trioxide	7446-11-9	1.00	10,000	X		
Tetrafluoroethylene	116-14-3	1.00	10,000		X	
Tetramethyllead	75-74-1	1.00	10,000	X		
Tetramethylsilane	75-76-3	1.00	10,000		X	
Tetranitroaniline	53014-37-2	ACG	5,000			X
Tetranitromethane	509-14-8	1.00	10,000		X	
Tetrazene	109-27-3	ACG	5,000			X
1H-Tetrazole	288-94-8	ACG	5,000			X
Titanium tetrachloride	7550-45-0	1.00	2,500	X		
TNT	118-96-7	ACG	5,000			X
Torpex	67713-16-0	ACG	5,000			X
Trichlorosilane	10025-78-2	1.00	10,000		X	
Trifluorochloroethylene	79-38-9	1.00	10,000		X	
Trimethylamine	75-50-3	1.00	10,000		X	
Trimethylchlorosilane	75-77-4	1.00	10,000		X	
Trinitroaniline	26952-42-1	ACG	5,000			X
Trinitroanisole	606-35-9	ACG	5,000			X
Trinitrobenzene	99-35-4	ACG	5,000			X
Trinitrobenzenesulfonic acid	2508-19-2	ACG	5,000			X
Trinitrobenzoic acid	129-66-8	ACG	5,000			X
Trinitrochlorobenzene	88-88-0	ACG	5,000			X
Trinitrofluorenone	129-79-3	ACG	5,000			X

Appendix A to Part 74– Chemicals of Interest[104]						
		Release		Security Issue		
Chemical of Interest (COI)	Chemical Abstracts Service (CAS) #	Minimum Concentration (%)	Screening Threshold Quantity (in pounds)	Release – Toxic	Release – Flammables	Release – Explosives
Trinitro-meta-cresol	602-99-3	ACG	5,000			X
Trinitronaphthalene	55810-17-8	ACG	5,000			X
Trinitrophenetole	4732-14-3	ACG	5,000			X
Trinitrophenol	88-89-1	ACG	5,000			X
Trinitroresorcinol	82-71-3	ACG	5,000			X
Tritonal	54413-15-9	ACG	5,000			X
Vinyl acetate monomer or [Acetic acid ethenyl ester]	108-05-4	1.00	10,000		X	
Vinylacetylene or [1-Buten-3-yne]	689-97-4	1.00	10,000		X	
Vinyl chloride or [Ethene, chloro-]	75-01-4	1.00	10,000		X	
Vinyl ethyl ether or [Ethene, ethoxy-]	109-92-2	1.00	10,000		X	
Vinyl fluoride or [Ethene, fluoro-]	75-02-5	1.00	10,000		X	
Vinyl methyl ether or [Ethene, methoxy-]	107-25-5	1.00	10,000		X	
Vinylidene chloride or [Ethene, 1,1-dichloro-]	75-35-4	1.00	10,000		X	
Vinylidene fluoride or [Ethene, 1,1-difluoro-]	75-38-7	1.00	10,000		X	

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 5. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 44740, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534; Pub. L. 112–95, 126 Stat. 11; Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); Sec. 828 of Pub. L. 118–63, 138 Stat. 1330 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 6. Amend part 91 by adding § 91.134 to read as follows:

§ 91.134 Unmanned aircraft flight restriction.

No person may operate an unmanned aircraft within an unmanned aircraft flight restriction, established in accordance with part 74 of this chapter, contrary to the restrictions imposed unless permitted pursuant to part 74, subpart G, as appropriate.

PART 107—SMALL UNMANNED AIRCRAFT SYSTEMS

■ 7. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101 note, 40103(b), 44701(a)(5), 46105(c), 46110, 44807.

■ 8. Revise § 107.45 to read as follows:

§ 107.45 Operation in prohibited area, restricted area, or unmanned aircraft flight restriction.

No person may operate a small unmanned aircraft in prohibited or restricted areas unless that person has permission from the using or controlling agency, as appropriate. Furthermore, no person may operate an unmanned aircraft within an unmanned aircraft flight restriction established in accordance with part 74 of this chapter, unless permitted pursuant to part 74, subpart G, as appropriate.

Issued under authority provided by 49 U.S.C. 106(f), 40101(d), 40103(a)(2), 40103(b), 44701(a)(5), and 44802 note in Washington, DC.

Bryan Bedford,

Administrator, Federal Aviation Administration.

Endnotes

[1] The terms unmanned aircraft system and unmanned aircraft have different meanings. FAA uses the term unmanned aircraft to refer specifically to the unmanned aircraft itself. FAA uses the term unmanned aircraft system to refer to both the unmanned aircraft and any communication links and components that control the unmanned aircraft. These terms are defined in 14 CFR 1.1.

[2] See 49 U.S.C. 44802.

[3] Pursuant to 5 U.S.C. 553(b)(4), FAA has provided a summary of this proposed rule in the docket for 2120–AL33 available at *https://www.regulations.gov.*

[4] Section 2209 (b)(1)(C)(iv), the FAA Extension, Safety and Security Act of 2016 (FESSA), Public Law 114–190, July 15, 2016.

[5] Executive Order No. 14305, 90 FR 24719 (June 11, 2025).

[6] 42 U.S.C. 5195c(e).

[7] For more information, see *Advisory on the Application of Federal Laws to the Acquisition and Use of Technology to Detect and Mitigate Unmanned Aircraft Systems,* August 2020, *https://www.faa.gov/uas/resources/c_uas.*

[8] An applicant refers to the operator or proprietor of a fixed site facility that is requesting a UAFR over a fixed site facility.

[9] The Advisory Circular, *Unmanned Aircraft Flight Restrictions,* has been placed in the docket for this rulemaking.

[10] This legislation became law on July 7, 2016, and directed the FAA to establish the process not later than 180 days after the date of enactment.

[11] This legislation became law on October 5, 2018, and directed the FAA to issue a notice of proposed rulemaking not later than March 31, 2019, and a final rule not later than 12 months after the proposed rule.

[12] This legislation became law on May 5, 2024, and directed the FAA to issue a notice of proposed rulemaking not later than 90 days after the enactment of the act and a final rule not later than 16 months after the proposed rule.

[13] ''FAA Issues UAS Guidance for Law Enforcement,'' *www.faa.gov/newsroom/faa-issues-uas-guidance-law-enforcement?newsId=81244* (January 8, 2015). Updated guidance for the law enforcement community can be found at FAA's drone Public Safety and Government web page, *https://www.faa.gov/uas/public_safety_gov.*

[14] Registration and Marking Requirements for Small Unmanned Aircraft, interim final rule, 80 FR 78594 (December 16, 2015).

[15] Registration and Marking Requirements for Small Unmanned Aircraft. 14 CFR 48.

[16] *Operation and Certification of Small Unmanned Aircraft Systems,* Final Rule, 81 FR 42064 (June 28, 2016).

[17] Remote Identification of Unmanned Aircraft final rule, 86 FR 4390 (January 15, 2020).

[18] Advisory and Rulemaking Committees—UAS Detection and Mitigation Systems Aviation Rulemaking Committee Final Report, February 5, 2024. *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/UAS-Detection-Mitigation-Systems-ARC_Final-Report_02052024.pdf.*

[19] *Id.*

[20] 49 U.S.C. 44802.

[21] FAA defined an unmanned aircraft event in this rulemaking effort as any unmanned aircraft related activity that could cause risk or damage to another aircraft, people or property on the ground, or a facility's resources or assets.

[22] FAA regulations mandate that a remote pilot in command report any instance of an unmanned aircraft operation causing serious injury to a person or loss of consciousness, or damage to property in excess of $500. 14 CFR 107.9.

[23] ''Drone Crashes Into Truck Outside New Jersey Oil Refinery,'' CDL Life, November 20, 2015. Accessed May 8, 2023, at *http://www.cdllife.com/2015/drone-crashes-into-truck-outside-new-jersey-oil-refinery/.*

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[25] ''FBI warns drones pose potential risk to critical infrastructure after some spotted over Louisiana chemical facilities,'' CNN Politics, September 30, 2020. Accessed May 8, 2023, at *https://edition.cnn.com/2022/09/30/politics/drones-risk-critical-infrastructure-spotted-louisiana-chemical-facilities.*

[26] *Id.*

[27] Dep't of Just., *Illegal Drone Operator Sentenced for Attempting to Drop Drugs into a Georgia State Prison* (Oct. 31, 2019), *https://www.justice.gov/usao-mdga/pr/illegal-drone-operator-sentenced-attempting-drop-drugs-georgia-state-prison.*

[28] Dep't of Just., *Third Defendant Sentenced in Scheme to Use Drone to Smuggle Contraband into a Georgia State Prison* (Aug. 19, 2021), *https://www.justice.gov/usao-sdga/pr/third-defendant-sentenced-scheme-use-drone-smuggle-contraband-georgia-state-prison.*

[29] WJTV News, *Man Accused of Using to [sic] Drone to Smuggle Contraband* (Aug. 14, 2022), *https://www.wjtv.com/news/local-news/man-accused-of-using-to-drone-to-smuggle-contraband/* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[30] 13ABC Action News, OSHP: Men Indicted for Using Drones to Smuggle Drugs, Contraband into Toledo Prison (May 9, 2023), *https://www.13abc.com/2023/05/09/oshp-men-indicted-using-drones-smuggle-drugs-contraband-into-toledo-prison/* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[31] Dep't of Just., *Four Indicted in Scheme to Deliver Drugs into State Prisons by Drone* (Apr. 13, 2023), *https://www.justice.gov/usao-edca/pr/four-indicted-scheme-deliver-drugs-state-prisons-drone* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[32] NBC News, *150 People Arrested in Bust of Ring Using Drones to Smuggle Drugs and Guns into Georgia Prisons* (Apr. 4, 2024), *https://www.nbcnews.com/news/us-news/150-arrested-bust-georgia-prison-smuggling-ring-using-drones-rcna146366* (An indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.).

[33] The FAA's State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet, issued on July 14, 2023 by the U.S. DOT General Counsel and FAA Chief Counsel, discusses legal considerations applicable to state and local regulation of UAS and serves as a guide for state and local governments as they respond to the increased use of UAS in the national airspace. The Fact Sheet affirms that state or local laws aimed at regulating aviation safety or airspace efficiency are subject to Federal preemption. The Fact Sheet states that laws aimed at objectives other than aviation safety or airspace efficiency—such as privacy—that do not impair the reasonable use by UAS of the airspace would likely not be subject to preemption.

[34] The year begins when the UAFR goes into effect, irrespective of calendar year.

[35] See, *e.g.,* 14 CFR 71.1.

[36] See FESSA, section 2209(b)(1)(B).

[37] See FESSA, section 2209(b)(1)(C).

[38] 42 U.S.C. 5195c(e).

[39] National Security Memorandum 22, April 30, 2024 (Critical Infrastructure Security and Resilience) (NSM–22). *https://www.congress.gov/crs-product/IF12716.*

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[51] U.S. Army Corps of Engineers, ''National Inventory of Dams,'' (last accessed: July 9, 2025). *https://nid.sec.usace.army.mil.*

[52] U.S. Army Corps of Engineers, Institute for Water Resources, ''Value to the Nation: Navigation,'' (last accessed: July 9, 2025). *https://www.iwr.usace.army.mil/Missions/Value-to-the-Nation/Navigation/.*

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[78] 14 CFR 107.41.

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[82] *https://www.cisa.gov/resources-tools/resources/water-sector-specific-plan-2015.*

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[85] See 49 U.S.C. 40103(a)(2); see also E.O. 14307 *Unleashing American Drone Dominance,* 90 FR 24727 (Jun. 6, 2025).

[86] See, Automatic Dependent Surveillance-Broadcast (ADS–B) Out Performance Requirements to Support Air Traffic Control (ATC) Service. 75 FR 30160 (May 28, 2010).

[87] *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* NPRM, 90 FR 38212 (Aug. 7, 2025).

[88] See supra E.O. 14307.

[89] *Id.*

[90] Part 135 operations as detailed in this rulemaking will be held to part 107 and 108 compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.

[91] Part 137 operations as detailed in this rulemaking will be held to part 107 and 108 compliance dates set forth in the *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* final rule.

[92] Based on 2022 Statistics of U.S. Businesses data (the most recent receipts data, available at: *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html*) updated to 2024 year dollars using the Consumer Price Index.

[93] FAA did not conduct the screening analysis for water supply and wastewater systems category as the criteria are not yet determined. For example, the size standard for municipal systems is based on 50,000 population and the SUSB data would not be reflective of these systems.

[94] Large-scale utilities and global industrial firms operate the majority of 200 eligible facilities in the nuclear energy sector, with the exception of five radiological medical isotope facilities. Of the five radiological medical isotope facilities, none have less

than 5 employees. All but one are also classified in different NAICS.

[95] (90 FR 29615, Jul. 3, 2025).

[96] See DOT Order 5610.1D § 9.

[97] *Id.* § 9(b).

[98] The Draft PEA has been placed in the docket for this rulemaking.

[99] 65 FR 67249 (Nov. 6, 2000).

[100] FAA Order No. 1210.20 (Jan. 28, 2004), available at *http://www.faa.gov/documentLibrary/media/1210.pdf.*

[101] Upon finalization, PIAs are posted on the Department of Transportation's Privacy Program page, available at *https://www.transportation.gov/individuals/privacy/privacy-impact-assessments#Federal%20Aviation%20Administration%20(FAA).*

[102] The guidance for calculating the minimum concentration percentages and screening threshold quantities under 6 CFR part 27 can be found at 6 CFR 27.203 and 6 CFR 27.204.

[103] *NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response* [2007 ed.]. The Director of the Federal Register approves the incorporation by reference of this standard in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

[104] The acronym used in this appendix has the following meaning: ACG = A Commercial Grade.

[FR Doc. 2026–08943 Filed 5–5–26; 8:45 am]

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Federal Register

Vol. 91, No. 87

Wednesday, May 6, 2026

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FEDERAL REGISTER PAGES AND DATE, MAY

23355–23902	1
23903–24114	4
24115–24336	5
24337–24704	6

CFR PARTS AFFECTED DURING MAY

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.

3 CFR

Proclamations:
11023 24321
11024 24323
Executive Orders:
14402 24325
14403 24329
Administrative Orders:
Presidential Permits:
Permit of April 30, 2026 24333

9 CFR

319 23903

10 CFR

150 23355
Proposed Rules:
1 23628
2 23628
10 23628
11 23628
19 23628
20 23628
21 23628
25 23628
26 23628
30 23628
40 23628
50 23628
51 23628
57 23628
70 23628
72 23628
73 23628
74 23628
75 23628
95 23628
140 23628
150 23628

12 CFR

1002 23530

14 CFR

25 24337
27 24339
71 ..... 23356, 23904
Proposed Rules:
1 24650
39 ..... 23377, 23919, 23922
74 24650
91 24650
107 24650

15 CFR

3 23906

16 CFR

1219 23908

17 CFR

200 24115
242 24115
Proposed Rules:
146 24377

21 CFR

866 ..... 24341, 24343
878 23357
886 24346
1308 ..... 23359, 23913
Proposed Rules:
10 24380
56 24380
106 24380
201 24380
251 24380
310 24380
312 24380
314 24380
329 24380
600 24380
803 24380
862 24380
866 24380
870 24380
882 24380
1114 24380

26 CFR

1 23915
48 23363
Proposed Rules:
48 23380

27 CFR

447 ..... 24348, 24352
478 ..... 24348, 24357
479 ..... 24348, 24352, 24362
555 24364
Proposed Rules:
447 ..... 24387, 24392
478 ..... 24395, 24400, 24408, 24413, 24424, 24436, 24441, 24448, 24453, 24462
479 ..... 24453, 24462, 24466, 24471, 24478, 24485
555 24462

31 CFR

337 24366
345 24366

33 CFR

100 ..... 24116, 24117, 24118, 24120, 24368
165 ..... 24117, 24118, 24120, 24121, 24124, 24125, 24126 24130, 24131, 24370, 24372, 24373, 24375
Proposed Rules:
100 ..... 24138, 24140, 24142, 24143, 24146, 24490, 24492
165 ..... 24147, 24149, 24151

166.....24152
167.....24152

34 CFR

674.....23768
682.....23768
685.....23768

36 CFR

Proposed Rules:
251.....24494

38 CFR

Proposed Rules:
21.....24497

39 CFR

111.....23369

40 CFR

751.....24133

Proposed Rules:
63.....23382
257.....23924

49 CFR

1022.....24135

Proposed Rules:
191.....24154
195.....24154
367.....23383

50 CFR

300.....23369
622.....24375
648.....23918
660.....23374

Proposed Rules:
17.....23934
622.....24500
648.....23385
665.....23387

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws/current.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text is available at *https://www.govinfo.gov/app/collection/plaw*. Some laws may not yet be available.

S. 723/P.L. 119–88
Tribal Trust Land Homeownership Act of 2025 (May 4, 2026; 140 Stat. 812)
Last List May 4, 2026

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