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FEDERAL REGISTER

Vol. 91 Wednesday,
No. 101 May 27, 2026

Pages 31335–31646

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3425; Project Identifier MCAI–2025–00190–T; Amendment 39–23349; AD 2026–10–09]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain ATR—GIE Avions de Transport Régional Model ATR72 airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–3425 or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–3425.

FOR FURTHER INFORMATION CONTACT: Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7350; email: *9-AVS-AIR-BACO-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain ATR—GIE Avions de Transport Régional Model ATR72 airplanes. The NPRM was published in the **Federal Register** on October 1, 2025 (90 FR 47251). The NPRM was prompted by EASA AD 2025–0046, dated February 19, 2025 (EASA AD 2025–0046) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2025–0046. The FAA is issuing this AD to address the potential of ignition sources inside fuel tanks. The unsafe condition, if not addressed, could result in a fuel tank explosion and consequent loss of the airplane.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2025–3425.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

The FAA received additional comments from an anonymous commenter and the Citizens Rulemaking Alliance. The anonymous comment is outside the scope of this AD. The following presents the Citizens Rulemaking Alliance's comments received on the NPRM and the FAA's response to each comment.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, convert this action to an NPRM, or reopen the comment period and defer compliance enforcement. The commenter asserted the FAA has not adequately justified use of the good cause exemption.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, no change to this AD is necessary.

Request To Make Incorporation by Reference (IBR) Materials Reasonably Available

The Citizens Rulemaking Alliance stated that the FAA's current practices for IBR frequently fail to meet the legal and regulatory standards for reasonable availability. The commenter requested that the FAA make IBR material available and free to the public during the comment period. The commenter asserted that this AD incorporates by reference manufacturer service information and the EASA AD.

The FAA clarifies that this AD incorporates by reference EASA AD 2025–0046, not the manufacturer service information referenced in that EASA AD. The FAA posted EASA AD 2025–0046 to the AD docket when the NPRM was published in the **Federal Register**. The material referenced in EASA AD 2025–0046 may only be posted before the final rule's publication if it is already publicly available or if

there is written consent from the owner of that material. Additionally, the FAA provided notice in the NPRM that the material referenced in EASA AD 2025–0046 will be available in the AD docket after this AD is published. The FAA did not change this AD as a result of this comment.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or remove any reporting provisions until PRA requirements are satisfied. If reporting is not required, the commenter requested the FAA clarify that in the AD.

The FAA notes this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Consider Impact on Small Entities

The Citizens Rulemaking Alliance requested that the FAA either provide the factual basis for its Regulatory Flexibility Act (RFA) certification that the AD will not have a significant economic impact on a substantial number of small entities, or prepare an initial regulatory flexibility analysis.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), 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.

This AD will affect 6 domestic entities, of which 5 are small entities. The table below displays the industries of the small entities, their average annual revenue, and the AD's estimated cost burden relative to average annual revenue.

NUMBER OF SMALL ENTITIES AFFECTED BY INDUSTRY AND COST SIGNIFICANCE

NAICS code	Description	Affected small entities	Average annual revenue	Cost per AD/annual revenue (%)
481212	Nonscheduled Chartered Freight Air Transportation	1	$17,050,000	0.045
481219	Other Nonscheduled Air Transportation	1	24,820,000	0.031
492110	Couriers and Express Delivery Services	1	291,850,000	0.003
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	2	1,905,000	0.435
Total		5	67,506,000	0.189

While the FAA has determined that this final AD affects a substantial number of small entities, the compliance cost of the AD relative to each small entity's annual revenue is minimal. The FAA estimates the total cost per affected entity to be $7,650 (90 work-hours × $85 per work-hour), which is 0.189% of the average small entity's annual revenue. Therefore, as provided in section 605(b), the FAA certifies this AD will not result in a significant economic impact on a substantial number of small entities. The FAA did not change this AD as a result of this comment.

Request To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA add to the AD docket the methodology and assumptions supporting the estimated cost of the proposed AD and reopen the comment period for public input on the additional cost information. The commenter stated that the FAA should also provide the per airplane labor and parts cost, any assumed downtime or out-of-service impacts, and aggregate costs.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of airplanes affected on the U.S. registry, estimated number of work hours provided by the manufacturer, and the aggregate costs. The FAA did not disclose an estimated parts cost since this AD does not require any parts. Additionally, the FAA considered the impact that this AD will have on affected operators and determined this AD will not trigger any downtime costs because revising the existing maintenance or inspection program, as applicable, is an administrative action that can be performed without impacting operations. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to reopen the comment period or provide additional information in the AD docket. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0046 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits. This material is reasonably available because the interested parties have access to it through their normal course of business

or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 32 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–10–09 ATR–GIE Avions de Transport Régional: Amendment 39–23349; Docket No. FAA–2025–3425; Project Identifier MCAI–2025–00190–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 1, 2026,

(b) Affected ADs

This AD affects AD 2024–24–06, Amendment 39–22896 (89 FR 97502, December 9, 2024) (AD 2024–24–06).

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 22, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the potential of ignition sources inside fuel tanks. The unsafe condition, if not addressed, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0046, dated February 19, 2025 (EASA AD 2025–0046).

(h) Exceptions to EASA AD 2025–0046

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0046.

(2) Paragraph (3) of EASA AD 2025–0046 specifies revising ''the approved AMP,'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0046 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (3) of EASA AD 2025–0046, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2025–0046.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0046.

(i) Provisions for Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2025–0046.

(j) Terminating Action for Certain Tasks Required by AD 2024–24–06

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2024–24–06 for the tasks identified in the material referenced in EASA AD 2025–0046 only.

(k) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(l) Additional Information

For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7350; email: *9-AVS-AIR-BACO-COS@faa.gov*.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0046, dated February 19, 2025.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.

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

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

Issued on May 12, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–10488 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5028; Project Identifier MCAI–2025–00434–T; Amendment 39–23351; AD 2026–10–11]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes. This AD was prompted by a detected deviation to the manufacturing process of the angle fitting connection to side panel skin between certain frames (FR) at a certain stringer on both left hand (LH) and right hand (RH) sides. This AD requires inspecting the fastener holes to ensure they are the nominal diameter and applicable corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5028; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–5028.

FOR FURTHER INFORMATION CONTACT: Promita Dey, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 316–946–4106; email: *promita.dey@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes. The NPRM was published in the **Federal Register** on November 21, 2025 (90 FR 52570). The NPRM was prompted by EASA AD 2025–0065, dated March 27, 2025 (EASA AD 2025–0065) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states a deviation to the manufacturing process was detected during a review of the cold working process in the assembly line. This deviation could adversely affect the fatigue life of the angle fitting connection to side panel skin between FR 35 and FR 36 at stringer 30 on both LH and RH sides. This could lead to crack initiation and propagation, which could possibly result in reduced structural integrity of the airplane.

In the NPRM, the FAA proposed to require inspecting the fastener holes to ensure they are the nominal diameter and applicable corrective actions, as specified in EASA AD 2025–0065. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5028.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

The FAA received additional comments from the Citizens Rulemaking Alliance. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, or convert this action to an NPRM with an appropriate comment period and defer non-urgent requirements. The commenter asserted the FAA has not adequately justified use of the good cause exemption to bypass notice and comment and the 30-day delayed effective date.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, no change to this AD is necessary.

Request To Make Incorporation by Reference (IBR) Materials Reasonably Available

The Citizens Rulemaking Alliance requested that the FAA make IBR material available and free to the public during the comment period. The commenter stated that this AD appears to incorporate by reference manufacturer service information.

The FAA notes that this AD incorporates by reference EASA AD 2025–0065, not the manufacturer service information referenced in that EASA AD. The FAA posted EASA AD 2025–0065 to the AD docket when the NPRM was published in the **Federal Register**. The material referenced in EASA AD 2025–0065 may only be posted before the final rule's publication if it is already publicly available or if there is written consent from the owner of that material. Additionally, the FAA provided notice in the NPRM that the material referenced in EASA AD 2025–0065 will be available in the AD docket after this AD is published. The FAA did not change this AD as a result of this comment.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or remove any reporting provisions until PRA requirements are satisfied. If reporting is not required, the commenter requested the FAA clarify that in the AD.

The FAA notes paragraph (i) of this AD specifies that this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Consider Impact on Small Entities

The Citizens Rulemaking Alliance requested that the FAA either provide the factual basis for its Regulatory Flexibility Act (RFA) certification that the AD will not have a significant economic impact on a substantial number of small entities, or prepare an initial regulatory flexibility analysis.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), 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.

This AD will affect two domestic entities, none of which are small business entities. While the FAA has determined that this final AD will not affect any small entities, FAA estimates the total cost per affected airplane to be $2,295 (27 work-hours × $85 per work-hour). Because the FAA does not find a cost burden to small business entities, as provided in section 605(b), the FAA certifies this AD will not result in a significant economic impact on a substantial number of small entities. The FAA did not change this AD as a result of this comment.

Request To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA add to the AD docket the methodology and assumptions supporting the estimated cost of the proposed AD and reopen the comment period for public input on the additional cost information. The commenter stated that, in addition to labor and parts cost, the FAA's cost analysis should include downtime and operational impacts and disclose the methodology and data sources.

The FAA recognizes that, in doing the actions required by an AD, operators might incur indirect costs in addition to the direct costs. The cost analysis in an AD typically describes only the direct costs of the specific actions required by an AD, which does not include indirect costs since the FAA lacks data on those costs and they vary significantly among operators. The number of work hours necessary to do the required actions of an AD is provided by the manufacturer. This number represents the time necessary to perform only the actions actually required by an AD. The cost of parts or special tools, if necessary, to complete the actions required by an AD is also provided by the manufacturer. Further, when the FAA is informed that the manufacturer may cover some or all of the estimated costs of an AD under warranty, the FAA indicates that in the AD.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of airplanes affected on the U.S. registry, estimated number of work hours provided by the manufacturer, and the aggregate costs. The FAA did not disclose an estimated parts cost since this AD does not require any parts. Additionally, the FAA considered the impact that this AD will have on affected operators and determined this AD will not trigger any downtime costs because the requirements of this AD can be performed during regularly scheduled maintenance. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to reopen the comment period or provide additional information in the AD docket. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0065, which specifies procedures for special detailed inspections of the holes on the angle fitting connection to the side panel skin between FR 35 and FR 36 at stringer 30 on both the LH and RH sides for discrepancies (fastener holes not in nominal condition) and applicable corrective actions. Corrective actions include a rototest inspection of the affected holes for cracking, repair, and contacting the manufacturer for additional instructions.

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

Costs of Compliance

The FAA estimates that this AD affects 90 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
27 work-hours × $85 per hour = $2,295	$0	$2,295	$206,550

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
20 work-hours × $85 per hour = $1,700	$0	$1,700

*The FAA has received no definitive data on which to base the cost estimates for the on-condition obtaining and following instructions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–10–11 Airbus SAS: Amendment 39–23351; Docket No. FAA–2025–5028; Project Identifier MCAI–2025–00434–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0065, dated March 27, 2025 (EASA AD 2025–0065).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a detected deviation to the manufacturing process of the angle fitting connection to side panel skin between frame (FR) 35 and FR 36 at stringer 30 on both left hand (LH) and right hand (RH) sides. The FAA is issuing this AD to address reduced fatigue life of the affected area, which if not addressed, could result in crack initiation and propagation, which could possibly result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0065.

(h) Exceptions to EASA AD 2025–0065

(1) Where paragraphs (2) and (3) of EASA AD 2025–0065 specify ''discrepancy'', this AD requires replacing that text with ''fastener hole not in nominal condition''.

(2) Where paragraph (4) of EASA AD 2025–0065 specifies ''any discrepancy is detected, as defined in the SB, before next flight, contact Airbus for approved repair instructions and, within the compliance time specified therein, accomplish those instructions accordingly'', this AD requires replacing that text with ''if any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature''.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0065.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0065 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate

principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraphs (i) and (j)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Promita Dey, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 316–946–4106; email: *promita.dey@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0065, dated March 27, 2025.

(ii) Reserved.

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on May 11, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10490 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2543; Project Identifier MCAI–2025–00215–T; Amendment 39–23347; AD 2026–10–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by the discovery that titanium fasteners had been incorrectly installed in the butt strap at the outer wing box lower skin to center wing box interface in lieu of the correct nickel alloy fasteners. This AD requires the identification of fasteners installed in the butt strap at the outer wing box lower skin to center wing box interface, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–2543; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–2543.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3520; email: *bill.ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM was published in the **Federal Register** on September 15, 2025 (90 FR 44337). The NPRM was prompted by AD CF–2025–09, dated February 24, 2025 (Transport Canada AD CF–2025–09) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that titanium fasteners (part number (P/N) B0206003GD) had been incorrectly installed in the butt strap at the outer wing box lower skin to center wing box interface in lieu of the correct nickel alloy fasteners (P/N B0206033GD). The use of titanium fasteners could result in a reduction in joint strength, and the risk of a fuel leak if the fastener fails and falls free from the joint. This condition, if not corrected, could cause damage to and loss of principal structure and fatigue critical structure.

In the NPRM, the FAA proposed to require the identification of fasteners installed in the butt strap at the outer wing box lower skin to center wing box interface, and applicable on-condition actions, as specified in Transport Canada AD CF–2025–09. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–2543.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from an anonymous commenter who supported the NPRM without change.

The FAA received additional comments from Delta Air Lines (Delta) and the Citizens Rulemaking Alliance. The following presents the comments

received on the NPRM and the FAA's response to each comment.

Request To Remove the Requirement To Contact the Manufacturer for Disposition

Delta requested that the FAA add an exception to paragraph (h) of the proposed AD to allow use of an existing, approved Airbus Canada Limited Partnership (ACLP) disposition instead of contacting ACLP for an approved disposition via the instructions in the service information referenced in Transport Canada AD CF–2025–09. Delta noted that ACLP is changing the contact method specified in the service information, so operators may need to request an alternative method of compliance (AMOC) to use an alternative contact method. Delta also noted that ACLP has already issued two Generic Repair Engineering Orders (GREOs) to address discrepant fasteners found during the inspection, and that the GREOs meet the provisions of paragraph (j)(2) of the proposed AD for obtaining an approved disposition.

The FAA agrees that operators may use existing repair instructions, including GREOs, for compliance with this AD provided the repair instructions were approved under the provisions of paragraph (j)(2) of this AD. No change to this AD is necessary in regard to that part of Delta's comment.

The FAA also agrees with removing the requirement to obtain an approved disposition in accordance with the contact method specified in the service information referenced in Transport Canada AD CF–2025–09 and has added a new exception in paragraph (h)(3) of this AD accordingly. The FAA notes that under paragraph (j)(2) of this AD operators must contact the Manager, AIR–520, Continued Operational Safety Branch, FAA; or Transport Canada; or ACLP's Transport Canada Design Approval Organization (DAO) to obtain an approved disposition for any requirement in this AD to obtain instructions from a manufacturer.

Request To Extend the Compliance Times

Delta requested that the FAA revise paragraph (h)(2) of the proposed AD to allow the required inspection to be accomplished within 11,400 total flight cycles, 22,800 total flight hours, or 500 flight cycles from the effective date of this AD, whichever occurs later, instead of performing the inspections within 500 flight cycles from the effective date of the AD or before accumulating 10,000 total flight cycles, whichever occurs later. Delta stated that ACLP has already issued two approved GREOs to address discrepant fasteners found during the inspection, and that one of the GREOs authorizes continued flight with the discrepant fasteners up to 11,400 total flight cycles or 22,800 total flight hours, whichever occurs first. Delta asserted that if replacement of the discrepant fasteners can be deferred to those later thresholds, then deferring the inspection to the same thresholds provides an acceptable level of safety.

The FAA disagrees with extending the compliance time for performing the inspection to determine if serviceable fasteners are installed. Transport Canada, as the state of design authority for these airplanes, analyzed the data, considered the recommendations of the manufacturers, and determined that the inspection must be accomplished before accumulating 10,000 total flight cycles or within 500 flight cycles from the effective date of the AD, whichever occurs later; and the FAA concurs with Transport Canada's determination. However, under the provisions of paragraph (j)(1) of this AD, the FAA will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. The FAA has not changed this AD as a result of this comment.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures and the 30-day delayed effective date, or convert this action to an NPRM with a 30-day comment period. The commenter asserted the FAA has not adequately justified use of the good cause exemption to bypass notice and comment and the 30-day delayed effective date.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, no change to this AD is necessary.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or remove any reporting provisions until PRA requirements are satisfied. If reporting is not required, the commenter requested the FAA clarify that in the AD.

The FAA notes paragraph (i) of this AD specifies that this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Consider Impact on Small Entities

The Citizens Rulemaking Alliance requested that the FAA either provide the factual basis for its certification under the Regulatory Flexibility Act (RFA) that the AD will not have a significant economic impact on a substantial number of small entities, or prepare an initial regulatory flexibility analysis that identifies potentially affected small entities and considers alternatives that minimize impact.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), 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.

The FAA identified three air carriers that will be affected by this AD. Based on the Small Business Administration size standard, all three entities are large businesses:

SMALL BUSINESS SIZE STANDARDS [1]

NAICS [2] code	Description	Size standard
481111	Scheduled Passenger Air Transportation	1,500 employees.

[1] Source: *sba.gov:* Table of Small Business Size Standards.
[2] North American Industrial Classification System.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b) and based on the foregoing, the head of the FAA certifies that this AD will not result in a significant economic impact on a substantial number of small entities. The FAA did not change this AD as a result of this comment.

Request To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA augment the economic analysis to include downtime and scheduled disruption costs, parts availability constraints, and cumulative fleet impacts, and adjust the compliance times to align with scheduled maintenance intervals and broaden AMOC pathways accordingly. The commenter stated that the FAA should also provide the per airplane and fleet costs, including labor hours, parts, engineering, software loads, and special tools.

The FAA recognizes that, in doing the actions required by an AD, operators might incur indirect costs (such as engineering work or loss of revenue due to airplane downtime, scheduled disruptions, parts availability constraints, etc.) in addition to the direct costs. The cost analysis in an AD typically describes only the direct costs of the specific actions required by an AD, which does not include indirect costs since the FAA lacks data on those costs and they vary significantly among operators. Additionally, the FAA determined that there may be no downtime costs for some of the affected operators because the compliance times required by this AD would allow the required inspection to be performed during regularly scheduled maintenance. Further, special tools and software are not necessary to complete the actions required by this AD.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of affected airplanes on the U.S. registry, estimated number of work hours and parts costs provided by the manufacturer, and the fleet cost. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to provide additional information in the AD docket.

Further, in developing an appropriate compliance time for this AD, the FAA considered the compliance time in Transport Canada AD CF–2025–09, the urgency associated with the subject unsafe condition, the availability of required parts, and the practical aspect of accomplishing the required actions within a period of time that corresponds to the normal scheduled maintenance for most affected operators. However, under the provisions of paragraph (j)(1) of this AD, the FAA will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–09, which specifies procedures for a detailed inspection to identify the part markings on the head of the fasteners, and applicable on-condition actions. On-condition actions include replacing non-serviceable fasteners (those not identified as HST54, HST154, HST254, B0201074, B0201074 with oversize code X, or B0201074 with oversize code Y). For non-serviceable fasteners, the replacement includes a detailed inspection to make sure that the fastener heads are not damaged; the fastener heads are installed within requirements; and there are no signs of loose fasteners, fasteners that rotated, or fasteners that moved.

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

Costs of Compliance

The FAA estimates that this AD affects 71 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
29 work-hours × $85 per hour = $2,465	$0	$2,465	$175,015

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
Up to 4 work-hours × $85 per hour = $340	Up to $11,550	Up to $11,890.

* For replacement of 11 fasteners.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–10–07 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–23347; Docket No. FAA–2025–2543; Project Identifier MCAI–2025–00215–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–09, dated February 24, 2025 (Transport Canada AD CF–2025–09).

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by the discovery that titanium fasteners had been incorrectly installed in the butt strap at the outer wing box lower skin to center wing box interface in lieu of the correct nickel alloy fasteners. The FAA is issuing this AD to address the use of titanium fasteners. The unsafe condition, if not addressed, could result in a reduction in joint strength, potential damage to and loss of principal structure and fatigue critical structure, and the risk of a fuel leak if the fastener fails and falls free from the joint.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–09.

(h) Exceptions to Transport Canada AD CF–2025–09

(1) Where Transport Canada AD CF–2025–09 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–09 refers to ''10 000 flight cycles'', this AD requires replacing that text with ''10,000 total flight cycles''.

(3) Where Transport Canada AD CF–2025–09 specifies to ''contact ACLP for an approved disposition in accordance with the ACLP SB procedure and perform the ACLP disposition instructions'', this AD requires replacing that text with ''contact ACLP for an approved disposition and perform the ACLP disposition instructions''.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–09 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Bill Ashforth, Aviation Safety Engineer, FAA, 2200 South 216th St., Des

Moines, WA 98198; phone: 206–231–3520; email: *bill.ashforth@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–09, dated February 24, 2025.

(ii) [Reserved]

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

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

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

Issued on May 11, 2026.

Brian Knaup,

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

[FR Doc. 2026–10486 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0199; Project Identifier MCAI–2024–00332–T; Amendment 39–23350; AD 2026–10–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by certification testing that found that environmental control system (ECS) ducts manufactured using a certain material failed the flammability test requirements established for compliance. This AD requires inspecting the affected ECS ducts, installing a fire-resistant sleeve assembly over any non-compliant ECS duct as applicable, and re-identifying the ceiling panel liners. This AD also prohibits the installation of ECS ducts as replacement parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0199; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–0199.

FOR FURTHER INFORMATION CONTACT: Brenda L. Buitrago, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 516–288–7368; email: *Brenda.L.Buitrago.Perez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM was published in the **Federal Register** on February 13, 2025 (90 FR 9526). The NPRM was prompted by Transport Canada AD CF–2024–21, dated June 6, 2024 (Transport Canada AD CF–2024–21), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that ECS ducts, located on forward and aft cargo compartment ceiling panels, having part numbers D761189–105, D761189–501, and D762232–509, have been manufactured using material APF1180–7781, which replaced discontinued legacy material Solvay L591PG–7781. The material change to APF1180–7781 was done without changing the ECS duct part number. Subsequent certification testing of the ECS ducts made using material APF1180–7781 failed flammability test requirements. These noncompliant ECS ducts may have been installed on certain affected airplanes during production. Noncompliant ECS ducts could result in the inability to contain a fire within the cargo compartment, which could result in an uncontrolled fire.

In the NPRM, the FAA proposed to require inspecting the affected ECS ducts and, as applicable, installing a fire-resistant sleeve assembly over any non-compliant ECS duct, and to prohibit the installation of ECS ducts as replacement parts under certain conditions, as specified in Transport Canada AD CF–2024–21.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The SNPRM was published in the **Federal Register** on September 25, 2025 (90 FR 46098). The SNPRM was prompted by Transport Canada AD CF–2025–10, dated February 27, 2025 (Transport Canada AD CF–2025–10) (also referred to as the MCAI), which superseded Transport Canada AD CF–2024–21. Transport Canada AD CF–2025–10 states that since Transport Canada AD CF–2024–21 was issued, Airbus Canada revised the instructions in their service information to include a requirement to re-identify the ceiling panel liners to ensure configuration control. In the SNPRM, the FAA proposed to require inspecting affected ECS ducts, installing a fire-resistant sleeve assembly over any non-compliant ECS duct as applicable, and re-identifying the ceiling panel liners in affected cargo compartments, and to prohibit the installation of ECS ducts as replacement parts under certain conditions, as specified in Transport

Canada AD CF–2025–10. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0199.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Air Line Pilot Association, International (ALPA) who supported the SNPRM without change.

The FAA received additional comments from the Citizens Rulemaking Alliance and JetBlue. The following presents the comments received on the SNPRM and the FAA's response to each comment.

Request To Except or Delay Compliance for Re-Identification of Unaffected Parts

JetBlue requested that the FAA add an exception to paragraph (h) of the proposed AD to specify, where Airbus Canada Limited Partnership (ACLP) Service Bulletin BD500–501003, Issue 001, dated December 21, 2023 (Issue 001 of the ACLP Service Bulletin); or ACLP Service Bulletin BD500–501003, Issue 002, dated November 15, 2024 (Issue 002 of the ACLP Service Bulletin); is used to accomplish Part I of Transport Canada AD CF–2025–10 before the effective date the AD, only the ''affected and repaired'' ceiling panel liners in the cargo compartments must be re-identified using ACLP Service Bulletin BD500–501003, Issue 003, dated December 18, 2024 (Issue 003 of the ACLP Service Bulletin), or later revisions. JetBlue added, if the FAA determines unaffected ducts or liners must also be re-identified, then JetBlue requests that the unaffected parts be re-identified at the next scheduled heavy maintenance visit instead of before further flight after the inspection. JetBlue noted that Issue 001 of the ACLP Service Bulletin does not specify to re-identify the relevant ECS ducts or ceiling panel liners, for airplanes determined to not be affected. JetBlue stated if ECS ducts or ceiling panel liners are found to be affected, a change to the part number is required because repairs and modification are necessary to comply with the applicable fireproofing requirements, and the repairs are considered major changes to ensure continued compliance with the type certificate. JetBlue further stated, if the ECS ducts and ceiling panel liners are determined to not be affected, no modification or repair is performed, and the part re-identification is not necessary because the inspection and verification are considered minor, and the type certificate remains valid with amendment.

The FAA disagrees with both requests. The FAA notes that although Issue 001 of the ACLP Service Bulletin does not specify re-identifying unaffected ceiling panel liners, Transport Canada AD CF–2025–10 specifies to accomplish the actions in Part I of the Transport Canada using Issue 003 of the ACLP Service Bulletin, which does require re-identifying all ceiling panel liners regardless of findings. Re-identifying the ceiling panel lining provides assurance that an affected ECS duct has been inspected in compliance with this AD. However, the FAA will consider requests for an alternative method of compliance or extension of the compliance time, under the provisions of paragraph (j)(1) of this AD. The FAA has not changed this AD in this regard.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, or convert this action to an NPRM to extend the comment period. The commenter asserted the FAA has not adequately justified use of the good cause exemption.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, no change to this AD is necessary.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or remove any reporting provisions until PRA requirements are satisfied. If reporting is not required, the commenter requested the FAA clarify that in the AD.

The FAA notes paragraph (i) of this AD specifies that this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Make Incorporation by Reference (IBR) Materials Reasonably Available

The Citizens Rulemaking Alliance stated that the FAA's current practices for IBR frequently fail to meet the legal and regulatory standards for reasonable availability. The commenter called on the FAA to guarantee that all IBR materials are easily and freely accessible to the public and affected parties for both commenting and compliance purposes. The commenter also requested that this access be documented in the rulemaking record.

The FAA notes that this AD incorporates by reference Transport Canada AD CF–2025–10, not the manufacturer service information referenced in that Transport Canada AD. The FAA posted Transport Canada AD CF–2025–10 to the AD docket when the NPRM was published in the **Federal Register**. The material referenced in Transport Canada AD CF–2025–10 may only be posted before the final rule's publication if it is already publicly available or if there is written consent from the owner of that material. Additionally, the FAA provided notice in the NPRM that the material referenced in Transport Canada AD CF–2025–10 will be available in the AD docket after this AD is published. Therefore, the FAA did not change this AD as a result of this comment.

Request To Consider Impact on Small Entities

The Citizens Rulemaking Alliance requested that the FAA either provide the factual basis for its Regulatory Flexibility Act (RFA) certification that the AD will not have a significant economic impact on a substantial number of small entities, or prepare an initial regulatory flexibility analysis.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), 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.

The FAA identified three air carriers and one commercial aircraft lessor that will be affected by this AD. Based on the Small Business Administration (SBA) size standard, all four entities are large businesses:

SMALL BUSINESS SIZE STANDARDS [1]

NAICS [2] code	Description	Size standard
481111	Scheduled Passenger Air Transportation	1,500 employees.
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	$45.5 million.

[1] Source: *sba.gov:* Table of Small Business Size Standards.
[2] North American Industrial Classification System.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may certify under section 605(b) of the RFA. Therefore, as provided in section 605(b) and based on the foregoing, the head of the FAA certifies that this AD will not result in a significant economic impact on a substantial number of small entities. The FAA did not change this AD as a result of this comment.

Request To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA add to the AD docket the methodology and assumptions supporting the estimated cost of the proposed AD and reopen the comment period for public input on the additional cost information. The commenter stated that the FAA should also provide the fleet size, per airplane labor and parts cost, any assumed downtime or out-of-service impacts, aggregate costs, and any assumption that the manufacturer would provide parts free of charge.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of airplanes affected on the U.S. registry, estimated number of work hours provided by the manufacturer, and the aggregate costs. The FAA did not disclose an estimated parts cost since this AD does not require any parts. Additionally, the FAA considered the impact that this AD will have on affected operators and determined this AD will not trigger any downtime costs because the requirements of this AD can be performed during regularly scheduled maintenance. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to reopen the comment period or provide additional information in the AD docket. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2025–10 specifies procedures for inspecting to determine the lot numbers of affected ECS ducts, installing a fire-resistant sleeve assembly over any non-compliant ECS duct, and re-identifying the ceiling panel liners in the cargo compartments. Transport Canada AD CF–2025–10 also prohibits the installation of ECS ducts as replacement parts under certain conditions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 200 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
12 work-hours × $85 per hour = $1,020	$0	$1,020	$11,220 *

* Of the 200 affected airplanes on the U.S. registry, the FAA estimates 11 of those airplanes are subject to the required inspection and re-identification.

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

ESTIMATED COSTS OF ON-CONDITION RETROFIT

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$4,840	$5,010

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–10–10 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–23350; Docket No. FAA–2025–0199; Project Identifier MCAI–2024–00332–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 1, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by certification testing that found that environmental control system (ECS) ducts manufactured using material APF1180–7781 failed the flammability test requirements established for compliance. The FAA is issuing this AD to address noncompliant ECS ducts that could cause an inability to contain a fire within the cargo compartment. The unsafe condition, if not addressed, could result in an uncontrolled fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–10, dated February 27, 2025 (Transport Canada AD CF–2025–10).

(h) Exception to Transport Canada AD CF–2025–10

(1) Where Transport Canada AD CF–2025–10 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–10 refers to June 20, 2024 (the effective date of Transport Canada AD CF–2024–21), this AD requires using the effective date of this AD.

(3) Where the first paragraph under Part 1 of Transport Canada AD CF–2025–10 specifies a compliance time for the inspection and retrofit, for this AD the compliance time is at the later of the times specified in paragraphs (h)(3)(i) or (ii) of this AD:

(i) Prior to the accumulation of 9,350 total flight hours or within 60 months after the effective date of this AD, whichever occurs first.

(ii) Within 30 days after the effective date of this AD.

(4) Where the Safran material referenced in Transport Canada AD CF–2025–10 specifies to drill holes, this AD allows identifying and marking the new locations for the inserts prior to drilling the holes.

(5) Where the Safran material referenced in Transport Canada AD CF–2025–10 specifies accomplishing step 3.D.(8) after accomplishing steps 3.D.(6) and 3.D.(7), this AD allows accomplishing step 3.D.(8) concurrently with or after step 3.D.(5).

(6) Where the Safran material referenced in Transport Canada AD CF–2025–10 specifies ''mark the holes position'', this AD requires replacing that text with ''mark the holes position and drill the holes''.

(7) Where the second paragraph under Part II of Transport Canada AD CF–2025–10 specifies ''The use of the Accomplishment Instructions of Safran Cabin Service Bulletin F493000–50–06 as contained within Airbus Canada SB BD500–501003 Issue 001, dated 21 December 2023, or Issue 002, dated November 15, 2024, prior to the effective date of this AD, also meet the intent of Part II of this AD'', this AD requires replacing that text with ''The use of the Accomplishment Instructions of Safran Cabin Service Bulletin F493000–50–06 as contained within Airbus Canada SB BD500–501003 Issue 001, dated 21 December 2023, or Issue 002, dated November 15, 2024, prior to the effective date of this AD, also meet the intent of Part II of this AD, provided the ceiling panel liners in the cargo compartments have been re-identified in accordance with the procedure in Section 3 of Part B of the Accomplishment Instructions of the ACLP SB''.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–10 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or

Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraphs (i) and (j)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Brenda L. Buitrago, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 516–288–7368; email: *Brenda.L.Buitrago.Perez@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–10, dated February 27, 2025.

(ii) [Reserved]

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

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

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

Issued on May 11, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10489 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5024; Project Identifier MCAI–2025–00797–T; Amendment 39–23352; AD 2026–10–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2024–04–06, which applied to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. AD 2024–04–06 required repetitive operational checks of the gravity cross flow shut-off valve and, for certain airplanes, a one-time inspection of the motive flow fuel-feed tubes at the clamp blocks location and applicable corrective actions. Since the FAA issued AD 2024–04–06, the manufacturer developed additional corrective actions. This AD continues to require the actions in AD 2024–04–06 and requires replacement of the saddle clamp, inspection of the motive flow fuel-feed tubes, and applicable corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5024; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–5024.

FOR FURTHER INFORMATION CONTACT: Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2024–04–06, Amendment 39–22685 (89 FR 19228, March 18, 2024) (AD 2024–04–06). AD 2024–04–06 applied to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. AD 2024–04–06 required repetitive operational checks of the gravity cross flow shut-off valve and, for certain airplanes, a one-time inspection of the motive flow fuel-feed tubes at the clamp blocks location and applicable corrective actions. The FAA issued AD 2024–04–06 to address mechanical wear damage on the motive flow fuel-feed tubes. Failure of the affected motive flow fuel-feed tubes and a subsequent failure of the gravity transfer system could lead to a fuel imbalance condition resulting in a reduction in airplane functional capabilities and increased crew workload.

The NPRM was published in the **Federal Register** on November 19, 2025 (90 FR 52005). The NPRM was prompted by Transport Canada AD CF–2025–24, dated April 29, 2025 (Transport Canada AD CF–2025–24) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. Transport Canada AD CF–2025–24 superseded Transport Canada AD CF–2022–70, dated December 21, 2022 (Transport Canada AD CF–2022–70), which corresponds to AD 2024–04–06. The MCAI states that since Transport Canada AD CF–2022–70 was issued, the manufacturer issued new service information to require replacement of the saddle clamp of the motive flow tubes, along with an inspection and rectification of the flow fuel-feed tubes.

In the NPRM, the FAA proposed to continue to require the actions in AD

2024–04–06 and require replacement of the saddle clamp, inspection of the motive flow fuel-feed tubes, and applicable corrective actions, as specified in Transport Canada AD CF–2025–24. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5024.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from the Airline Pilots Association, International (ALPA) who supported the NPRM without change.

The FAA received additional comments from Delta Air Lines (Delta) and Citizens Rulemaking Alliance. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise Exception for Tube Replacement

Delta requested that the FAA revise the exception in paragraph (h)(5) of the proposed AD by adding reference to Part III of Transport Canada AD CF–2025–24. Delta noted, as proposed, the exception would only apply to Part II of Transport Canada AD CF–2025–24. Delta stated that there is a clear coating on the area behind the saddle clamp, which makes it difficult to distinguish between actual damage and paint or coating damage. Delta concluded that revising the exception would allow operators to replace the motive flow fuel-feed tubes instead of doing rework if there is any confusion as to whether the damage is to the coating, paint, or tube.

The FAA agrees that the exception in paragraph (h)(5) of this AD applies to Parts II and III of Transport Canada AD CF–2025–24 and has revised that paragraph accordingly. The FAA infers that the area behind the saddle clamp as referred to by the commenter is the area of the motive flow fuel-feed tube that mates with the saddle clamp. The FAA notes that the rework referenced in paragraph (h)(5) of this AD is related to different tasks required by Parts II and III of Transport Canada AD CF–2025–24. The rework under Part II is provided in Step 2.6 of Section 2 (Procedure) of Spirit Service Bulletin 500SHW–28–2109, Issue 005, dated October 2, 2023, as documented in the preamble of AD 2024–04–06, and it requires checking the motive flow fuel-feed tube for pre-load condition if the tube is found with no damage or paint damage only. The rework under Part III is provided in Step 2.7 of Section 2 (Procedure) of Spirit AeroSystems Belfast Service Bulletin 500SHW–28–2112, Issue 001, dated July 24, 2024, and it requires application of finish to the motive flow fuel-feed tube if the tube is found with paint damage only.

Request To Use Alternative Service Information for Tube Installation

Delta requested that the FAA add an exception to paragraph (h) of the proposed AD to allow the installation of new motive flow fuel-feed tubes specified in Part III of Transport Canada AD CF–2025–24 to be done using the service information referenced in Part II of Transport Canada AD CF–2025–24, if the tube installations in Parts II and III are done concurrently. Delta noted that the service information referenced in Part III of Transport Canada AD CF–2025–24 specifies doing the tube installation per an airplane maintenance manual (AMM) task. Delta stated that if the actions in Parts II and III of Transport Canada AD CF–2025–24 are done concurrently and damage is found behind the saddle clamp and clamp block, then operators would need to follow two different instruction methods to address the damage.

The FAA disagrees with the request because an exception is not needed to address Delta's concern. The service information referenced in Part III of Transport Canada AD CF–2025–24 does not prescribe a specific method for installing new motive flow fuel-feed tubes. Instead that service information refers to a maintenance manual as an acceptable procedure for doing the installation. Therefore, if the actions in Parts II and Part III of Transport Canada AD CF–2025–24 are done concurrently and new motive flow fuel-feed tubes must be installed per Parts II and III, then operators may comply with the tube installation specified in Part III by using the tube installation method prescribed in the service information referenced in Part II. The FAA did not change this AD as a result of this comment.

Request To Issue an NPRM or Delay Effective Date for Non-Immediate Tasks

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, or convert this action to an NPRM and stay enforcement for non-immediate requirements. The commenter asserted the FAA's use of the good cause exemption appears insufficiently supported.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, no change to this AD is necessary.

Request To Make Incorporation by Reference (IBR) Materials Reasonably Available

The Citizens Rulemaking Alliance stated that the FAA's current practices for IBR frequently fail to meet the legal and regulatory standards for reasonable availability. The commenter called on the FAA to guarantee that all IBR materials are easily and freely accessible to the public and affected parties for both commenting and compliance purposes. The commenter also requested that this access be documented in the rulemaking record.

The FAA notes that this AD incorporates by reference Transport Canada AD CF–2025–24, not the manufacturer service information referenced in that Transport Canada AD. The FAA posted Transport Canada AD CF–2025–24 to the AD docket when the NPRM was published in the **Federal Register**. The material referenced in Transport Canada AD CF–2025–24 may only be posted before the final rule's publication if it is already publicly available or if there is written consent from the owner of that material. Additionally, the FAA provided notice in the NPRM that the material referenced in Transport Canada AD CF–2025–24 will be available in the AD docket after this AD is published. Therefore, the FAA did not change this AD as a result of this comment.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or remove any reporting provisions until PRA requirements are satisfied. If reporting is not required, the commenter requested the FAA clarify that in the AD.

The FAA notes paragraph (i) of this AD specifies that this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Consider Impact on Small Entities

The commenter requested that the FAA certify under the Regulatory Flexibility Act (RFA) that the AD will not have a significant economic impact on a substantial number of small entities, or prepare an initial regulatory flexibility analysis if it cannot be certified.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), 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.

The FAA identified three air carriers that will be affected by this AD. Based on the Small Business Administration (SBA) size standard, all three entities are large businesses:

SMALL BUSINESS SIZE STANDARDS [1]

NAICS [2] code	Description	Size standard
481111	Scheduled Passenger Air Transportation	1,500 employees.

[1] Source: *sba.gov:* Table of Small Business Size Standards.
[2] North American Industrial Classification System.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may certify under section 605(b) of the RFA. Therefore, as provided in section 605(b) and based on the foregoing, the head of the FAA certifies that this AD will not result in a significant economic impact on a substantial number of small entities. The FAA did not change this AD as a result of this comment.

Request To Revise the Cost Estimate

The Citizens Rulemaking Alliance requested that the FAA augment the rulemaking docket with the cost methodology and assumptions, including the labor rate, parts availability, and expected downtime.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of affected airplanes on the U.S. registry, estimated number of work hours and parts cost provided by the manufacturer, and the aggregate costs. Additionally, the FAA considered the impact that this AD will have on affected operators and determined this AD will not trigger any downtime costs because the requirements of this AD can be performed during regularly scheduled maintenance. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to reopen the comment period or provide additional information in the AD docket. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–24, which specifies procedures for performing a repetitive operational check of the gravity cross flow shut-off valve and, for certain airplanes, inspecting the motive flow fuel-feed tubes for mechanical wear damage (damage includes, but is not limited to, cracks, scores, scratches, nicks, and gouges) and pre-load condition, and, based on findings, replacing the motive flow fuel-feed tube. This material also specifies procedures for replacing the saddle clamp of the motive flow fuel-feed tubes on both left and right sides, inspecting the motive flow fuel-feed tubes for damage (damage includes, but is not limited to, cracks, scores, scratches, nicks, and gouges) and, based on findings, repairing or replacing the motive flow fuel-feed tube. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Interim Action

The preamble to AD 2024–04–06 explained that the FAA considers that AD an ''interim action'' and the FAA might consider further rulemaking if a final action is identified. The manufacturer has since developed additional corrective actions to address the unsafe condition. The FAA has determined that the additional corrective actions should be required.

Costs of Compliance

The FAA estimates that this AD affects 96 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2024–04–06	Up to 16.5 work-hours × $85 per hour = $1,403	$0	Up to $1,403	Up to $134,688.
New actions	6 work-hours × $85 per hour = $510	704	1,214	116,544.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
12 work-hours × $85 per hour = $1,020 (retained from AD 2024–04–06)	$5,256	$6,276.
Up to 12 work-hours × $85 per hour = $1,020 (new actions)	Up to $5,130	Up to $6,150.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2024–04–06, Amendment 39–22685 (89 FR 19228, March 18, 2024); and

■ b. Adding the following new AD:

2026–10–12 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–23352; Docket No. FAA–2025–5024; Project Identifier MCAI–2025–00797–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 1, 2026.

(b) Affected ADs

This AD replaces AD 2024–04–06, Amendment 39–22685 (89 FR 19228, March 18, 2024) (AD 2024–04–06).

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–24, dated April 29, 2025 (Transport Canada AD CF–2025–24).

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of mechanical wear damage on the motive flow fuel-feed tubes that were secured by bonding clamps and clamp blocks inside the collector tank. This AD was also prompted by a determination that replacement of the saddle clamps of the motive flow tubes is also needed to address the unsafe condition. The FAA is issuing this AD to address mechanical wear damage on the motive flow fuel-feed tubes. The unsafe condition, if not addressed, could result in failure of the affected motive flow fuel-feed tubes and a subsequent failure of the gravity transfer system, which could lead to a fuel imbalance condition resulting in a reduction in airplane functional capabilities and increased crew workload.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–24.

(h) Exception to Transport Canada AD CF–2025–24

(1) Where Transport Canada AD CF–2025–24 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–24 refers to January 4, 2023 (the effective date of Transport Canada AD CF–2022–70), this AD requires using April 22, 2024 (the effective date of AD 2024–04–06).

(3) Where Transport Canada AD CF–2025–24 refers to hours air time, this AD requires using flight hours.

(4) Where Parts II and III of Transport Canada AD CF–2025–24 specify to ''rectify, as applicable'', this AD requires replacing that text with ''accomplish all applicable corrective actions before further flight''.

(5) Where the service information referenced in Parts II and III of Transport Canada AD CF–2025–24 specifies to do rework if there is no damage or paint damage only, operators may either do the rework or replace the fuel tubes as specified in the service information referenced in Parts II and III of Transport Canada AD CF–2025–24.

(6) Where Part III of Transport Canada AD CF–2025–24 specifies inspecting for ''a damage'', this AD requires replacing that text with ''damage (damage includes, but is not limited to, cracks, scores, scratches, nicks, and gouges)''.

(i) No Reporting Requirement

Although the service information referenced in Transport Canada AD CF–

2025–24 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–24, dated April 29, 2025.

(ii) [Reserved]

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

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

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

Issued on May 11, 2026.

Brian Knaup,

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

[FR Doc. 2026–10491 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2549; Project Identifier MCAI–2025–00189–T; Amendment 39–23348; AD 2026–10–08]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 1, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–2549; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–2549.

FOR FURTHER INFORMATION CONTACT: Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7350; email: *9-AVS-AIR-BACO-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes. The NPRM was published in the **Federal Register** on September 24, 2025 (90 FR 45922). The NPRM was prompted by EASA AD 2025–0045, dated February 19, 2025 (EASA AD 2025–0045) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2025–0045. The FAA is issuing this AD to address the potential of ignition sources inside fuel tanks. The unsafe condition, if not addressed, could result in a fuel tank explosion and consequent loss of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–2549.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

The FAA received additional comments from the Citizens Rulemaking Alliance. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, or convert this action to an NPRM with a 30-day comment period and 30-day delayed effective date. The commenter asserted the FAA has not adequately justified use of the good cause exemption.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, no change to this AD is necessary.

Request To Make Incorporation by Reference (IBR) Materials Reasonably Available

The Citizens Rulemaking Alliance requested that the FAA make IBR material available and free to the public during the comment period. The commenter asserted that this AD incorporates by reference manufacturer service information.

The FAA clarifies that this AD incorporates by reference EASA AD 2025–0045, not the manufacturer service information referenced in that EASA AD. The FAA posted EASA AD 2025–0078 to the AD docket when the NPRM was published in the **Federal Register**. The material referenced in EASA AD 2025–0045 may only be posted before the final rule's publication if it is already publicly available or if there is written consent from the owner of that material. Additionally, the FAA provided notice in the NPRM that the material referenced in EASA AD 2025–0045 will be available in the AD docket after this AD is published. The FAA did not change this AD as a result of this comment.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or remove any reporting provisions until PRA requirements are satisfied. If reporting is not required, the commenter requested the FAA clarify that in the AD.

The FAA notes this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Consider Impact on Small Entities

The Citizens Rulemaking Alliance requested that the FAA either provide the factual basis for its Regulatory Flexibility Act (RFA) certification that the AD will not have a significant economic impact on a substantial number of small entities, or prepare an initial regulatory flexibility analysis.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), 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.

This AD will affect 3 domestic entities, of which 3 are small entities. The table below displays the industries of the small entities, their average annual revenue, and the AD's estimated cost burden relative to average annual revenue.

NUMBER OF SMALL ENTITIES AFFECTED BY INDUSTRY AND COST SIGNIFICANCE

NAICS code	Description	Affected small entities	Average annual revenue	Cost per AD/annual revenue (%)
481111	Scheduled Passenger Air Transportation	2	$266,830,000	0.01
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	1	2,430,000	0.31
Total		3	178,696,667	0.11

While the FAA has determined that this final AD affects a substantial number of small entities, the compliance cost of the AD relative to each small entity's annual revenue is minimal. The FAA estimates the total cost per affected entity to be $7,650 (90 work-hours × $85 per work-hour), which is 0.11% of the average small entity's annual revenue. Therefore, as provided in section 605(b), the FAA certifies this AD will not result in a significant economic impact on a substantial number of small entities. The FAA did not change this AD as a result of this comment.

Request To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA add to the AD docket the methodology and assumptions supporting the estimated cost of the proposed AD and reopen the comment period for public input on the additional cost information. The commenter stated that the FAA should also provide the fleet size, per airplane labor and parts cost, any assumed downtime or out-of-service impacts, aggregate costs, and any assumption that the manufacturer would provide parts free of charge.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of airplanes affected on the U.S. registry, estimated number of work hours provided by the manufacturer, and the aggregate costs. The FAA did not disclose an estimated parts cost since this AD does not require any parts. Additionally, the FAA considered the impact that this AD will have on affected operators and determined this AD will not trigger any downtime costs because revising the existing maintenance or inspection program, as applicable, is an administrative action that can be performed without impacting operations. Since the FAA has assessed and disclosed the total

known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to reopen the comment period or provide additional information in the AD docket. The FAA did not change this AD as a result of this comment.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0045 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 9 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–10–08 ATR—GIE Avions de Transport Régional: Amendment 39–23348; Docket No. FAA–2025–2549; Project Identifier MCAI–2025–00189–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 1, 2026.

(b) Affected ADs

This AD affects AD 2024–19–02, Amendment 39–22844 (89 FR 82491, October 11, 2024) (AD 2024–19–02).

(c) Applicability

This AD applies to ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 22, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the potential of ignition sources inside fuel tanks. The unsafe condition, if not addressed, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0045, dated February 19, 2025 (EASA AD 2025–0045).

(h) Exceptions to EASA AD 2025–0045

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0045.

(2) Paragraph (3) of EASA AD 2025–0045 specifies revising ''the approved AMP,'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0045 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (3) of EASA AD 2025–0045, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2025–0045.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0045.

(i) Provisions for Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections),

intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2025–0045.

(j) Terminating Action for Certain Tasks Required by AD 2024–19–02

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2024–19–02 for the tasks identified in the material referenced in EASA AD 2025–0045 only.

(k) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(l) Additional Information

For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7350; email: *9-AVS-AIR-BACO-COS@faa.gov*.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0045, dated February 19, 2025.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.

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

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

Issued on May 12, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–10487 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DELAWARE RIVER BASIN COMMISSION

18 CFR Parts 401 and 420

Regulatory Program Fees and Water Charges Rates

AGENCY: Delaware River Basin Commission.

ACTION: Final rule.

SUMMARY: Notice is provided of the Commission's regulatory program fees and schedule of water charges for the fiscal year beginning July 1, 2026.

DATES: This final rule is effective July 1, 2026.

FOR FURTHER INFORMATION CONTACT: Elba L. Deck, CPA, Director of Finance and Administration, (609) 477–7201.

SUPPLEMENTARY INFORMATION: The Delaware River Basin Commission (''DRBC'' or ''Commission'') is a Federal-interstate compact agency charged with managing the water resources of the Delaware River Basin on a regional basis without regard to political boundaries. Its members are the governors of the four basin states—Delaware, New Jersey, New York and Pennsylvania—and on behalf of the federal government, the North Atlantic Division Commander of the U.S. Army Corps of Engineers.

In accordance with 18 CFR 401.43(c), on July 1 of every year, the Commission's regulatory program fees as set forth in Tables 1, 2 and 3 of that section are subject to an annual adjustment, commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia published by the U.S. Bureau of Labor Statistics during that year. Pursuant to 18 CFR 420.41(c), the same indexed adjustment applies to the Commission's schedule of water charges for consumptive and non-consumptive withdrawals of surface water within the basin. The referenced April 12-month CPI for 2026 showed an increase of 4.8%. Commensurate adjustments are thus required.

This notice is made in accordance with 18 CFR 401.43(c) and 18 CFR 420.41(c), which provide that a revised fee schedule will be published in the **Federal Register** by July 1. The revised fees also may be obtained by contacting the Commission during business hours or by checking the Commission's website.

List of Subjects

18 CFR Part 401

Administrative practice and procedure, Project review, Water pollution control, Water resources.

18 CFR Part 420

Water supply.

For the reasons set forth in the preamble, the Delaware River Basin Commission amends parts 401 and 420 of title 18 of the Code of Federal Regulations as set forth below:

PART 401—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 401 continues to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688), unless otherwise noted.

Subpart C—Project Review Under Section 3.8 of the Compact

■ 2. In § 401.43, revise tables 1, 2, and 3 to read as follows:

§ 401.43 Regulatory program fees.

* * * * *

TABLE 1 TO § 401.43—DOCKET APPLICATION FILING FEE

Project type	Docket application fee	Fee maximum
Water Allocation	$551 per million gallons/month of allocation,[1] not to exceed $20,670 [1] Fee is doubled for any portion to be exported from the basin.	Greater of: $20,670 [1] or Alternative Review Fee.
Wastewater Discharge	Private projects: $1,378 [1] ..... Public projects: $689.[1]	Alternative Review Fee.

TABLE 1 TO § 401.43—DOCKET APPLICATION FILING FEE—Continued

Project type	Docket application fee	Fee maximum
Other	0.4% of project cost up to $10,000,000 plus 0.12% of project cost above $10,000,000 (if applicable), not to exceed $103,352 [1].	Greater of: $103,352 [1] or Alternative Review Fee.

[1] Subject to annual adjustment in accordance with paragraph (c) of this section.

TABLE 2 TO § 401.43—ANNUAL MONITORING AND COORDINATION FEE

	Annual fee	Allocation
Water Allocation	[1] $413	<4.99 mgm.
	[1] 620	5.00 to 49.99 mgm.
	[1] 896	50.00 to 499.99 mgm.
	[1] 1,137	500.00 to 9,999.99 mgm.
	[1] 1,378	> or = to 10,000 mgm.
	Annual fee	Discharge design capacity
Wastewater Discharge	[1] $413	<0.05 mgd.
	[1] 841	0.05 to 1 mgd.
	[1] 1,130	1 to 10 mgd.
	[1] 1,378	>10 mgd.

[1] Subject to annual adjustment in accordance with paragraph (c) of this section.

TABLE 3 TO § 401.43—ADDITIONAL FEES

Proposed action	Fee	Fee maximum
Emergency Approval Under 18 CFR 401.40	$5,000	Alternative Review Fee.
Late Filed Renewal Surcharge	$2,000	
Modification of a DRBC Approval	At Executive Director's discretion, Docket Application Fee for the appropriate project type.	Alternative Review Fee.
Name change	[1] $1,378	
Change of Ownership	[1] $2,067	

[1] Subject to annual adjustment in accordance with paragraph (c) of this section.

PART 420—BASIN REGULATIONS—WATER SUPPLY CHARGES

■ 3. The authority citation for part 420 continues to read as follows:

Authority: Delaware River Basin Compact, 75 Stat. 688.

■ 4. In § 420.41, revise paragraphs (a) and (b) to read as follows:

§ 420.41 Schedule of water charges.

* * * * *

(a) $110 per million gallons for consumptive use, subject to paragraph (c) of this section; and

(b) $1.10 per million gallons for non-consumptive use, subject to paragraph (c) of this section.

* * * * *

Dated: May 21, 2026.

Pamela M. Bush,

Assistant General Counsel and Commission Secretary.

[FR Doc. 2026–10529 Filed 5–26–26; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Office of Workers' Compensation Programs

20 CFR Parts 702, 725, and 726

Office of the Secretary

29 CFR Part 5

41 CFR Part 50–201

Wage and Hour Division

29 CFR Parts 500, 501, 503, 530, 570, 578, 579, 801, 810, and 825

Occupational Safety and Health Administration

29 CFR Part 1903

Mine Safety and Health Administration

30 CFR Part 100

RIN 1290–AA46

Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2026

AGENCY: Employment and Training Administration, Office of Workers' Compensation Programs, Office of the Secretary, Wage and Hour Division, Occupational Safety and Health Administration, Employee Benefits Security Administration, and Mine Safety and Health Administration, Department of Labor.

ACTION: Notification of no inflation adjustment to U.S. Department of Labor civil monetary penalties for 2026.

SUMMARY: As required by statute, the Department of Labor annually publishes a final rule updating the civil monetary penalties it assesses. The Bureau of Labor Statistics (BLS) did not publish its October 2025 Consumer Price Index for All Urban Consumers (CPI–U) data due to a lapse in funding. Because the relevant law requires that annual penalty adjustments be based specifically on October CPI–U data—with no alternative calculation allowed—the 2026 adjustment is cancelled entirely.

DATES: Effective May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Amy Hunter, Senior Policy Advisor, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–5076 (this is not a toll-free number). Copies of this final rule may be obtained in alternative formats (large print, Braille, audio tape or disc), upon request, by calling (202) 693–5959 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1–877–889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, Congress enacted the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, sec. 701 (Inflation Adjustment Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 as previously amended by the 1996 Debt Collection Improvement Act, to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The Inflation Adjustment Act required agencies to (1) adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment through an interim final rule (IFR); and (2) make subsequent annual adjustments for inflation no later than January 15 of each year.

On July 1, 2016, the Department published an IFR that established the initial catch-up adjustment for most civil penalties that the Department administers and requested comments. See 81 FR 43430 (DOL IFR). Every year thereafter, the Department has published a final rule establishing the annual adjustment for civil monetary penalties based on the October CPI–U from the prior year.

II. No Adjustment for 2026

According to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the annual inflation adjustment to civil penalties is based on BLS CPI–U data from the month of October of the prior year. Due to the October–November 2025 lapse in appropriations, BLS was unable to produce the October 2025 data. The statute does not allow for an alternative method of calculating civil penalty amounts. On April 17, 2026, Office of Management and Budget (OMB) Director Russell T. Vought issued OMB memorandum M–26–11, which informed agencies of the cancellation of the penalty inflation adjustment for 2026 based on the lack of October 2025 CPI–U data. OMB instructed agencies to continue using the 2025 civil monetary penalties as applicable.

Consistent with the guidance provided in M–26–11, the Department of Labor is not making any adjustments to civil money penalties under the Inflation Adjustment Act in 2026.

In 2027, the Department will undertake a thorough review of civil penalties administered by its various components pursuant to the Inflation Adjustment Act and in accordance with guidance issued by the Office of Management and Budget.

Dated: May 20, 2026.

Keith Sonderling,

Acting Secretary of Labor.

[FR Doc. 2026–10456 Filed 5–26–26; 8:45 am]

BILLING CODE 4510–HL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0302]

RIN 1625–AA00

Safety Zone; Humboldt Bay, Humboldt Bay, CA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of Humboldt Bay. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with exposure of hazardous material from Pacific Gas & Electrical Company shoreside terminal while conducting maintenance. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector San Francisco, or their designated representative.

DATES: This rule is effective from 8 a.m. through 5 p.m. on June 3, 2026.

ADDRESSES: To view available documents, go to *https://www.regulations.gov* and search for USCG–2026–0302.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Sector San Francisco Waterways Management Division, U.S. Coast Guard; email *SFWATERWAYS@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 Pacific Gas and Electrical Company (PG&E) will be conducting maintenance on a PG&E facility near Humboldt Bay, CA on June 3, 2026. While maintenance is conducted at the PG&E shoreside terminal there will be potential hazards from the exposure of hazardous material. The Captain of the Port (COTP) Sector San Francisco has determined that hazards associated with the maintenance being conducted are a safety concern for anyone within a 100-meter radius of this PG&E facility (40°44′31″ N, 124°12′39″ W). 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 and contrary to the public interest. Additionally, the Coast Guard was not notified of this of this event with sufficient time to solicit notice and comments prior to when this safety zone must be established on June 3, 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 on June 3, 2026, from 8. a.m. through 5 p.m. The safety zone will cover all navigable waters within a 100-meter radius of the PG&E facility, located at 1000 King Salmon Ave, Eureka, CA 95503 (40°44′31″ N, 124°12′39″ 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.

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.T11–230 to read as follows:

§ 165.T11165.T11–230 Safety Zone; Humboldt Bay, Humboldt Bay, CA

(a) *Location.* The following area is a safety zone: All navigable waters of the Humbolt Bay, from surface to bottom, within a circle formed 100-meters out from the Pacific Gas & Electric Company facility in approximate position 40°44′31″ N, 124°12′39 W″ These coordinates are based on the North American Datum 83 (NAD 83).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector (COTP) San Francisco 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 (415) 399–7440. 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 a.m. to 5 p.m. on June 3, 2026.

Jordan M. Baldueza,

Captain, U.S. Coast Guard, Captain of the Port Sector San Francisco.

[FR Doc. 2026–10463 Filed 5–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–0560]

Safety Zones; Annual Events in the Captain of the Port Eastern Great Lakes Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce multiple safety zones located in federal regulations for recurring marine events taking place in June and July 2026 to provide for the safety of life on navigable waterways during these events. Our regulation for marine events within the Coast Guard Great Lakes District identifies the regulated areas for these events. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Captain of the Port Eastern Great Lakes or a designated representative.

DATES: The regulations listed in Table 1 to 33 CFR 165.939 will be enforced for the following regulated areas, at the indicated dates and times:

- Event (F)(1): Festival of the Fish Fireworks—from 9:00 p.m. to 11:30 p.m. on June 19, 2026.
- Event (G)(4): City of Cleveland July 4th Fireworks—from 9:30 p.m. through 11:00 p.m. on July 4, 2026.
- Event (G)(5): Mentor Harbor Yacht Club Fireworks—from 8:45 p.m. through 10:30 p.m. on July 3, 2026.
- Event (G)(6): Whiskey Island Boat Parade of Lights—from 9:00 p.m. through 11:30 p.m. on July 25, 2026.
- Event (G)(11): Bay Village Independence Day Celebration—from 9:30 p.m. through 11:00 p.m. on July 4, 2026.
- Event (G)(12): Brogan Open Water Classic—from 6:30 a.m. through 11:30 a.m. on July 11, 2026.
- Event (G)(29): Wine and Walleye Festival Fireworks—from 8:30 p.m. through 11:30 p.m. on July 25, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Andrew Nevenner at Marine Safety Unit Cleveland's Waterways Management Division; telephone 216–937–0111, email *D09-SMB-MSUCLEVELAND-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce multiple safety zones for annual events in the Captain of the Port Eastern Great Lakes Zone listed in Table 1 to 33 CFR 165.939, for events occurring in the months of June and July as listed in the **DATES** section above. Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port (COTP) Eastern Great Lakes or his designated representative. Those seeking permission to enter the safety zone may request permission from the COTP Eastern Great Lakes via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of COTP Eastern Great Lakes or his designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the COTP Eastern Great Lakes determines that the safety zone need not be enforced for the full duration stated in this notice, he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: May 20, 2026.

M.J. Walter,

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

[FR Doc. 2026–10480 Filed 5–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0703]

RIN 1625–AA87

Security Zones; Vessels Carrying Dangerous Cargo, Corpus Christi and La Quinta Ship Channels, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone around vessels carrying Certain Dangerous Cargos (CDCs), for which the Captain of the Port, Corpus Christi deems enhanced security measures are necessary on a case-by-case basis. This security zone is needed to safeguard these vessels, the public, and the surrounding area from sabotage or other subversive acts, accidents, or other events of a similar nature. This rulemaking prohibits entry of vessels or person into this security zone during enforcement periods unless specifically authorized by the Captain of the Port, Corpus Christi or their designated representative.

DATES: This rule is effective June 26, 2026.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2025–0703 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email call or email Lieutenant Tim Cardenas, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone (571) 610–4222, email *Timothy.J.Cardenas@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CDC Certain Dangerous Cargo
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

This rule establishes a permanent security zone regulation that will be activated as necessary to protect vessels

carrying CDC bound for the Port of Corpus Christi. Vessels carrying CDC within the Captain of the Port Corpus Christi Zone are potential targets of terrorist attacks, or potential launch platforms for terrorist attacks on other vessels, waterfront facilities, and adjacent population centers. In the last 2 years, the Port of Corpus Christi has seen more than 450 vessels enter or depart the port carrying CDCs, with that number projected to almost double in the next 15 years.

The Coast Guard has previously created temporary security zones for individual vessel transits, see for example 89 FR 96533, December 5, 2024. Continuing to create individual security zones will result in a significant administrative burden to the unit based on the expected number of future transits, and it will also delay public notice for individual security zone activations. Therefore, the Coast Guard is establishing this security zone to safeguard these vessels, the public, and the surrounding area from sabotage or other subversive acts, accidents, or other events of a similar nature.

On December 23, 2025, the Coast Guard published a notice of proposed rulemaking (NPRM) titled, ''Security Zones; Vessels Carrying Dangerous Cargo, Corpus Christi and La Quinta Ship Channels, Corpus Christi, TX.'' In the NPRM (90 FR 60053) we stated why we issued the NPRM and invited comments on our proposed regulatory action.

Under section 46 U.S.C. 70051 and 46 U.S.C. 70124, the Sector Commander, Coast Guard Sector Corpus Christi has determined vessels carrying CDC within the Captain of the Port Corpus Christi Zone are potential targets of terrorist attacks, or potential launch platforms for terrorist attacks on other vessels, waterfront facilities, and adjacent population centers. The purpose of this rule is to safeguard the vessels, the public, and the surrounding area from sabotage or other subversive acts, accidents, or other events of a similar nature.

III. Discussion of Comments and the Rule

During the comment period that ended January 22, 2026, we received no comments. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a new security zone regulation for vessels carrying CDC while transiting in the Corpus Christi and La Quinta Shipping, or when moored at a facility and loading or unloading. The rule prohibits persons and vessels from entry into the security zone during limited times when activated, unless authorized by the Captain of the Port, Sector Corpus Christi (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 Act of 1980 (RFA), 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. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The Coast Guard certifies that, although some small entities may intend to transit the security zone above, this rule will not have a significant economic impact on a substantial number of small entities. This rule will impact a small, designated area of 500-yards around a moving vessel in the Corpus Christi or La Quinta Shipping Channels over a period of six hours or less. Most vessels will be able to move around the security zone and therefore the impediment to the movement of other vessels will be minimal. Moreover, the rule allows other vessels to seek permission from the COTP to enter the zone.

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).

B. Collection of Information

This rule would 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 security zone around vessels laden with CDC as they transit through the Corpus Christi or La Quinta Shipping Channels. 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. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

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 § 165.848 to read as follows:

§ 165.848 Security Zones; Vessels Carrying Dangerous Cargo, Corpus Christi and La Quinta Ship Channels, Corpus Christi, TX.

(a) *Location.* The following area is a security zone: All waters within the Corpus Christi or La Quinta Shipping Channel, from surface to bottom, encompassing a 500-yard radius around vessels loaded with certain dangerous cargo.

(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 Corpus Christi (COTP) in the enforcement of the security zone.

Certain dangerous cargo or *CDC* means a material defined as CDC in 33 CFR 160.202.

(c) *Regulations.* (1) No vessel may approach within 500 yards of a passenger vessel or vessel carrying a CDC within the Captain of the Port Corpus Christi zone, unless traveling at the minimum speed necessary to navigate safely.

(2) Under the general security zone regulations in subpart D of this part, no vessel or person may approach within 100 yards of a vessel carrying a CDC within the Corpus Christi or La Quinta Ship Channels, unless authorized by the COTP Sector Corpus Christi or his or her designated representative.

(3) Persons or vessels desiring to enter or pass through the zone must request permission from the COTP Sector Corpus Christi on VHF–FM channel 16 or by telephone at 1–800–874–2143. If permission is granted, all persons and vessels must comply with all lawful orders and directions of the COTP or the COTP's designated representative.

(d) *Enforcement.* When this security zone is activated for vessels carrying CDC within the location above, the COTP or a designated representative will provide notice to the public of the specific dates, times, and vessel names through Broadcast Notices to Mariners (BNMs) or Marine Safety Information Bulletins (MSIBs) of the enforcement times and dates for this security zone. The COTP may also enlist the aid and cooperation of any Federal, state, county, or municipal law enforcement agency to assist in the enforcement of the regulation.

T.H. Bertheau,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2026–10492 Filed 5–26–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 71

[Docket No. CDC–2026–0991]

RIN 0920–AA88

Control of Communicable Diseases; Foreign Quarantine

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Interim final rule.

SUMMARY: The Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services (HHS) issues this interim final rule with request for comments to amend its Foreign Quarantine Regulations. This interim final rule provides a procedure for the Secretary acting through the CDC Director or other delegate to suspend the introduction of persons from designated countries or places, if required, in the interest of public health.

DATES:

Effective date: This interim final rule is effective on May 22, 2026.

Comment date: Comments must be received by June 26, 2026.

Expiration date: Unless extended after consideration of submitted comments, this interim final rule will cease to be in effect on the earlier of (1) six months from the publication of this interim final rule, or (2) when the HHS Secretary determines there is no longer a need for this interim final rule. The Secretary will publish a document in the **Federal Register** announcing the expiration date.

ADDRESSES: You may submit comments, identified by CDC–2026–0991, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

Any comment that is submitted will be shared with the Department of Homeland Security and the Department of State and will also be made available to the public. Comments must be identified by CDC–2026–0991. Because of staff and resource limitations, all comments must be submitted electronically to *www.regulations.gov.* Follow the ''Submit a comment'' instructions.

Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines. No deletions, modifications, or redactions will be made to comments received.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including personally identifiable or confidential business information that is included in a comment.

FOR FURTHER INFORMATION CONTACT: Division of Global Migration Health, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–H16–4, Atlanta, Georgia 30329. Telephone: 1–800–232–4636.

SUPPLEMENTARY INFORMATION: The IFR is organized as follows:

Table of Contents

I. Background
II. Statutory Authority
III. Provisions of Amended § 71.40(f)
IV. Rationale for Issuance of an Interim Final Rule With Immediate Effectiveness
V. Request for Comment
VI. Regulatory Impact Analysis

I. Background

The Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS), is amending the regulations that implement section 362 of the Public Health Service (PHS) Act, *42 U.S.C. 265,* as amended, as part of its response to the 2026 Ebola Disease Outbreak in the Democratic Republic of Congo (DRC), Uganda, and South Sudan. Section 362 provides that if the Secretary ''determines that by reason of the existence of any communicable disease in a foreign country there is serious danger of the introduction of

such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health,'' he has the authority, in accordance with regulations approved by the President, ''to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem necessary for such purpose.'' PHS Act 362, *42 U.S.C. 265.* Pursuant to a delegation of the Secretary's authority, the CDC Director has promulgated regulations under section 362 to suspend the introduction of persons and property into the United States. Current regulations, however, provide an exception to the suspension of introduction into the United States for lawful permanent residents (LPR) (42 CFR 71.40(f))

CDC's experience with Ebola disease is that the disease is a severe and often fatal illness caused by viruses in the Ebola family. Ebola disease outbreaks occur mainly in parts of sub-Saharan Africa and can spread rapidly in communities with limited healthcare resources. The particular Ebola disease at issue in this outbreak, the Bundibugyo virus, is a rare form of Ebola first identified during an outbreak in Bundibugyo District, Uganda, in 2007. Bundibugyo virus is one of several species within the orthoebolavirus family and causes symptoms similar to other forms of Ebola, including fever, weakness, vomiting, diarrhea, and, in severe cases, hemorrhagic complications and organ failure. The disease spreads through direct contact with infected bodily fluids or contaminated materials.

The incubation period for Ebola disease caused by the Bundibugyo virus is typically between 2 and 21 days, with most people developing symptoms within 4 to 10 days after exposure. During this incubation period, infected individuals do not spread the virus until symptoms begin. Screening for Ebola disease caused by Bundibugyo virus focuses on identifying symptoms and possible exposure history, such as recent travel to affected areas or contact with infected individuals. Suspected patients are evaluated for symptoms including fever, weakness, vomiting, diarrhea, and bleeding, and laboratory confirmation is performed using specialized tests such as PCR (polymerase chain reaction) to detect the virus in blood and other body fluid samples. Health authorities also use temperature checks, contact tracing, and isolation procedures to prevent transmission.

There are currently no widely approved vaccines or specific antiviral treatments for the Bundibugyo virus that causes Ebola disease. Treatment mainly consists of supportive care, including intravenous fluids, electrolyte replacement, oxygen support, pain and fever management, and treatment of secondary infections. Early medical care significantly improves survival chances. Robust public health measures such as early detection, rapid isolation, strong infection prevention measures (*i.e.,* use of personal protective equipment (PPE)), and monitoring of contacts are critical to controlling outbreaks and reducing deaths. Given the complexities of global disease outbreaks, including the current Ebola disease outbreak in the DRC, Uganda and South Sudan, the logistics of trying identify cases at the numerous ports of entry (POE) of the United States (air, land, and sea), and the fact that there are no approved vaccines or specific antiviral treatments for this strain of Ebola disease, CDC needs a more efficient regulatory mechanism to exercise its section 362 authority and suspend the introduction of persons other than U.S. Citizens and U.S. Nationals who would otherwise pose a serious danger of introduction of Ebola disease into the United States.

Past Experience With Migration and Communicable Disease

International travel and migration play a significant role in the global transmission of infectious biological agents or their toxic products that pose risks for vulnerable populations. Travelers can serve as unwitting vectors of disease and thereby increase the risk of communicable disease transmission and of the introduction of quarantinable communicable disease into the United States. The risk increases when travelers are in congregate settings, such as carriers (*i.e.,* ships, aircraft, trains, and road vehicles) or terminals with shared sitting, sleeping, eating, or recreational areas, all of which are conducive to disease transmission.

The speed and far reach of global travel were factors in prior outbreaks that expanded to numerous continents. Examples include: The H1N1 influenza pandemic in 2009; severe acute respiratory syndrome (SARs) coronavirus in 2003; tuberculosis; measles; Middle East Respiratory Syndrome (MERS–CoV) in 2012; Ebola Virus Disease in 2014 and 2018, and COVID–19 in 2020. All these high-consequence diseases posed significant public health risks, especially given the compressed timeframes in which the outbreaks initially occurred.

In addition, global travel has increased dramatically since prior infectious disease outbreaks. In 2025, international visitations to the U.S. totaled over 68 million; in 2020 when this regulation was amended to introduce the suspension of introduction of persons into the United States, that number totaled only 19.8 million. The dramatic increase in global travel to the United States, likely spurred by individuals having the freedom to travel again following the COVID–19 pandemic, make the availability of the most efficient and comprehensive mechanism for exercising the section 362 authority all the more important to the protection of the public health going forward.

The Current Outbreak of Ebola Disease

Presently, there is a confirmed ongoing outbreak of Ebola disease caused by the Bundibugyo virus in DRC and Uganda. The current outbreak is centered in eastern DRC's Ituri Province, where hundreds of suspected cases and dozens of deaths have been reported. Conflict, weak health infrastructure, and relatively porous borders in the region are complicating containment efforts.

Uganda has confirmed imported cases linked to travel from DRC, including one case detected in Kampala, imported from a traveler from DRC. Ugandan authorities have activated emergency response systems, expanded surveillance, and strengthened screening at borders and health facilities. Uganda has significant prior experience managing Ebola disease outbreaks, including the Sudan virus strain outbreak in 2025, which improved preparedness and response capacity.

South Sudan has not reported confirmed cases in the current outbreak, but it is considered at high risk because of its close border with affected areas in eastern DRC and Uganda, limited healthcare infrastructure, and cross-border population movement. Regional and international agencies, including WHO and Africa CDC, are supporting preparedness measures, surveillance, and coordination among the three countries to prevent wider spread. Despite these efforts there is a risk that the outbreak could spread beyond these three countries, and ultimately reach the United States, through international travel by infected individuals during the virus's incubation period, when they have been exposed but are not yet showing symptoms. Travelers moving between affected countries and major international transit hubs could

unknowingly carry the virus before becoming ill.

DRC, Uganda, and South Sudan are connected to the global aviation network through a series of regional and international transit hubs that provide pathways into the United States. Travelers departing from outbreak-affected regions frequently transit through densely populated metropolitan airports such as Addis Ababa Bole International Airport (ADD), Jomo Kenyatta International Airport (NBO) in Nairobi, Hamad International Airport (DOH) in Doha, Dubai International Airport (DXB), and Istanbul Airport (IST), all of which maintain extensive passenger connectivity to major U.S. gateway airports including John F. Kennedy International Airport (JFK), Washington Dulles International Airport (IAD), Hartsfield-Jackson Atlanta International Airport (ATL), Chicago O'Hare International Airport (ORD), and Los Angeles International Airport (LAX). These international transportation corridors support continuous movement of travelers between Central and East Africa and major U.S. metropolitan centers, increasing the likelihood that individuals exposed to Ebola virus disease could enter the United States before symptoms become apparent. Complex multi-leg itineraries and the rapid pace of international travel create substantial challenges for identifying potentially infected travelers before arrival.

The risk of Bundibugyo virus disease introduction into the United States is heightened by the virus's incubation period, which can extend up to 21 days, allowing infected individuals to travel internationally while asymptomatic and therefore unlikely to be detected through routine symptom-based screening measures. A traveler infected in outbreak regions of DRC and Uganda may transit through multiple countries and major international airports before developing fever or other clinical signs of disease. Upon arrival in major U.S. metropolitan areas, travelers who become symptomatic could interact with crowded airport environments, domestic transportation systems, healthcare facilities, hotels, or community settings prior to diagnosis and isolation. Because modern aviation networks enable rapid movement from outbreak zones to the United States within one to two days, even a limited number of infected travelers could create significant public health response demands, particularly if exposure events occur in high-density urban environments. The interconnected nature of global air travel therefore presents a credible pathway for Bundibugyo virus disease importation into the United States, underscoring the importance of aggressive surveillance, traveler monitoring, airport screening, healthcare preparedness, and rapid containment capabilities.

Travelers utilizing air transit pathways originating in or passing through DRC, Uganda, and South Sudan include non-U.S. citizens, foreign contract workers, humanitarian personnel, business travelers, students, refugees, and third-country nationals moving through international aviation hubs in Africa, the Middle East, and Europe. Many travelers entering U.S.-bound itineraries from these pathways may do so under temporary visas, refugee or asylum processing mechanisms, international organizational travel, or multi country itineraries that obscure their original point of departure. As a result, public health screening and border security systems face heightened operational complexity in identifying travelers with recent exposure histories linked to Ebola-affected regions, particularly when travelers originate from or transit through multiple jurisdictions prior to arrival at major U.S. metropolitan airports.

On May 18, 2026, the Director General of WHO declared that the outbreak of Ebola Disease caused by the Bundibugyo virus is a Public Health Emergency of International Concern under the International Health Regulations. Also on May 18, 2026, the CDC issued an initial order suspending the entry of covered aliens into the United States pursuant to section 362 (42 U.S.C. 265) of the Public Health Service Act, as amended, and 42 CFR part 71.40.

Restricting entry of LPRs, in addition to other non-U.S. citizens, who originate from or have recently traveled through DRC, Uganda, and South Sudan would reduce the volume of higher-risk international arrivals requiring public health monitoring and follow-up. Limiting the number of potentially exposed travelers entering through major U.S. ports of entry, federal, state, and local public health authorities could concentrate finite surveillance, screening, contact tracing, quarantine management, and medical monitoring resources on returning U.S. citizens. Such an approach would reduce operational strain on airport screening systems, CDC quarantine stations, public health laboratories, and healthcare facilities, many of whom may not have experience treating highly pathogenic diseases, responsible for evaluating suspected Bundibugyo virus disease cases. It would also improve the ability of authorities to conduct detailed exposure assessments, ensure compliance with monitoring requirements during the 21-day incubation period, rapidly identify symptomatic individuals, and allocate specialized isolation and treatment capacity more effectively. In the context of a rapidly evolving Bundibugyo virus disease outbreak with significant international mobility, prioritizing surveillance efforts toward a smaller and more traceable traveler population would strengthen the overall effectiveness of U.S. disease containment and border health security operations.

Travelers Health Notices (THNs) and Health Alert Network notices (HANs) have also been issued by the CDC with respect to travel from or through the affected countries.

This outbreak continues to highlight why CDC needs an efficient and comprehensive regulatory mechanism to suspend the introduction of all persons who would otherwise increase the serious danger of the introduction of a quarantinable communicable disease into the United States. Section 362 currently provides the authority to prohibit the ''introduction'' of persons into the United States, while the implementing regulations found at 42 CFR part 71.40 provide exceptions to that authority. Despite continued attempts to mitigate and end the outbreak, cases and deaths have rapidly propagated and multiplied, crossing international borders with ease. In the immediate term, given what is currently known about the outbreak, persons traveling from other foreign countries and jurisdictions, including LPRs, may increase the opportunity for introduction of Ebola disease into the United States.

At this time, there is no approved vaccine or therapeutic for the Bundibugyo virus causing the current outbreak of Ebola disease. The Secretary acting through the CDC Director or other delegate needs a robust, efficient, and comprehensive mechanism for exercising its authority under section 362 and other applicable authorities to suspend the introduction of persons into the United States, including LPRs, should the public health require it. In issuing orders pursuant to this interim final rule, the Secretary acting through the CDC Director or other delegate would coordinate with the Secretary of State in order to ensure compliance with the international legal obligations of the United States and to take due account of U.S. national and security interests. CDC would also coordinate

with the Department of Homeland Security to operationalize and implement the order.

Other Public Health Risks

The suspension authority is also critical to CDC because there is always a risk of another emerging, or re-emerging, quarantinable communicable disease that may harm the American public. Currently, CDC is responding to multiple outbreaks of quarantinable communicable disease: Andes virus, a strain of Hantavirus, and now the Ebola disease. Another continuous risk of quarantinable communicable disease comes in the form of pandemic influenza (as opposed to seasonal influenza), which occurs when a novel, or new, influenza virus strain spreads over a wide geographic area and affects an exceptionally high proportion of the population. In such circumstances, the strain of virus is new, there is usually no available vaccine, and humans do not typically have immunity to the virus, often resulting in a more severe illness. The severity and unpredictable nature of an influenza pandemic require public health systems to prepare constantly for the next occurrence. Whenever a new strain of influenza virus appears, or a major change to a preexisting virus occurs, individuals may have little or no immunity, which can lead to a pandemic when the virus passes easily from human to human and causes serious illness or death. The most recent influenza pandemics include H1N1 in 2009–2010, the 1968–1969 Hong Kong Flu, the 1957–1958 Asian Flu, and the 1918–1919 Spanish Flu.

It is difficult to predict the impact that another emerging, or re-emerging, quarantinable communicable disease would have on the U.S. public health system. The 2009 H1N1 pandemic caused between 100,000 and 600,000 deaths worldwide, while the 1918–1919 Spanish Flu was estimated to have caused over 50 million deaths worldwide. The COVID–19 pandemic from 2020–2023 caused approximately 7.11 million deaths world-wide, disrupted the global economy, the ability to live everyday life normally, separated families and friends for, in some cases, several years, and caused untold harm to individual mental health. Although advances in health care quality have greatly improved, the dramatic increases in global mobility in the 21st century have increased the rate at which a communicable disease can spread. Modern pandemics, spread through international travel, can engulf the world in three months or less. Moreover, pandemics can last from 12 to 18 months (or longer in the case of COVID–19) and are not considered one-time events.

The introduction of another emerging, or re-emerging, quarantinable communicable disease into the United States is always a risk. The PHS Act section 362 suspension authority has proven critical to prior CDC efforts, as well as those of its Federal, State, and local partners to contain or mitigate public health risks. CDC expects to mitigate the risk in the future by issuing a Final Rule, after considering comments, to implement a permanent regulatory structure regarding the potential suspension of introduction of persons, including LPRs, into the United States in the event a serious danger of the introduction of a quarantinable communicable disease arises in the future.

II. Statutory Authority

The primary legal authority supporting this rulemaking is section 362 of the PHS Act, which is codified at *42 U.S.C. 265.* Under section 362, the Secretary has the authority—if he were to determine that the existence of a communicable disease in a foreign country creates a serious danger of the introduction of such disease into the United States, and that this danger is increased by the introduction of persons or property from such country such that suspension of introduction is necessary to protect the public health—to suspend, in accordance with regulations approved by the President, such period of time as he may deem necessary for such purpose.

In addition to section 362, other sections of the PHS Act are relevant to this rulemaking, including section 311, *42 U.S.C. 243;* section 361, *42 U.S.C. 264;* section 365, *42 U.S.C. 268;* and section 367, *42 U.S.C. 270.* Section 311 authorizes the Secretary to accept State and local assistance in the enforcement of quarantine rules and regulations and to assist States and their political subdivisions in the control of communicable diseases. Section 361 authorizes the Secretary to make and enforce such regulations that in the Secretary's judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. It also permits the ''apprehension, detention, or conditional release of individuals'' in order to prevent the ''introduction, transmission, or spread'' of such communicable diseases as may be specified from time to time in Executive Orders of the President upon the recommendation of the Secretary, in consultation with the Surgeon General. Section 365 provides that it shall be the duty of designated customs officers and of Coast Guard officers to aid in the enforcement of quarantine rules and regulations. Section 367 authorizes the application of certain sections of the PHS Act and promulgated regulations (including penalties and forfeitures for violations of such sections and regulations) to air navigation and aircraft to such extent and upon such conditions as deemed necessary for safeguarding public health.

III. Provisions of Amended § 71.40(f)

This interim final rule will implement amendments to section 71.40(f).

Although section 362 applies to ''persons,'' this interim final rule does not apply to U.S. citizens or U.S. nationals consistent with the constitutional limitations on the Federal Government's authority to restrict the return of its own citizens and nationals. U.S. citizens possess a fundamental constitutional right to enter the United States.

That does not render CDC without tools to address the public health risks posed by returning U.S. citizens and U.S. nationals who may have been exposed to quarantinable communicable diseases, including Ebola. Congress provided CDC with the authority to prohibit the introduction of persons who would increase a serious danger of introducing into the United States a quarantinable communicable disease, when required in the interest of the public health. CDC believes that, at present, quarantine, isolation, and conditional release, in combination with other authorities, while not perfect solutions, can mitigate any transmission or spread of communicable diseases, including Ebola caused by the Bundibugyo virus through the introduction of U.S. citizens into the United States, as that population is likely to be limited, and given the finite nature of the resources to support those actions. Section 71.40(f) therefore states that this interim final rule shall not apply to U.S. citizens and U.S. nationals. Determining the appropriate protections for U.S. citizens and U.S. nationals requires a complex balancing of numerous interests and would benefit from additional consideration and public comment. HHS does not want such concerns to delay the issuance of this interim final rule, which would enable the CDC Director to issue orders that would have the effect of slowing the introduction, transmission, and spread of quarantinable communicable diseases, including Ebola caused by the Bundibugyo virus in the United States.

The interim final rule will apply to lawful permanent residents. HHS and CDC have determined that permitting the Director of CDC or other Secretarial delegate the discretion to prohibit entry of certain lawful permanent residents is reasonably required in the interest of public health. In making that determination, HHS and CDC considered that many lawful permanent residents may maintain stronger ties to families and communities outside the United States than do U.S. citizens and nationals, such that prohibiting their entry is comparatively less burdensome to lawful permanent residents than to U.S. citizens or nationals. Moreover, lawful permanent residents may have comparatively deeper ties to their home countries or regions than do American citizens, whose connections to those countries or regions may be more fleeting. And those closer connections, more frequent visits, and additional time spent in relevant countries or region may increase the risk of exposure to pathogens in their home countries or regions during public health emergencies. HHS and CDC have also considered that, conversely, U.S. citizens and nationals would be more negatively affected by being prohibited from entering the United States.

Furthermore, HHS and CDC have determined that the interim final rule should apply to lawful permanent residents given resource constraints. Containing quarantinable communicable diseases on U.S. soil is highly resource-intensive, requiring specialized and isolated facilities with limited capacity. In their judgment, HHS and CDC have determined that current section 71.40 may not provide the Director of CDC or other Secretarial Delegate the flexibility needed to manage the influx of persons from designated foreign countries or places. Given the above analysis of the relative burdens faced by U.S. citizens, U.S. nationals, and lawful permanent residents, HHS and CDC have determined that the best balance between ensuring the Director of CDC has the ability to properly allocate resources and taking into account the interests of persons entering the United States is to draw the line at lawful permanent residents.

As with current section 71.40, this interim final rule only provides discretion to the Director of CDC to suspend the entry of covered aliens; it does not automatically prohibit the introduction of any individua into the United States.

IV. Rationale for Issuance of an Interim Final Rule With Immediate Effectiveness

Agency rulemaking is governed by section 553 of the Administrative Procedure Act (APA) (*5 U.S.C. 553*). Section 553(b) requires that, unless the rule falls within one of the enumerated exemptions, HHS must publish a notice of proposed rulemaking in the **Federal Register** that provides interested persons an opportunity to submit written data, views, or arguments, prior to finalization of regulatory requirements. Section 553(b)(3)(B) of the APA authorizes a department or agency to dispense with the prior notice and opportunity for public comment requirement when the agency, for ''good cause,'' finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest. In addition, because this interim final rule represents a critical part of the dialogue between the United States and the Governments of the affected countries, DRC, Uganda, and South Sudan, as well as potential implementing partners Mexico and Canada, in preventing the spread of Ebola disease caused by Bundibugyo virus, it involves a ''foreign affairs function of the United States.'' *5 U.S.C. 553(a)(1).*

As noted above, the United States and the affected countries of DRC, Uganda, and South Sudan, along with other countries have taken necessary measures to try to contain or slow the transmission or spread of this Ebola disease outbreak. Such public health actions, especially the actions by the Secretary, have been taken to attempt to slow introduction and transmission of the disease into the United States, which benefit the public health, preserve limited public and private resources, particularly in the areas of quarantine and isolation, and give the U.S. public health system additional time to implement further measures to protect and support the public.

Nevertheless, these measures have not completely stopped (and will not completely stop) global travelers, and other persons crossing from one country into another country, from spreading Ebola disease caused by the Bundibugyo virus across country boundaries. This interim final rule's expanded discretion to exercise the suspension authority is therefore critical to slowing the introduction of Ebola disease into the United States. The United States is at a mitigation juncture where suspending the introduction of persons, including LPRs, from certain countries or places may be required in the interest of the public health, because it could materially reduce the transmission and spread of Ebola disease in the United States and the need for limited resources to implement any necessary public health actions. Because persons can have Ebola disease and be asymptomatic (although not infectious until symptomatic) at the time of introduction into the United States, and because specialized testing is needed to confirm infection with the disease, it is impracticable to confirm who is infected with Ebola disease and who is not infected with Ebola disease as persons move into the United States. Similarly, Federal quarantines or isolations of all such persons pending test results would be impracticable due to the potential numbers of persons involved if this necessary limitation is not imposed, logistical challenges, and CDC resource and personnel constraints.

Given that the outbreak has been declared a public health emergency of international concern, and that quick action is crucial to preventing spread of the disease, it would be impracticable and contrary to the public health—and, by extension, the public interest—to delay the necessary changes to this implementing regulation until a full public notice-and-comment process is completed.

Pursuant to *5 U.S.C. 553(b)(3)(B),* and for the reasons stated above, HHS therefore concludes that there is good cause to dispense with prior public notice and the opportunity to comment on this rule before finalizing this rule. For the same reasons, HHS has determined, consistent with section 553(d) of the APA, that there is good cause to make this interim final rule effective immediately upon filing at the Office of the Federal Register.

V. Request for Comment

HHS requests comment on all aspects of this interim final rule, including its likely costs and benefits and the impacts that it is likely to have on the public health, as compared to the current requirements under *42 CFR part 71.*

VI. Regulatory Impact Analysis

Executive Orders 12866 and 13563 and Regulatory Flexibility Act

Executive Orders 12866 and 13563 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 (including potential economic, environmental, and public health and safety effects; distributive impacts; and equity). *Executive Order 13563*

emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Section 3(f) of *Executive Order 12866* defines a ''significant regulatory action'' as an action that is likely to result in a regulation (1) having an annual effect on the economy of $100 million or more in any one year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563. CDC, however, is proceeding under the emergency provision at *Executive Order 12866* Section 6(a)(3)(D) based on the need to move expeditiously during the current outbreak and public health emergency of international concern to limit the introduction of Ebola disease into the United States.

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the APA or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. *5 U.S.C. 603, 604.* Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. Such analysis must address the consideration of regulatory options that would lessen the economic effect of the rule on small entities. The RFA defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. *5 U.S.C. 601(3)–(6).* Except for such small government jurisdictions, neither State nor local governments are ''small entities.'' Similarly, for purposes of the RFA, individual persons are not small entities. The requirement to conduct a regulatory impact analysis does not apply if the head of the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' *5 U.S.C. 605(b).* The agency must, however, publish the certification in the **Federal Register** at the time of publication of the rule, ''along with a statement providing the factual basis for such certification.'' *Id.* If the agency head has not waived the requirements for a regulatory flexibility analysis in accordance with the RFA's waiver provision, and no other RFA exception applies, the agency must prepare the regulatory flexibility analysis and publish it in the **Federal Register** at the time of promulgation or, if the rule is promulgated in response to an emergency that makes timely compliance impracticable, within 180 days of publication of the final rule. *5 U.S.C. 604(a), 608(b).*[19]

This interim final rule establishes a regulatory mechanism for the exercise of the PHS Act section 362 suspension authority, which directly applies against persons and not State, local, or tribal governments, or the private sector. Accordingly, HHS and CDC certifies that this interim final rule would likely impact only persons, and that it would, therefore, not have a significant economic impact on a substantial number of small entities. In addition, for the reasons set forth in this document pertaining to the Ebola disease outbreak, the Secretary finds that this interim final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of section 604 impracticable.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) (*2 U.S.C. 1532*) requires that covered agencies prepare a budgetary impact statement before promulgating a 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 million in 1995 dollars, updated annually for inflation. Currently, that threshold is approximately $193 million. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires covered agencies to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. HHS has determined that this interim final rule is not expected to result in expenditures by State, local, and tribal governments, or by the private sector, that meets or exceeds the threshold in any one year because it only establishes a regulatory mechanism for the exercise of the PHS Act section 362 suspension authority, which applies against persons and not State, local, or tribal governments, or the private sector. Accordingly, HHS has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

National Environmental Policy Act (NEPA)

HHS has determined that the amendments to *42 CFR part 71* will not have a significant impact on the human environment. *Executive Order 12988:* Civil Justice Reform

HHS has reviewed this rule under *Executive Order 12988* on Civil Justice Reform and has determined that this interim final rule meets the standard in the Executive Order.

Executive Order 13132: Federalism

This interim final rule has been reviewed under *Executive Order 13132,* Federalism. Under *42 U.S.C. 264(e),* Federal public health regulations do not preempt State or local public health regulations, except in the event of a conflict with the exercise of Federal authority. Other than to restate this statutory provision, this rulemaking does not alter the relationship between the Federal government and State/local governments as set forth in *42 U.S.C. 264.* The longstanding provision on preemption in the event of a conflict with Federal authority (*42 CFR 70.2*) is left unchanged by this rulemaking. Furthermore, there are no provisions in this regulation that impose direct compliance costs on State and local governments. Therefore, HHS believes that the interim final rule does not warrant additional analysis under *Executive Order 13132.*

Plain Language Act of 2010

Under the Plain Language Act of 2010 (*Pub. L. 111–274,* October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal Government administers or enforces. HHS/CDC has attempted to use plain language in promulgating this interim final rule, consistent with the Federal Plain Writing Act guidelines.

Congressional Review Act

The Congressional Review Act defines a ''major rule'' as ''any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget finds has resulted in or is likely to result in—(A) an annual effect on the

economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (C) 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.'' *5 U.S.C. 804(2).* This Office of Information and Regulatory Affairs has determined that this interim final rule is a major rule for purposes of the Congressional Review Act. As this rule is promulgated under the ''good cause'' exemption of the Administrative Procedure Act, there is not a delay in its effective date under the Congressional Review Act.

Assessment of Federal Regulation and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal departments and agencies to determine whether a proposed policy or regulation could affect family well-being. If the determination is affirmative, then the Department or agency must prepare an impact assessment to address criteria specified in the law. HHS has determined that this interim final rule will not have an impact on family well-being, as defined in the Act.

Paperwork Reduction Act of 1995

In accordance with the Paperwork Reduction Act of 1995 (*44 U.S.C. Ch. 3506; 5 CFR 1320* Appendix A.1), HHS has reviewed this interim final rule and has determined that there are no new collections of information contained therein.

List of Subjects in 42 CFR Part 71

Apprehension, CDC, Communicable diseases, Conditional release, Ill person, Isolation, Non-invasive, Public health emergency, Public health prevention measures, Qualifying stage, Quarantine, Quarantinable communicable disease.

For the reasons set forth in the preamble, the Department of Health and Human Services, on behalf of the Centers for Disease Control and Prevention, amends 42 CFR part 71 as follows:

PART 71—FOREIGN QUARANTINE:

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

Authority: Secs. 215 and 311 of the Public Health Service (PHS) Act, as amended (42 U.S.C. 216, 243); secs. 361–369, PHS Act, as amended (42 U.S.C. 264–272).

■ 2. Amend § 71.40 by revising paragraph (f) to read as follows:

§ 71.40 Suspension of the right to introduce and prohibition of the introduction of persons into the United States from designated foreign countries or places for public health purposes.

* * * * *

(f) This section shall not apply to U.S. citizens and U.S. nationals.

* * * * *

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–10543 Filed 5–22–26; 4:15 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 563 and 585

[Docket No. NHTSA–2025–0050]

RIN 2127–AM78

Event Data Recorders

Correction

In rule document 2026–09849 published on pages 28432–28443 in the issue of Monday, May 18, 2026, make the following correction:

§ 563.7(A) [Corrected]

■ 1. On page 28441, in § 563.7(A), in TABLE I TO § 563.7(A)—DATA ELEMENTS REQUIRED FOR ALL VEHICLES EQUIPPED WITH AN EDR, in the second column, the fifth and sixth lines should read ''-20 to 0 sec^{4}''.

[FR Doc. C1–2026–09849 Filed 5–26–26; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 2

[Docket No. FWS–HQ–PRB–2026–0300; FXGO16621010010–267–FF10G13300]

RIN 1018–BF75

Change of Address; Technical Amendment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, are updating our regulations to provide the public with the most current information for the U.S. Fish and Wildlife Service headquarters program and Regional offices.

DATES: May 27, 2026.

ADDRESSES: This final rule is available on the internet at *https://www.regulations.gov* under Docket No. FWS–HQ–PRB–2026–0300.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Chief of Regulations, by email *madonna_baucum@fws.gov,* or by telephone at (703) 468–8211. 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 U.S. Fish and Wildlife Service (Service) maintains regulations in title 50, part 2 of the Code of Federal Regulations that identify the Service's headquarters and regional office locations. This final rule updates those provisions to reflect current mailing and street addresses for Headquarters and the eight Regional offices, ensuring that members of the public, partners, and other stakeholders have accurate contact and submission information. These updates are administrative and technical in nature and do not alter the rights, duties, or obligations of the public.

This final rule revises § 2.1 (Headquarters) to specify the current addresses for the Office of the Director and Headquarters program areas and to provide a mail stop (MS) table for program offices. It also revises § 2.2 (Regional offices) to update the geographic descriptions and street addresses for Service Regions 1 through 8.

Under 5 U.S.C. 553(b)(A) of the Administrative Procedure Act (APA), rules of agency organization, procedure, or practice are exempt from notice-and-comment requirements. Because this rule is limited to updating addresses and organizational information, the Service finds that prior notice and an opportunity for public comment are unnecessary. Further, the Service finds good cause under 5 U.S.C. 553(d)(3) of the APA to make this rule effective upon publication, as delaying effectiveness would serve no practical purpose and could cause confusion by perpetuating outdated contact information. This rule does not have a substantive effect on the public.

Required Determinations

Regulatory Planning and Review—Executive Orders 12866, 13563, and 14192

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant. This rule, therefore, is not subject to E.O. 14192.

Executive Order 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 executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (that is, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act and have determined that this action will not have a significant economic impact on a substantial number of small entities. This rule provides technical changes to our addresses in our regulations in title 50 of the Code of Federal Regulations. We are taking this action to ensure that our regulations reflect updated information for the public. This rule will not result in any costs or benefits to any entities, large or small.

Therefore, we certify that, because this rule will not have a significant economic effect on a substantial number of small entities, a regulatory flexibility analysis is not required.

This rule is not a major rule under the SBREFA (5 U.S.C. 804(2)) and does not have a significant economic impact on a substantial number of small entities. This rule:

a. Does not have an annual effect on the economy of $100 million or more. There are no costs to any entities resulting from these revisions to the regulations.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The updating of the Service's contact information does not affect costs or prices in any sector of the economy.

c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule will not ''significantly or uniquely'' affect small governments in a negative way. A small government agency plan is not required.

b. This rule will not produce a Federal mandate of $100 million or greater in any year. It is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings

Under the criteria outlined in E.O. 12630, this final rule does not have significant takings implications. This rule is an administrative action to update Service addresses; it does not contain a provision for taking of private property. A takings implication assessment is not required.

Federalism

This rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132.

Civil Justice Reform

In accordance with E.O. 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This rule does not contain any information collection that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). A Federal 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.

National Environmental Policy Act

We evaluated the environmental impacts of the changes to the regulations and determined that this rule does not have any environmental impacts.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations With Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated potential effects on federally recognized Indian Tribes and have determined that this rule will not interfere with Tribes' ability to manage themselves or their funds. This rule offers Tribes and the general public accurate contact information for our offices.

Energy Supply, Distribution, or Use

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule is administrative, it is not a significant regulatory action under E.O. 12866, and it will not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 2

Organization and functions (Government agencies).

Regulation Promulgation

Accordingly, we amend part 2, subchapter A of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 2—AGENCY ORGANIZATION AND LOCATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 2. Amend § 2.1 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 2.1 Headquarters.

* * * * *

(b) The address of Headquarters program areas is: U.S. Fish and Wildlife Service Headquarters, MS: [Insert appropriate Mail Stop from table], 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Headquarters program	Mail stop
Ecological Services	MS: ES.
Fish and Aquatic Conservation, including:	
• Division of Fish and Aquatic Conservation Programs	MS: FAC.
International Affairs, including:	MS: IA.
• Division of Management Authority	MS: IA–DMA.
• Division of Scientific Authority	MS: IA–DSA.
Information Resource and Technology Management	MS: IRTM.
Management and Administration	MS: AMAD.
• Service's Information Collection Clearance Officer	MS: JAO.
Migratory Birds, including:	MS: MB.
• Division of Migratory Bird Management	
• Division of Bird Habitat Conservation	
• Division of Bird Conservation, Permits, and Regulations	
National Wildlife Refuge System	MS: NWRS.
Office of Communications	MS: OC.
Office of Conservation Investment	MS: OCI.
Office of Law Enforcement	MS: OLE.
Science Applications	MS: SA.

(c) The address for the National Eagle and Wildlife Property Repository is: National Fish and Wildlife Repository, 6550 Gateway Road, Bldg. 128 Commerce City, CO 80022.

■ 3. Amend § 2.2 by revising paragraphs (b) and (f) to read as follows:

§ 2.2 Regional offices.

* * * * *

(b) Southwest Regional Office (Region 2—comprising the States of Arizona, New Mexico, Oklahoma, and Texas), 4400 Masthead St NE, Albuquerque, NM 87109.

* * * * *

(f) Mountain-Prairie Regional Office (Region 6—comprising the States of Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming), Denver Federal Center Building 53—Room FW100 Denver, CO 80225.

* * * * *

Kevin Lilly,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2026–10485 Filed 5–26–26; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 91, No. 101
Wednesday, May 27, 2026

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

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 380

[Docket No. RM25–12–001]

Revisions to the Blanket Certificate Program

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to revise its blanket certificate regulations to expand the scope and scale of projects that interstate natural gas pipelines may construct without a case-specific authorization order and to increase the cost limits for such projects, among other changes.

DATES: Comments are due July 27, 2026.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways. Electronic filing through *http://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:* Deliver to: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

The Comment Procedures section of this document contains more detailed filing procedures.

FOR FURTHER INFORMATION CONTACT:

Danielle Elefritz (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8767

Nicole Huang (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8410

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1. The Federal Energy Regulatory Commission (Commission) proposes to revise its Part 157, Subpart F blanket certificate regulations [1] to expand the scope and scale of projects that interstate natural gas pipelines may construct without a case-specific authorization order and to increase the cost limits for such projects, among other changes.

I. Background

2. Section 7 of the Natural Gas Act, 15 U.S.C. 717f, provides that no natural gas company may engage in the transportation and sale of natural gas in interstate commerce for resale, the construction of facilities to be used in those activities, or the abandonment of any jurisdictional service or facilities, without first obtaining prior Commission approval for such activities. To fulfill this statutory responsibility, the Commission has implemented a number of different certificate programs, including various generic determinations of public convenience and necessity. In 1982, the Commission instituted a blanket certificate program, pursuant to which interstate pipelines that hold a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act (NGA) [2] may obtain a one-time blanket certificate under Part 157, Subpart F of the Commission's regulations to undertake, without a case-specific authorization order, certain activities automatically and certain other activities after prior notice.[3] The blanket certificate program was designed to ''provide streamlined procedures which increase flexibility and reduce regulatory burden'' for a generic class of routine activities, with particular conditions and procedures to ensure consistency with the Commission's statutory obligations under the NGA and environmental statutes.[4] The Commission explained:

> [T]he final regulations divide the various actions that the Commission certificates into several categories. The first category applies to certain activities performed by interstate pipelines that either have relatively little impact on ratepayers, or little effect on pipeline operations. This first category also includes minor investments in facilities which are so well understood as an established industry practice that little scrutiny is required to determine their compatibility with the public convenience and necessity. The second category of activities provides for a notice and protest procedure and comprises certain activities in which various interested parties might have a concern. In such cases there is a need to provide an opportunity for a greater degree of review and to provide for possible adjudication of controversial aspects. Activities not authorized under the blanket certificate are those activities which may have a major potential impact on ratepayers, or which propose such important considerations that close scrutiny and case-specific deliberation by the Commission is warranted prior to the issuance of a certificate.[5]

3. The last major modification to the blanket certificate program occurred in 2006, when the Commission, among other things, increased the cost limits,[6] made mainline facilities eligible for the blanket certificate program, and expanded the environmental conditions and notice provisions.[7] The Commission reiterated that it continued to apply the framework and principles expressed in the 1982 rulemaking to distinguish those types of activities that

[1] 18 CFR pt. 157, subpt. F.

[2] 15 U.S.C. 717f(c).

[3] 18 CFR pt. 157, subpt. F.

[4] *Interstate Pipeline Certificates for Routine Transactions,* Order No. 234, 47 FR 24254 (June 4, 1982), FERC Stats. & Regs. ¶ 30,368, at 30,201 (1982) (cross-referenced at 19 FERC ¶ 61,216); *see also Revisions to the Blanket Certificate Reguls. & Clarification Regarding Rates,* Order No. 686, 117 FERC ¶ 61,074, at P 7 (2006) (''The blanket certificate program was designed to provide an administratively efficient means to authorize a generic class of routine activities, without subjecting each minor project to a full, case-specific NGA section 7 certificate proceeding.'').

[5] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,200.

[6] When evaluating whether a project meets the cost limits, the Commission considers the total capital cost of the proposed facilities, which includes the cost of construction, right-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, allowance for funds used during construction, and contingencies. *See* 18 CFR 157.14(a)(14).

[7] Order No. 686, 117 FERC ¶ 61,074.

may be conducted under an interstate pipeline's blanket certificate authority from those that merit closer, case-specific scrutiny due to their potentially significant impact on rates, services, safety, security, competing natural gas companies or their customers, or on the environment.[8]

4. On June 18, 2025, the Commission issued an order granting in part a petition by the Interstate Natural Gas Association of America (INGAA),[9] finding good cause to temporarily waive the Commission's regulations to increase the cost limit for projects that can be constructed pursuant to the prior notice provisions of Part 157, Subpart F of the Commission's regulations from $41,100,000 to $61,650,000 if constructed and placed in service by May 31, 2027.[10] The Commission found good cause for the waiver ''[g]iven the pressing nationwide near-term demand for expanded natural gas transportation capacity, as well as the reliability concerns associated with maintaining the existing natural gas system.'' [11]

5. To ensure that infrastructure projects can continue to be developed in a timely manner without undue regulatory review, the Commission concurrently issued a notice of inquiry (NOI) in this proceeding, requesting stakeholder comments on whether, and if so how, the Commission should modify the blanket certificate program to adjust the cost limitations for projects.[12] The NOI was published in the **Federal Register** on June 24, 2025,[13] and provided a 60-day comment period. By Secretary's notice on August 14, 2025, the comment deadline was extended to September 24, 2025. The Commission received 17 comments—nine from pipeline companies and related trade associations, four from pipeline customer groups, one from a non-governmental organization, one from a state government official, and two from individuals.[14] The comments addressed a variety of issues, including the appropriate cost limits, the scope of projects that may be constructed, reporting requirements, and the rate treatment for blanket certificate projects.[15] Additionally, Energy Transfer LP (Energy Transfer) filed supplemental comments, and the Natural Gas Supply Association (NGSA),[16] American Gas Association (AGA),[17] American Public Gas Association (APGA),[18] and the Process Gas Consumers Group (PGC) [19] and the Industrial Energy Consumers of America (IECA) [20] filed reply comments.[21]

II. Discussion

A. Increasing the Blanket Certificate Cost Limits

6. Since the blanket certificate program's inception in 1982, the Commission has imposed cost limits on projects constructed pursuant to blanket certificates. Blanket certificate activities are currently limited to a maximum cost of $14,500,000 per project undertaken without prior notice (also referred to as automatic authorization projects) and—absent the currently effective waiver—$41,100,000 per project undertaken subject to prior notice.[22] Additionally, a certificate holder may undertake certain activities for the testing or development of underground storage reservoirs without prior notice if the total cost during a calendar year does not exceed $7,900,000.[23] The cost limits are adjusted each year to reflect the ''[Gross Domestic Product] implicit price deflator'' (GDP deflator) published by the U.S. Department of Commerce for the previous calendar year.[24]

7. To address potential increases in the cost of constructing interstate natural gas facilities, the NOI asked if input costs—including labor, materials, equipment, and project financing—put upward price pressure on project capital requirements and, if so, how the Commission should adjust its blanket certificate cost limits in response.

1. Comments

8. INGAA supports raising the cost limits under the blanket certificate program to $36 million for automatic authorizations, $100 million for prior notices, and $19.5 million for storage testing.[25] It argues that the annual inflation increases have not kept up with the increase in pipeline construction costs, which have accelerated due to regulatory delays, increased demand for natural gas, a competitive workforce market, the COVID–19 pandemic, and increased material costs.[26] It supports raising the cost limits so that pipeline companies can complete projects under the blanket certificate program that are similar in scale and nature to those that fell within the cost limits as of 2006, when the Commission last made major modifications to the program.[27] INGAA notes that these projects are well understood, routine, not complex, and have limited impacts, and, as a result, do not warrant an extensive case-

[8] *Id.* P 8.

[9] INGAA is an incorporated, not-for-profit trade association representing interstate natural gas pipeline companies operating in the United States.

[10] *Interstate Nat. Gas Ass'n of Am.,* 191 FERC ¶ 61,206 (Waiver Order), *order on reh'g,* 193 FERC ¶ 61,055 (2025).

[11] Waiver Order, 191 FERC ¶ 61,206 at P 9.

[12] *Blanket Certificate Cost Limitations,* 90 FR 26776 (June 24, 2025), 191 FERC ¶ 61,207 (2025) (NOI).

[13] 90 FR 26776 (June 24, 2025).

[14] Additionally, Ms. Diana Dakey filed comments in Docket No. CP25–208–000 generally opposing alteration or waiver of the Commission's regulations. *Diana Dakey,* Comments, Docket No. CP25–208–000, at 2 (filed July 21, 2025).

[15] Energy Transfer LP supports the Commission allowing minor LNG projects to proceed under the blanket certificate program. This topic is the subject of a separate notice of inquiry, and is accordingly not discussed further herein. *See Authorizations for Certain Activities at Liquefied Nat. Gas Plants,* 193 FERC ¶ 61,141 (2026).

[16] NGSA represents integrated and independent companies that supply natural gas and is the only national trade association that solely focuses on producer-marketer issues related to the downstream natural gas industry.

[17] AGA represents more than 200 local energy companies that deliver natural gas throughout the United States.

[18] APGA is a trade association for more than 730 communities across the U.S. that own and operate their retail gas distribution entities.

[19] PGC is a trade association that represents energy-intensive large industrial and manufacturing natural gas consumers.

[20] IECA is a nonpartisan association of manufacturing companies for industries including chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, consumer goods, building products, automotive, independent oil refining, and cement.

[21] Although the NOI did not provide for reply comments, we accept the pleadings because they have assisted our development of this notice of proposed rulemaking.

[22] 18 CFR 157.208(d). Delivery points are not limited by a cost cap. *Id.* 157.211(a). Additionally, any activity that would otherwise require prior notice may be undertaken automatically if necessary to restore service in an emergency. *Id.* 157.205(a).

[23] *Id.* 157.215(a)(5).

[24] *Id.* 157.208(d). The GDP deflator is a measure of inflation in the prices of goods and services produced in the United States, including exports. Bureau of Economic Analysis, *GDP Price Deflator, https://www.bea.gov/data/prices-inflation/gdp-price-deflator* (accessed Apr. 16, 2026).

[25] INGAA September 24, 2025 Comments at 29. American Petroleum Institute, BHE Pipeline Group, Boardwalk Pipeline Partners, LP (Boardwalk), Energy Transfer, Equitrans, L.P. (Equitrans), TransCanada USA Pipeline Services LLC, WBI Energy Transmission, Inc. (WBI), and the Williams Companies, Inc. filed comments in support of INGAA's proposal.

[26] *Id.* at 7, 13, 15–23, 35–37; *see also* State Representative Tom Craddick April 6, 2026 Comments at 2 (stating that outdated cost caps have excluded projects with minimal environmental impacts, resulting in extended review timelines that delay needed capacity). Additionally, the National Petroleum Council (NPC) has recommended that the Commission increase the blanket certificate cost limits, noting that the cost thresholds for qualifying activities have not always kept pace with inflation or the rising costs of construction. The NPC recommendations mostly overlap with those included in the NOI comments filed by INGAA. National Petroleum Council, *Bottleneck to Breakthrough: A Permitting Blueprint to Build* 4–14 (Dec. 3, 2025), *https://permitting.npc.org/files/2025_Bottleneck_To_Breakthrough.pdf* (accessed Apr. 20, 2026).

[27] INGAA September 24, 2025 Comments at 26.

specific NGA section 7 review by the Commission.[28]

9. Specifically, INGAA analyzed Exhibit K[29] data from section 7 certificate applications in 2006 and 2024 and calculated the median cost per inch-mile of pipeline and median cost per horsepower for each year.[30] INGAA states that the median value provides better insight into changes in project costs than the average value because outliers do not skew the median value, and the median helps account for variability caused by project factors such as location and project scope.[31] According to INGAA's analysis, there was a 256% median increase in cost per inch-mile for pipelines and a 172% median increase in cost per horsepower for compression between 2006 and 2024.[32] INGAA then calculates the average of those two figures (214.87%) as an estimated pipeline-specific increase in construction cost between 2006 and 2024.[33] INGAA states that if the 2006 cost limits were increased by that amount, the automatic authorization limit would be approximately $30 million, the prior notice limit would be approximately $86 million, and the storage testing limit would be approximately $16.5 million—much higher than the 2024 cost limits calculated based on the GDP deflator.[34] INGAA argues that a further increase beyond the above-listed figures is also necessary, so as to account for projected trends in construction costs that are not fully reflected in historical data, including the impacts of tariffs and workforce competition.[35] INGAA further contends that there is an increased need for natural gas infrastructure because demand for natural gas has increased without a corresponding increase in pipeline capacity.[36] It asserts that this demand for natural gas infrastructure results in upward pressure on the cost of that infrastructure.[37]

10. Other commenters state that, if the Commission raises the cost limits, it should ensure that the activities covered do not include those that may have a major potential impact on ratepayers, or that raise important considerations warranting close scrutiny and case-specific deliberation by the Commission prior to the issuance of a certificate.[38] However, APGA urges caution in any permanent changes that might reduce oversight of larger-scale projects and states that the Commission should retain its policy of undertaking a full section 7 review of such projects.[39] NGSA cautions that any changes to the blanket certificate program must prioritize shipper protections and recommends that the Commission explore guardrails to ensure blanket certificate projects have no more than a *de minimis* rate impact.[40] It recommends that in two years the Commission review any changes it has made to evaluate their impacts on shippers and the program's effectiveness.[41]

11. AGA supports the Commission's efforts to streamline the permitting process.[42] It asserts that the Commission should ensure that there is sufficient transparency concerning certificate holder activities both for the Commission and shippers on the pipelines[43] and cautions against expanding the scope of projects which may be completed under automatic authorization because of the limited transparency available to shippers and the Commission.[44]

12. Environmental Defense Fund (EDF) does not support increasing cost limits for the blanket certificate program. It asserts that through its eligibility requirements and cost limits the blanket certificate program was historically narrowly tailored to ensure that projects with minimal regulatory review still satisfy the public convenience and necessity standard.[45] Thus, EDF states that the pertinent question is not the extent to which construction costs have shifted since 2006, but rather if the class of activities covered by the blanket certificate program can be expanded without causing adverse impacts to existing ratepayers, services, or the environment.[46] It argues that the Commission must consider all factors bearing on the public interest and only approve projects where the public benefits outweigh the adverse impacts.[47] EDF states that protests to prior notice projects demonstrate that even ''routine and relatively minor'' projects under the existing scope of the blanket certificate program have presented customer, landowner, and environmental concerns.[48]

13. EDF states that it analyzed several pipelines' blanket certificate reports and found that the average cost per blanket certificate project was $1,694,546 in 2022, $1,428,401 in 2023, and $3,316,497 in 2024, and thus there is no reason to increase the prior notice threshold to $61,650,000.[49] EDF suggests that because there is not a limit on the number of projects a company can complete under a blanket certificate and to prevent possible segmentation, the Commission should provide a cumulative dollar cap over a rolling-three year period, capped at the higher of $60,000,000 or at 3% of each pipeline's then-current net utility.[50]

14. EDF also suggests that raising cost thresholds would not guarantee greater reliability, affordability, or resource adequacy and would significantly increase the risk of ratepayer harm if implemented without corresponding reforms to oversight and transparency.[51] It argues that a 2018 study cited by INGAA in its petition for a temporary waiver of the cost limits is unreliable because the study concludes that gathering pipelines will constitute most of the construction between 2025 and 2035, but gathering pipelines have little to no dependency on blanket certificate authorizations or cost thresholds.[52] EDF further notes that the study relies on an average inch-mile metric, which can be misleading because high-cost segments can disproportionately raise the average.[53] It maintains that the Commission should use cost information submitted in section 7 proceedings, refine the data by pipeline class, and issue data requests to

[28] *Id.* at 3.

[29] Exhibit K is a detailed estimate of total capital cost of the proposed facilities for which an NGA section 7 application is made. 18 CFR 157.14(a)(14). According to INGAA, use of the Exhibit K data was appropriate because pipelines' estimated costs closely approximate their final costs.

[30] INGAA September 24, 2025 Comments at 12.

[31] *Id.*

[32] *Id.* Similarly, WBI states that over the past ten years, its cost per inch-mile to install pipeline under the blanket certificate program has increased 267%, and over the past six years, its per-horsepower cost to install electric compression has increased 46%. WBI September 24, 2025 Comments at 3–4.

[33] INGAA September 24, 2025 Comments at 12.

[34] *Id.*

[35] *Id.* at 13–14.

[36] *Id.* at 15–22; *see also* Energy Transfer September 24, 2025 Comments at 8–10, 15–19 (stating that increased construction costs along with increased demand for new natural gas infrastructure are due, in part, to recent executive orders and artificial intelligence buildout).

[37] INGAA September 24, 2025 Comments at 30.

[38] APGA September 24, 2025 Comments at 4; PGC September 24, 2025 Comments at 2; NGSA November 7, 2025 Reply Comments at 3–4.

[39] APGA September 24, 2025 Comments at 4–5.

[40] NGSA November 7, 2025 Reply Comments at 7–8.

[41] *Id.* at 8.

[42] AGA September 24, 2025 Comments at 3. PGC and IECA filed reply comments in support of AGA's comments. *See* PGC and IECA March 31, 2026 Reply Comments.

[43] AGA September 24, 2025 Comments at 5.

[44] *Id.*

[45] EDF September 24, 2025 Comments at 1.

[46] *Id.* at 1–2.

[47] *Id.* at 7.

[48] *Id.* at 8–9, 21–23.

[49] *Id.* at 3–4.

[50] *Id.* at 4.

[51] *Id.* at 9–12.

[52] *Id.* at 13–15.

[53] *Id.* at 14.

pipelines seeking cost information if further factual development is necessary to inform the Commission's analysis in this proceeding.[54]

15. Ms. Swanton disagrees with increasing the cost limits under the blanket certificate program.[55] She argues that a $60 million project should not be considered ''small'' or ''routine'' and argues that the Commission should not look at costs to determine blanket certificate eligibility.[56] Instead, she contends that the Commission should look only to the impacts of the proposed project and the nature of the work to determine whether blanket certificate procedures are warranted.[57]

2. Commission Determination

16. The record in this proceeding demonstrates that the costs to construct natural gas infrastructure have increased at a higher rate than the Commission's annual adjustment to the cost limits, warranting an increase in those limits in order continue to meet the Commission's goals for the blanket program. Specifically, INGAA's analysis shows, using data from pipeline applications, that the median cost per inch-mile of pipeline construction rose 256.98% from 2006 to 2024 and the median cost per horsepower of compression projects rose 172.76% over the same period, for an average increase of 214.87%.[58] However, the cost limits under the blanket certificate program only rose by 50–51% since 2006.[59] Although INGAA's analysis only examined costs associated with section 7 certificate applications, we find that such an approach was reasonable because the inputs associated with section 7 applications and prior notice applications are the same—primarily natural gas equipment, materials, and labor—and because INGAA normalized the costs to account for the differing sizes of projects. INGAA's methodology, particularly determining cost increases based on a per inch-mile or per horsepower basis using Exhibit K data, is reasonable. Commission staff has found no analytical flaws in the methodology and verified that costs have risen as INGAA concludes. Accordingly, we propose that the cost limits for the blanket certificate program be increased to $86 million for prior notice, $30 million for automatic authorization, and $17 million for storage testing projects. These values, based on INGAA's cost inputs from pipeline applications, adjust for the change in construction cost since 2006.[60] Thus, we find that the updated cost limits, in combination with the other changes considered herein, appropriately maintain the blanket certificate program's general framework and principles such that the blanket authorization is ''restricted (1) to projects that are modest in scale and routine in nature, *i.e.,* projects that are sufficiently well understood so as to permit them to proceed with a lesser level of regulatory scrutiny, and (2) to projects that will not result in unjustified increases in existing customers' rates,'' [61] as recommended by commenters.

17. We do not, however, propose to adopt INGAA's suggestion to raise cost limits beyond a level that is supported by historical cost increases. INGAA's proposal to raise the blanket certificate cost limits to account for projected cost trends calls for speculation, and we believe that any future increases in the cost of constructing natural gas infrastructure will be appropriately captured in the Commission's annual increase to the cost limits.

18. We also do not propose adopting NGSA's proposal for a review in two years to evaluate the impacts and effectiveness of the program. We do not believe that the revisions we are making will result in sufficient uncertainty to support such an action because the changes proposed herein maintain the blanket certificate program's general framework and principles. We likewise decline to adopt EDF's proposal to develop an annual limit utilizing a rolling-three-year period capped at the higher of $60,000,000 or at 3% of each pipeline's then-current net utility. To do so would unnecessarily limit the number of projects that could be undertaken pursuant to the blanket certificate, undermining one of the program's purposes, which is to provide streamlined procedures that increase flexibility and reduce regulatory burdens. Furthermore, EDF's proposal is premised on a concern regarding potential segmentation of projects, and the Commission already prohibits segmentation.[62] Finally, we do not propose adopting Ms. Swanton's recommendation to move away from using costs as part of eligibility determinations, which would undercut the purpose and design of the existing program.

19. As stated above, INGAA's analysis convincingly demonstrates that the costs to construct natural gas infrastructure have increased at a higher rate than the Commission's annual adjustment to the cost limits. We also find that INGAA's analysis provides a reasonable estimate of what the cost limits should be, had they been adjusted at an appropriate rate to reflect cost increases since 2006. As discussed above, we accordingly propose to adopt new cost limits approximately the same as those INGAA suggests, albeit without further upward adjustment to reflect projected trends not reflected in historical data. Nevertheless, we request that INGAA file more detailed workpapers and supporting workbooks in the record reflecting the numerical inputs it used in its analysis as well as a more detailed description of its methodology and assumptions and seek comment on whether that analysis provides the best estimate of the degree to which costs have increased since 2006, including whether the analysis should consider multiple years of data rather than data from only 2006 and 2024, or whether an alternative analysis that more accurately reflects those increases is feasible and available.

B. Annual Cost Adjustments

20. Between 1982 and 1999, the Commission relied on the Gross National Product implicit price deflator (GNP deflator) published by the US Department of Commerce for the previous calendar year as a measure to make annual adjustments to the blanket certificate cost limits.[63] In 1982, the Commission declined to base annual adjustments on the Handy-Whitman Index, an alternative price tracker that is focused more narrowly on gas utility construction costs, finding the GNP deflator preferable to ''an index based on a private collection of data not easily susceptible to governmental verification.'' [64] In 1999, the Commission revised its regulations to base the inflation adjustments on the GDP deflator rather than the GNP deflator.[65] The Commission explained

[54] *Id.* at 14–15.

[55] Kristin Swanton August 25, 2025 Comments.

[56] *Id.*

[57] *Id.* Ms. Swanton advocates that only replacement activities be allowed under the blanket certificate. *Id.*

[58] INGAA September 24, 2025 Comments at 4.

[59] *Id.*

[60] In addition to its drastically limited temporal scope, EDF's study of the ''average'' blanket certificate project cost does not account for the size of projects and thus fails to address how the cost of constructing natural gas infrastructure has changed over time.

[61] *Revisions to the Blanket Certificate Reguls. & Clarification Regarding Rates,* 71 FR 36276 (June 26, 2006), FERC Stats. & Regs. ¶ 32,606, at P 58 (2006) (cross-referenced at 115 FERC ¶ 61,338) (Notice of Proposed Rulemaking).

[62] 18 CFR 157.208(a), (b).

[63] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,210.

[64] *Id.* at 30,206.

[65] *Revision Of Existing Reguls. Under Pt. 157 & Related Sections of the Comm'n's Reguls. Under the*

Continued

that the GNP deflator had, in previous years, not been published at the time it issued the orders adjusting the spending limits and that the annual change was virtually the same for both indices.[66] In 2006, the Commission revised its regulations to increase the cost limits above the then-inflation adjusted cost cap to address concerns that construction costs had risen faster than the overall rate of inflation.[67] In doing so, the Commission compared the rate of cost increase derived from the Handy-Whitman Index to that resulting from the GDP deflator and raised the cost limits on a one-time basis to account for the discrepancy between the two indices.[68] The Commission did not, however, alter the annual inflation adjustment.

21. The NOI sought comment on whether there is an alternative price or inflation tracker that better matches potential increases in construction costs than the GDP deflator for annually adjusting the cost limits.

1. Comments

22. INGAA proposes that the Commission increase the cost limits annually by using Exhibit K data and calculating a three-year rolling average of the median cost per inch-mile of pipeline and cost per horsepower of compression.[69] It states that if the increase based on the three-year average is lower than the GDP deflator, the Commission should use the GDP deflator for that year.[70]

23. AGA opposes INGAA's proposal,[71] asserting that any escalator could undermine the program's *de minimis* nature, burdening end users and residential customers.[72] If the Commission maintains its use of an automatic annual escalator, AGA recommends that the Commission continue to use the GDP deflator or, alternatively, using the lesser rather than the greater of the pipeline-specific three-year rolling average growth rate or the GDP deflator.[73] AGA notes that if the thresholds prove to be too restrictive in the future, the Commission can initiate another rulemaking.[74]

24. Other commenters argue that the Commission should continue to use the GDP deflator.[75] EDF notes that this metric is widely recognized by other Federal agencies and in academic work for its credibility and defensibility.[76]

25. PGC supports identifying a metric or tracker that better reflects changes in natural gas infrastructure costs.[77] Although Ms. Swanton does not support a cost metric, she states that if the Commission does include one, annual adjustments should be limited to 2% per year.[78]

2. Commission Determination

26. We propose to use the Handy-Whitman Index for annual adjustments to the cost limits to account for the fact that natural gas infrastructure costs have grown faster than the GDP deflator. We find that the Handy-Whitman Index, with its narrow focus on gas utility construction costs, more accurately reflects annual cost increases and thus is a more suitable metric for annual adjustments than the GDP deflator, especially in view of the comments and data demonstrating that the GDP deflator has not adequately reflected the annual cost increases experienced by natural gas companies.[79] Although we acknowledge that we previously declined to use the Handy-Whitman Index for these purposes based on the fact that it is ''not easily susceptible to governmental verification,'' [80] we no longer view this theoretical concern as sufficient to outweigh the Handy-Whitman Index's advantages over the GDP deflator, particularly given the latter's unsatisfactory track record of keeping pace with pipeline construction costs over the intervening years. We note that the Commission has used the Handy-Whitman Index in other contexts,[81] and we find that the beneficial features of the Handy-Whitman Index warrant its use here.

27. We decline to adopt INGAA's proposal to annually adjust cost limits based on Exhibit K data. That approach would potentially cause delays, limiting its effectiveness, because Commission staff would be required to undertake an analysis each year to determine the appropriate increase to the cost limits. We believe a simpler approach that does not present administrability concerns, such as using the Handy-Whitman Index, is preferable. Nevertheless, we seek comment on whether employing the Handy-Whitman Index is the best approach for adjusting the cost limits annually, and on the use of any alternative price indices. In addition, we seek comment on whether using a three-year rolling average would be preferable to adjustments based on a single year of data.

C. Rate Treatment for Blanket Certificate Projects

28. It is Commission's current policy not to allow incremental rates for projects constructed under a blanket certificate.[82] Thus, services using capacity constructed under a blanket certificate are provided at a certificate holder's existing Part 284 rates, and blanket certificate project costs are afforded the presumption that they will qualify for rolled-in rate treatment in a future NGA section 4 proceeding. The Commission has applied this presumption because of the expected *de minimis* impact of blanket certificate projects on a pipeline system's overall rates, *i.e.,* the expectation that existing customers will not subsidize blanket certificate projects.[83] In the 2006 rulemaking, the Commission declined to allow project sponsors to request incremental rates for blanket certificate projects, reasoning that the additional time necessary to complete such a review would delay the otherwise

Nat. Gas Act, 64 FR 26571 (May 14, 1999), Order No. 603, FERC Stats. & Regs. ¶ 31,073, at 33,554 (1999) (cross-referenced at 87 FERC ¶ 61,125).

[66] *Revision Of Existing Reguls. Under Pt. 157 & Related Sections of the Comm'n's Reguls. Under the Nat. Gas Act,* 63 FR 55683 (Oct. 16, 1998), FERC Stats. & Regs. ¶ 32,535, at 33,537 (1998) (cross-referenced at 84 FERC ¶ 61,345) (Notice of Proposed Rulemaking).

[67] Order No. 686, 117 FERC ¶ 61,074 at P 33.

[68] *Id.* P 34.

[69] INGAA September 24, 2025 Comments at 30–31. American Petroleum Institute, BHE Pipeline Group, Energy Transfer, TransCanada USA Pipeline Services LLC, and WBI filed comments in support of INGAA's proposal.

[70] *Id.* at 31.

[71] AGA March 4, 2026 Reply Comments at 8.

[72] *Id.* at 8–9.

[73] *Id.*

[74] *Id.* at 9.

[75] *E.g.,* NGSA November 7, 2025 Reply Comments at 7; EDF September 24, 2025 Comments at 15.

[76] EDF September 24, 2025 Comments at 15.

[77] PGC September 24, 2025 Comments at 2.

[78] Kristin Swanton August 25, 2025 Comments.

[79] For this reason, we also decline to adopt Ms. Swanton's proposal to limit increases to 2% per year, which we conclude would be arbitrary and potentially incorrect. Had the Commission applied an annual 2% increase to the cost limits between 2006 and 2025, it would have led to an under-adjustment and would have proven inaccurate.

[80] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,206.

[81] *E.g., PJM Interconnection, L.L.C.,* 192 FERC ¶ 61,190 (2025) (accepting electric rate tariff revisions, including annual adjustments using the Handy-Whitman Index); *see also Application of Aep Texas Inc. For Authority To Change Rates,* PUC Docket No. 49494 (Tx. St. Off. Admin. Hgs., Nov. 12, 2019) (''The Handy-Whitman Index is a standard type of database used to measure cost changes for utility companies, and is a reasonable method for adjusting historic O&M costs to current dollar levels.''); *TES Filer City Station* v. *Twp. of Filer,* No. 258806, 2006 WL 708164, at *7 (Mich. Ct. App. Mar. 21, 2006) (unpublished opinion) (''The manner in which the depreciated reconstruction cost method is commonly applied is through use of the Handy-Whitman Index of Public Utility Construction Costs, a publication, based on elaborate historical cost information and calculations, which allows the user to calculate present construction costs based on historical construction costs, and then to apply appropriate depreciation multipliers.'').

[82] *Tenn. Gas Pipeline Co.,* 110 FERC ¶ 61,047, *reh'g denied,* 111 FERC ¶ 61,094 (2005).

[83] *See, e.g., Fla. Se. Connection, LLC,* 163 FERC ¶ 61,158, at P 20 (2018).

expedited project authorization available under the blanket certificate program.[84]

29. The NOI sought comment on whether the Commission should: (1) allow project sponsors to request incremental rates for blanket certificate projects and, if so, how to do so in a manner consistent with the program's stated aims of streamlining procedures and reducing regulatory burdens while ensuring that there are no adverse impacts on existing rates and services; and/or (2) extend to blanket certificate projects our practice of requiring project sponsors that receive a predetermination of rolled-in rate treatment in case-specific authorizations to keep separate books and accounting of costs and revenues attributable to the project in the same manner as required by § 154.309 of our regulations. The NOI further sought comment on what other measures, if any, the Commission should require to ensure the appropriate rate treatment of blanket certificate projects or to limit any potentially adverse impacts which might be associated with increasing the blanket certificate cost limits.

1. Comments

30. Various commenters support the Commission allowing pipelines to charge incremental rates for projects constructed under a blanket certificate when the pipeline shows the incremental rate to be just and reasonable.[85] Ms. Swanton opposes allowing pipelines to charge incremental rates for projects constructed under a blanket certificate.[86]

31. INGAA proposes a process similar to that in section 7 proceedings, under which the pipeline would submit a rate exhibit with a prior notice filing when it intends to charge incremental rates; affected parties and Commission staff would have an opportunity to protest the project; if there are no protests, construction may begin; and the pipeline would then implement the new rates through a standard section 4 proceeding.[87] Where a pipeline proposes to charge its system rates, INGAA and others support the Commission retaining the predetermination of rolled-in-rates for blanket certificate projects because, due to the cost limits, blanket certificate projects have a *de minimis* impact on rates.[88]

32. APGA is concerned with large, complex projects bypassing review and receiving rolled-in rate treatment, possibly shifting costs towards captive customers that receive little or no benefit.[89] It encourages the Commission to ensure that the cost responsibilities remain with the primary beneficiaries of the project and urges the Commission to maintain limits on eligibility for rolled-in rate treatment to protect captive customers from bearing unfair costs.[90]

33. AGA also asserts that the Commission should ensure that any changes to the blanket certificate program are developed with the goal of limiting rate impacts on customers.[91] It notes that in recent years many blanket certificate projects have been characterized as non-expansion reliability or modernization work to provide system-wide benefits rather than to benefit a specific shipper, and as such are frequently proposed for rolled-in rate treatment rather than incremental pricing.[92] AGA states that these types of projects should only fall under a blanket authorization when the rate and operational impacts are *de minimis* when viewed both individually and in the aggregate with other projects, and where the proposed cost allocation can be evaluated during the next rate case.[93] AGA argues that if rolled-in treatment of costs would shift non-minor costs to existing customers or if benefits are localized, such projects should receive case-specific review with rolled-in rate treatment or be considered for incremental rates.[94] AGA asks the Commission to require pipeline companies to provide additional information on the purpose and beneficiaries of proposed projects[95] and suggests a requirement that pipelines keep separate books and accounting of costs and revenues attributable to a project in the same manner as required by § 154.309 for projects authorized by the blanket certificate program.[96] Conversely, Energy Transfer argues that the Commission does not need to require the pipeline to keep separate books and accounting of costs and revenues attributable to the project.[97]

34. PGC proposes that the Commission discontinue its policy of granting automatic predeterminations of rolled-in rate treatment for projects constructed under § 157.210 (mainline facilities) because existing customers could subsidize incremental service in contravention of the cost causation principle.[98] It contends the Commission should defer determinations on rolling in expansion facilities to general NGA section 4 proceedings.[99] PGC argues that the automatic predetermination could result in illogical results where a predetermination would be denied in a section 7 proceeding but automatically granted under the blanket certificate.[100] Additionally, it asserts that an automatic predetermination of rolled-in rate treatment imposes an uncertain burden on existing customers because the Commission does not undertake an individual review of the costs or revenues of a proposed blanket expansion project[101] and thus customers are unable to show whether a material change has occurred.[102] Finally, PGC states that because it is exceedingly rare that a rate case is fully litigated, issues related to the treatment of the costs are typically never addressed, undermining the Commission's reliance on future rate proceedings to protect ratepayers and weakening the customers' negotiating power in settlement discussions.[103]

35. EDF comments that the Commission should not prejudge whether to roll in the costs of a project on a generic basis and without specific facts because the rationale that blanket certificate projects will have a *de minimis* impact on overall rates no longer holds true in the event of cost limit increases.[104]

2. Commission Determination

36. We propose to allow pipeline companies to charge incremental rates for projects constructed pursuant to the prior notice procedures. Under the

[84] Order No. 686, 117 FERC ¶ 61,074 at P 38.

[85] *E.g.,* INGAA September 24, 2025 Comments at 42–43; Boardwalk September 24, 2025 Comments at 14–15 (stating that incremental pricing would ensure pipelines are able to recover construction costs for lateral facilities from customers who benefit); AGA September 24, 2025 Comments at 9, 12 (noting that incremental rates are appropriate for projects that provide only localized benefits).

[86] Kristin Swanton August 25, 2025 Comments.

[87] INGAA September 24, 2025 Comments at 45–47.

[88] *Id.* at 45; Energy Transfer September 24, 2025 Comments at 13–14 (stating that although the cost of projects would be increased, pipelines' overall costs have also increased, and therefore, the Commission's assumption that there will only be a *de minimis* impact on rates is still valid).

[89] APGA September 24, 2025 Comments at 4–5.

[90] *Id.* at 5.

[91] AGA September 24, 2025 Comments at 7.

[92] *Id.* at 9.

[93] *Id.*

[94] *Id.*

[95] *Id.* at 6–7.

[96] *Id.* at 11–12.

[97] Energy Transfer September 24, 2025 Comments at 20.

[98] PGC September 24, 2025 Comments at 3; *see also* AGA March 4, 2026 Reply Comments at 7 (stating that if the Commission allows incremental rates, it should clarify that there is no assumption of rolled-in rate treatment and, when system rates are applied to a project, cost allocation will be addressed in the next rate case).

[99] PGC September 24, 2025 Comments at 3.

[100] *Id.* at 6.

[101] *Id.* at 7–8.

[102] *Id.* at 7.

[103] *Id.* at 8–9.

[104] EDF September 24, 2025 Comments at 18.

Commission's current policy, projects that would qualify for the blanket certificate program but for their rate treatment must go through a section 7 proceeding. Allowing incremental rates would streamline the approval of these projects while maintaining the Commission's overall policy goal of ensuring that only those customers who benefit from a project bear its cost. Additionally, the Commission agrees with, and proposes to adopt, INGAA's recommendation that an applicant provide a rate calculation with its application, giving Commission staff and interested parties an opportunity to protest. Applicants are expected to provide supporting statements and exhibits to substantiate their incremental rate calculations, consistent with the Commission's regulations proposed herein.[105] Once an initial rate is approved, the pipeline must then submit a section 4 filing to implement a tariff record prior to the project going into service. The Commission has noted that it must approve, under NGA section 7, any initial rate that is not the existing Part 284 systemwide rate.[106] We believe that by not protesting an applicant's proposed rates, the Commission is essentially approving such rates in the prior notice proceeding, which is a section 7 proceeding, provided there are no other protests that would require a further Commission order. The tariff record would then be approved via a Commission or delegated order prior to the project going into service. This process is the same as that used for individual section 7 certificate proceedings. Although the Commission previously declined in the 2006 rulemaking to allow project sponsors to request incremental rates for blanket certificate projects because of the additional time necessary to complete a rate review,[107] since that time the Commission has an additional 20 years' worth of experience developing its precedent and expertise. The Commission's rate policies regarding incremental rates are now well-established, and as a result we now believe that such reviews can be completed within the 60-day notice period. However, given the short notice period, the Commission expects applications to be complete when filed. Failure to provide a complete application may result in rejection or Commission staff protest of the application.

37. We also propose to continue our policy of granting automatic predeterminations of rolled-in rate treatment for blanket certificate projects that propose to charge existing system rates. However, to ensure there will be no major impacts on existing customers, we propose to require applicants for prior notice mainline expansions to provide evidence that the project benefits existing customers [108] to justify the predetermination of rolled in rates.[109] If the provided support does not justify a predetermination of rolled in rates, Commission staff or any other party may protest the application. If the protest is not withdrawn or dismissed, the application will not be deemed authorized by the blanket certificate and the Commission will process it as a section 7 proceeding. We invite comment on what kind of evidence applicants could file to demonstrate that a project benefits existing customers.

38. Additionally, we propose to adopt AGA's recommendation that pipeline companies disclose the purpose and beneficiaries of blanket certificate projects, because such information would be helpful to address any potential cost allocation issues in a future section 4 or section 5 rate proceeding. Last, we seek comment on whether to adopt the standard condition the Commission uses in section 7 proceedings and require pipelines that are proposing to charge existing system rates to maintain separate books and accounting for all blanket certificate projects.[110]

D. Protest Procedures for Prior Notice Projects

39. Currently, after a prior notice application is filed, the Commission will issue a notice providing 60 days to protest and/or intervene.[111] If no protest is filed, the applicant is authorized to conduct the activity under its blanket certificate, effective on the day following the expiration of the notice deadline.[112]

40. Any person or Commission staff may file a protest during the 60-day notice period.[113] If a protest is filed, the certificate holder, protestor, any intervenors, and Commission staff have 30 days from the notice deadline to resolve the protest and to file a withdrawal of it.[114] Additionally, within 10 days of the filing of a protest, the Director of the Office of Energy Projects will dismiss a protest if it does not raise a substantive issue and fails to provide any specific detailed reason or rationale for the objection.[115] If a protest is not withdrawn or dismissed, the activity is not authorized. Instead, the request is treated as an application for section 7 authorization and is acted on through a Commission order.[116] If the protest is withdrawn, the certificate holder is authorized to conduct the activity under its blanket certificate, effective the day after the later of either: (1) the notice period concluding or (2) the withdrawal of all protests.[117] However, if a protest is dismissed, the notice requirements are not fulfilled until the earlier of: (1) 30 days after the notice period has concluded or (2) the dismissed protesting party notifying the Commission that its concerns have been resolved.[118]

1. Comments

41. INGAA asserts that the broad eligibility requirements for protests and a reluctance to dismiss protests that fail to raise substantive, case-specific objections have undermined the blanket certificate program.[119] It proposes to restrict who may protest a prior notice application to only those with a substantial economic interest,

[105] 18 CFR 157.14(a)(14)—(19).

[106] *Tenn. Gas Pipeline Co.,* 111 FERC ¶ 61,094 at P 15.

[107] Order No. 686, 117 FERC ¶ 61,074 at P 38.

[108] Certificate Policy Statement, 88 FERC at 61,746 n.12 (''Projects designed to improve existing service for existing customers, by replacing existing capacity, improving reliability or providing flexibility, are for the benefit of existing customers. Increasing the rates of the existing customers to pay for these improvements is not a subsidy.''); *e.g., E. Tenn. Nat. Gas, LLC,* 186 FERC ¶ 61,210, at PP 45–46 (2024).

[109] With respect to activities under the automatic authorization, we find that even under the higher cost limit, such projects would only have a *de minimis* impact on rates.

[110] Projects charging incremental rates are currently required to keep separate books and accounting of costs and revenues attributable to the project pursuant to § 154.309. We note that § 154.309 will also apply to any blanket certificate project charging incremental rates. However, unlike a project charging incremental rates, a pipeline charging its existing system rates for a project is not required to provide books and accounting consistent with Order No. 710. *Revisions to Forms, Statements, & Reporting Requirements for Nat. Gas Pipelines,* Order No. 710, 73 FR 19389 (Apr. 10, 2008) FERC Stats. & Regs. ¶ 31,267, at P 23 (2008). The pipeline is required to maintain its internal books and accounting such that it would have the ability to include this information in a future FERC Form No. 2 or 2–A if the rate treatment for the project is changed in a future rate proceeding. *Gulf S. Pipeline Co., LLC,* 173 FERC ¶ 61,049, at P 7 (2020).

[111] 18 CFR 157.205(d).

[112] *Id.* 157.205(h)(1).

[113] *Id.* 157.205(e)(1).

[114] *Id.* 157.205(f); *see also Transwestern Pipeline Co., LLC,* 194 FERC ¶ 62,131 (2026); *S. Star Cent. Pipeline, Inc.,* 194 FERC ¶ 62,097 (2026); *Nw. Pipeline LLC,* 194 FERC ¶ 62,021 (2026).

[115] *Id.* 157.205(g).

[116] *Id.*

[117] *Id.* 157.205(h)(2).

[118] *Id.* 157.205(g).

[119] INGAA September 24, 2025 Comments at 32. TransCanada USA Pipeline Services LLC and the Williams Companies, Inc. filed comments in support of INGAA's proposal.

Commission staff, and affected landowners.[120]

42. APGA opposes INGAA's proposal to limit who may protest.[121] It states that to do so would go against the spirit of the program, rooted in the assumption that there will only be a *de minimis* impact on rates.[122] It further argues that all those impacted by a project would have a ''substantial economic interest'' and that to limit protections could reduce oversight and weaken procedural safeguards.[123]

43. INGAA also proposes a requirement that the Director of the Office of Energy Projects either dismiss or accept the protest within 10 days of receipt.[124] Similarly, Energy Transfer urges expeditious responses to protests on prior notices to accomplish the goals of the blanket certificate program.[125]

2. Commission Determination

44. We propose to maintain our current regulations governing protests. Under the Commission's regulations, a protest to a prior notice is dismissed if it fails to ''raise a substantive issue and fails to provide any specific detailed reason or rationale for the objection.'' We note that the Director of the Office of Energy Projects dismisses protests for failure to raise substantive issues pertaining to the project and failure to provide any specific detailed reason or rationale for objecting to the pending proposal, thereby allowing the project to proceed under the blanket certificate.[126] Additionally, when the Commission receives a protest (meaning that protest has not been withdrawn by the filer or dismissed by the Director of the Office of Energy Projects per 18 CFR 157.205(g)), it may issue an order adjudicating the protest. Should the Commission deny a protest in an order, the project would then proceed under the blanket certificate.[127] We do not propose adopting INGAA's proposal to limit the persons that may protest a prior notice application to only those with a substantial economic interest, Commission staff, and affected landowners because we are concerned that the proposal could be difficult to administer in practice. We are also concerned that it may set underinclusive eligibility criteria in that INGAA's proposal may prevent certain persons that are directly affected by a proposed project from protesting because they are not affected landowners as defined by the Commission's regulations.

45. Nonetheless, we recognize that establishing more prescriptive eligibility criteria for protestors, along the lines INGAA has proposed to limit the persons that may protest a prior notice application to only those with a substantial economic interest, Commission staff, and affected landowners, might help attenuate the quantity of protests based solely on generic or irrelevant concerns that do not advance legitimate concerns of individuals or entities that could be affected by a project. This could help promote the intended efficiencies of the blanket certificate program. We therefore seek comment on the following:

—INGAA's proposed eligibility criteria, including how to determine whether a person has a substantial economic interest, which is not defined and could either encompass a variety of persons with various interests or be restrictive;

—Other potential alternative defined eligibility criteria for protestors to prior notice projects. This includes whether the Commission could or should adopt some form of its intervention standard as a criterion for protestors and/or whether the Commission should require membership organizations seeking to protest prior notice applications provide evidence that they have a member or members in the relevant geographic area, or are representing a specific member or members that is or will be directly affected by the proposed project.[128] Any proposals should discuss how the criteria do not prevent persons meaningfully impacted by a proposed project from protesting;

—Whether the Commission could establish a designated timeline within which it will seek to issue orders adjudicating prior notice protest proceedings (*e.g.,* 60 days), noting that individual cases present differing issues and information needs, and thus require differing processing times. We also seek comment on whether such procedures would inhibit project applicants and protestors from negotiating a settlement that would resolve the protest.

46. We do not propose adopting INGAA's proposal that the Director of the Office of Energy Projects issue a letter acting on every protest (either dismissing or accepting it) within 10 days of filing. INGAA's proposal would not provide the participants in a proceeding any additional information; if a protest is not dismissed, it is deemed to have been accepted.

E. Extension of the One-Year In-Service Requirement

47. Under the current regulations, any construction, extension, or acquisition authorized under the blanket certificate program must be completed and made available for service within one year of the date the activity is authorized.[129]

1. Comments

48. INGAA proposes increasing the existing one-year in-service requirement for blanket certificate projects to two years, citing permitting delays, workforce uncertainty at administrative agencies, frequent changes in reviewing agencies' legal obligations, and unforeseen changes in construction factors such as weather, equipment supply chains, contractor availability, and later-discovered design issues.[130] AGA and APGA express concern that doubling the in-service deadline as INGAA requests would allow for larger projects than intended under the blanket program, and therefore request that the Commission maintain its current standard.[131]

2. Commission Determination

49. We propose to adopt INGAA's proposal to increase the one-year in-service deadline to two years. When the one-year deadline was established, the timeframe aligned with the Commission's practice in section 7 proceedings. More recently, the Commission has consistently given applicants two or three years to place their facilities into service.[132] The

[120] *Id.* at 34.

[121] APGA March 13, 2026 Reply Comments at 7.

[122] *Id.* at 7–8.

[123] *Id.* at 8.

[124] INGAA September 24, 2025 Comments at 35.

[125] Energy Transfer September 24, 2025 Comments at 22.

[126] *Transwestern Pipeline Co., LLC,* 194 FERC ¶ 62,131 (2026); *S. Star Cent. Pipeline, Inc.,* 194 FERC ¶ 62,097 (2026); *Nw. Pipeline LLC,* 194 FERC ¶ 62,021 (2026).

[127] *E.g., Fla. Gas Transmission Co., LLC,* 182 FERC ¶ 61,170 (2023); *El Paso Nat. Gas Co., L.L.C.,* 192 FERC ¶ 61,078 (2025); *Mountain Valley Pipeline, LLC,* 171 FERC ¶ 61,047 (2020).

[128] 18 CFR 385.214(b)(2); *Am. Elec. Power Servs. Corp.,* 120 FERC ¶ 61,052, at P 12 (2007).

[129] *Id.* 157.206(c). The certificate holder may apply to the Director of the Office of Energy Projects for an extension of this deadline. *Id.*

[130] INGAA September 24, 2025 Comments at 35–37; *see also* WBI September 24, 2025 Comments at 8.

[131] AGA March 4, 2026 Reply Comments at 10; APGA March 13, 2026 Reply Comments at 7.

[132] *See, e.g., Nw. Pipeline LLC,* 194 FERC ¶ 61,221 (2026) (requiring completion of construction of the proposed facilities within two years); *Rockies Express Pipeline LLC,* 194 FERC ¶ 61,206 (2026) (same); *Tex. E. Transmission, LP,* 194 FERC ¶ 61,141 (2026) (same); *Transwestern Pipeline Co., LLC,* 193 FERC ¶ 61,038 (2025) (same); *Rover Pipeline LLC,* 192 FERC ¶ 61,236 (2025) (same); *see also Transcon. Gas Pipe Line Co., LLC,* 192 FERC

Continued

additional time to complete a project would also allow applicants more time to comply with any applicable restrictions for when construction may occur.

50. We disagree with AGA and APGA that extending the in-service deadline would improperly enlarge the scope of the blanket program. The blanket certificate program would continue to be limited by the cost limits which, as proposed, appropriately maintain the program's general framework and principles. The blanket certificate regulations also include other protections that limit the scope of projects, including the prohibition against segmentation, environmental compliance requirements, and notice and protest provisions. Together, these measures would continue to properly limit the scope of the program, as intended.

F. Cost Limits for Receipt Points

51. Under the current blanket certificate regulations, certificate holders are authorized to undertake certain activities on any eligible facilities, which are subject to the cost limits. Receipt points are considered eligible facilities,[133] and therefore construction of such points is subject to cost limits.[134] Delivery points,[135] however, are subject to a different provision of the blanket certificate regulations and are not subject to the cost limits.[136]

1. Comments

52. INGAA requests that the Commission allow all receipt points to be constructed under automatic authorization without regard to cost limits, as is currently allowed for delivery points.[137] INGAA asserts that receipt and delivery point construction and operation are essentially identical, and the Commission should therefore remove the cost limit for construction of receipt points.[138]

2. Commission Determination

53. We agree with INGAA, and propose to remove the cost limitation on receipt points and allow all receipt points to be constructed under automatic authorization so that they are treated the same as delivery points. Construction of a receipt point involves the same facilities as those of a delivery point: a tap, meter, and appurtenant facilities such as a heater and gas conditioning equipment. Thus, the cost of a receipt point and its potential environmental impacts are the same as those for a delivery point and we have no basis to differentiate our treatment of the two facilities. Therefore, as we have for delivery points, we find that construction of a receipt point is so well-understood as an established industry practice that automatic authorization of such facilities is warranted.

G. Cost Limit for Abandonment Projects

54. Under the current blanket certificate regulations, the Commission considers the hypothetical cost to construct the facility when determining whether abandonment is eligible under automatic authorization or prior notice procedures.[139]

1. Comments

55. INGAA proposes that the Commission determine the eligibility of abandonment projects by the actual cost of abandonment instead of the cost of modern-day replacement, as currently required.[140] It notes that abandonment activities typically have fewer environmental and landowner impacts than project construction and operation, and that there are sufficient safeguards in place to ensure that the Commission can address operational, environmental, rate, or competitive impacts in blanket certificate abandonments.[141] INGAA acknowledges that the Commission's justification for its current approach was to ensure that case-specific abandonment proceedings are conducted where issues may arise that cannot be fully reviewed in a blanket abandonment proceeding, but it states that replacement facilities needed today frequently bear little resemblance to the facilities being abandoned, and therefore, the rationale is no longer applicable.[142] INGAA cites projects that could have been abandoned pursuant to the blanket certificate program under its proposal but were not because the cost of hypothetical replacement facilities exceeded the cost limit.[143] It asserts that the same issues related to increasing the cost limits for constructing facilities applies to the cost of replacement facilities, further restricting each year what can be abandoned under the blanket certificate.[144]

2. Commission Determination

56. We propose to adopt INGAA's recommendation to allow for abandonment of facilities based on the actual cost of abandonment rather than the hypothetical cost of replicating the facilities today. This would allow for more abandonments under the automatic and prior notice provisions, in line with the program's aims of providing streamlined procedures which increase flexibility and reduce regulatory burden for a generic class of routine activities. The blanket certificate regulations already include protections for firm shippers on pipelines proposed to be abandoned and conditions to protect the environment. When pipelines are abandoned in place, there is typically little construction or environmental disturbance, and, if the pipeline is proposed to be removed, the scale of any removal project and associated impacts are necessarily limited by the blanket certificate cost limits.

H. Abandonment of Storage Wells

57. Under the current blanket certificate regulations, changes to the function of natural gas storage wells currently require prior notice procedures, regardless of cost.[145]

1. Comments

58. INGAA proposes that the Commission revise § 157.213 to allow abandonment of storage wells under automatic authorizations, rather than being required to proceed under prior notice.[146] It states that § 157.213(a), which prevents storage operators from altering well functions, is unnecessary given the language limiting automatic authorizations to only those projects that do not alter the physical parameters of a storage field.[147] Equitrans states that most of the storage well abandonments that it has undertaken pursuant to prior notice have been required for compliance with either state or Federal safety requirements.[148] It notes that it has had cases where the physical parameter requirement for automatic

¶ 61,184 (2025) (requiring completion of construction of the proposed facilities within three years).

[133] 18 CFR 157.202(b)(2)(i). Receipt points are a tap and/or metering and appurtenant facilities such as heaters, minor gas conditioning, treatment, odorization, and similar equipment, necessary to enable the certificate holder to receive gas onto its pipeline system.

[134] *Id.* 157.208(a), (b).

[135] A delivery point is defined as ''a tap and/or metering and appurtenant facilities, such as heaters, minor gas conditioning, treatment, odorization, and similar equipment, necessary to enable the certificate holder to deliver gas to any party.'' *Id.* 157.202(b)(10).

[136] *Id.* 157.211.

[137] INGAA September 24, 2025 Comments at 37.

[138] *Id.*

[139] 18 CFR 157.216(a)(2)(iii), 157.216(b)(2)(iii).

[140] INGAA September 24, 2025 Comments at 37–40.

[141] *Id.* at 40.

[142] *Id.* at 38–40.

[143] *Id.* at 39.

[144] *Id.* at 39–40.

[145] 18 CFR 157.213(a).

[146] INGAA September 24, 2025 Comments at 41.

[147] *Id.*

[148] Equitrans September 24, 2025 Comments at 4.

authorization has been met, but prior notice procedures were required to abandon a well.[149]

59. AGA opposes INGAA's proposal and requests that the Commission continue to require prior notice procedures for storage well abandonments.[150] It asserts that allowing abandonment of storage wells under automatic authorization will bypass regulatory review and provide less transparency.[151]

2. Commission Determination

60. We propose to allow for the abandonment of storage wells under automatic authorization if the abandonment does not alter the physical parameters of a storage field. We find that such abandonments are routine, well understood, and often carried out for safety purposes. This change would streamline the authorization for well abandonments without affecting the service provided by natural gas storage operators.

I. Temporary Work Spaces Under § 2.55

61. Currently, under § 2.55(b) of the Commission's regulations, natural gas pipelines can replace facilities if the replacement will have a substantially equivalent designed delivery capacity, will be located in the same right-of-way or on the same site as the facilities being replaced, and will be constructed using the temporary work space used to construct the existing facility.[152] There is no cost limit for replacements done under § 2.55.

1. Comments

62. INGAA requests that the Commission revise § 2.55(b)(ii) to allow a pipeline to replace facilities if it can secure temporary work space by mutual agreement with landowners.[153] INGAA states that such a reform is needed because documentation of the original work space used to construct older pipelines may not be available.[154] It states that although the Commission's regulations have guidance for when this occurs, that guidance may not provide sufficient work space or access road allowances, particularly for steep slope construction or work to accommodate landowner requests.[155]

2. Commission Determination

63. We do not propose to adopt INGAA's proposal. The limitation on work space under § 2.55 ensures that replacement projects do not affect the environment in ways not already assessed by the Commission when it authorized the original project.[156] Although INGAA's proposal addresses potential landowner concerns, the Commission would have no way of knowing whether the environmental effects of the replacement would be consistent with the construction of the original project. Moreover, under the blanket certificate program, pipelines can undertake replacement activities, subject to the cost limits, that result in an incremental increase in capacity or require additional/new work space.

J. Automatic Authorization of Mainline Projects

64. In 2006, the Commission expanded the scope of blanket certificate activities to include mainline facilities, subject to prior notice procedures.[157] In explaining why mainline projects must proceed under prior notice procedures, we stated that, ''[g]iven the Commission's lack of experience under the blanket program in supervising mainline . . . facility projects, . . . it would be prudent to provide prior notice for all projects involving these newly blanket-enfranchised facilities.'' [158] The Commission explained that by requiring prior public notice for blanket projects ''the Commission, affected landowners, and others will be afforded a reasonable opportunity to review the potential impacts of proposed projects prior to construction.'' [159]

1. Comments

65. INGAA recommends that the Commission amend its regulations to allow for automatic authorization of mainline projects.[160] It argues that since 2006 the Commission has gained the necessary experience in supervising mainline projects under the blanket certificate program, and that the projects that meet the blanket certificate program's requirements for automatic authorization, particularly the cost limit, have minor impacts, are well understood, and are often carried out to meet safety and integrity requirements.[161]

66. AGA asserts that mainline work is not appropriate for automatic authorization, which was designed to enable minor investments in facilities that require little scrutiny.[162] It expresses doubt that expansion of mainline facilities would constitute minor investments or only have a *de minimis* impact on rates, and asserts that automatic authorization should not be used for work that more than incidentally increases a pipeline's delivery capability.[163] AGA argues that the automatic authorization process was designed to enable minor investments in facilities that require little scrutiny.[164]

2. Commission Determination

67. As we explained in 2006, the Commission permits the authorization of mainline projects, such as compression and looping projects designed to increase the pipeline's capacity, under the prior notice program to ensure these matters receive appropriate review. We seek comment on INGAA's proposal to include mainline facilities under the automatic program and direct staff to consider the proposal in its NEPA review, as discussed below. Under INGAA's proposal, automatic authorization mainline projects would still be subject to the lower automatic authorization cost limit, but we seek comment on whether those projects are expected to have relatively little impact on ratepayers or pipeline operations, and if we can be assured any issues related to the proper allocation of costs between new and existing customers will be addressed in a future NGA section 4 rate case proceeding.[165] As discussed above,

[149] *Id.*

[150] AGA March 4, 2026 Reply Comments at 10–11.

[151] *Id.*

[152] 18 CFR 2.55(b).

[153] INGAA September 24, 2025 Comments at 42. Boardwalk filed comments in support of INGAA's proposal.

[154] *Id.*

[155] *Id.*

[156] *Arkla Energy Res. Co.,* 67 FERC ¶ 61,173, at 61,516 (1994) (''The authority to replace a facility and to establish a right-of-way should be limited by the terms and locations delineated in the original construction certificate.'').

[157] Order No. 686, 117 FERC ¶ 61,074 at P 13.

[158] *Id.* P 15.

[159] *Id.* P 11.

[160] INGAA September 24, 2025 Comments at 47–48. Boardwalk and WBI filed comments in support of INGAA's proposal.

[161] *Id.* at 48; *see also* Boardwalk September 24, 2025 Comments at 7 (noting that stricter pipeline safety and integrity regulations by the US Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) require a more efficient process to replace existing mainline facilities).

[162] AGA March 4, 2026 Reply Comments at 10. PGC filed reply comments in support of AGA's reply comments.

[163] *Id.*

[164] *Id.*

[165] *See, e.g., Tex. E. Transmission LP,* 176 FERC ¶ 61,206, at P 24 (2021) (''[O]ur determination regarding rolled-in rates does not presume any decision with regard to the appropriate allocation of project costs. Texas Eastern will have the burden in its next NGA section 4 rate case to show that costs are assigned to services equitably and the relevant parties will be free to fully argue their positions when Texas Eastern files to roll project costs into its current system rates.''); *see also* Order No. 686, 117 FERC ¶ 61,074 at P 38 (''[T]he current practice of presuming, initially, that blanket project costs will qualify for rolled-in rate treatment, then

Continued

we are including additional protections for shippers to disclose the purpose and beneficiaries for such projects for use in potential future section 4 or section 5 rate proceedings. Finally, because the Commission has not previously authorized mainline facilities under the automatic program, we also seek comment on whether the Commission should apply its policy of granting automatic predeterminations of rolled-in rate treatment for those projects.

K. Removing Cost Limits for Expansions of Existing Compressor Stations

68. Blanket certificate holders can currently construct new compressor stations and additional compressor units at existing compressor stations under automatic authorization and prior notice procedures.[166] Replacements of compressor units that result in an ''incidental increase'' in capacity, but that do not have the primary purpose of increasing mainline capacity, can be constructed.[167] In addition, new compressor stations and additional compressor units at existing stations at storage facilities can be constructed, provided there is no change in the storage facilities' certificated parameters.[168]

1. Comments

69. INGAA requests that the Commission expand the blanket certificate program to allow for compression projects that increase capacity under prior notice procedures, regardless of cost, when those projects are located within existing facilities' footprints.[169] It proposes that the pipeline must own or lease all project land to be eligible for this proposed expansion.[170] INGAA argues that the minimal impact on landowners, lesser environmental effects, and expedition of the replacement of facilities justifies removing the cost limits on these types of projects.[171] It states that the blanket certificate program's existing safeguards ensure that compression projects within existing footprints will not have major effects on landowners, the environment, or rates.[172]

70. AGA and APGA oppose INGAA's proposal to remove cost limits for expansions of existing compressor stations.[173] They assert that such projects would have more than a *de minimis* impact on rates and that permitting such activities to proceed without a cost cap risks loss of oversight and scrutiny.[174] They state that INGAA's proposal would likely result in significant costs being passed through to ratepayers who may not benefit from the expansion.[175] Finally, according to AGA, allowing such projects would deprive shippers of the transparency needed to track project costs and impacts.[176]

2. Commission Determination

71. We propose to adopt INGAA's recommendation. Providing for the prior notice authorization of expansions of existing compressor stations within the fence line of the station limits impacts on landowners while still allowing pipeline companies to expand their systems using the expedited blanket certificate procedures. Because the projects would be subject to notice and protest procedures, such projects would not lack transparency, oversight, or scrutiny, as AGA and APGA assert. Moreover, the blanket certificate regulations' environmental conditions, coupled with the protest mechanisms built into the prior notice procedures, ensure that nearby residents and landowners, pipeline customers, and Commission staff have an opportunity to evaluate the individual projects and protest them if necessary. However, in light of the fact that these projects will not be subject to a cost limit and to ensure that the air and noise impacts of compressor station expansions are properly evaluated by Commission staff during the notice period, we are requiring applicants to file all of the information required by § 380.12(k) of our regulations. We seek comment on our proposal to require this information. In particular, we seek comment on whether all the information required by § 380.12(k), including that related to noise impacts, is necessary to evaluate the compressor station expansion projects proposed herein or whether other information should be required to analyze a potential project's air and noise impacts. Applicants will also be required to comply with the blanket certificate program's noise condition, which specifies that noise attributable to compression added to an existing station, or any modification, upgrade or update of an existing station, must not exceed a day-night level (Ldn) of 55 dBA at any pre-existing NSA or, if the noise from the station already exceeds 55 dBA, the modification does not cause overall noise attributable to the station to increase.[177] As discussed above, we are also including additional ratepayer protections, such as requiring blanket certificate holders to disclose the purpose and beneficiaries for such projects.

72. Because Commission staff only has 60 days to complete its environmental review of blanket certificate projects, the Commission expects applications to be complete when filed.[178] Failure to provide a complete application may result in rejection or Commission staff protest of the application.[179]

L. National Historic Preservation Act Compliance

73. Under section 106 of the National Historic Preservation Act (NHPA) [180] and its implementing regulations,[181] federal agencies must take into account the effect of any proposed undertaking on properties listed or eligible for listing in the National Register of Historic Places (defined as historic properties) and afford the Advisory Council on Historic Preservation (Advisory Council) a reasonable opportunity to comment on the undertaking. This generally requires the Commission to consult with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) to determine whether and how a proposed action may affect historic properties and to seek ways to avoid any adverse effects. The current blanket certificate regulations require that the SHPO or THPO find that a project will have ''no effect'' on historic properties prior to

evaluating the validity of this presumption, subsequently, in an NGA section 4 rate proceeding.'').

[166] 18 CFR 157.202(b)(2), (6), 157.208(a), (b).

[167] *Id.* 157.202(b)(2), 157.208(a), (b), 157.210.

[168] *Id.* 157.213(a), (b).

[169] INGAA September 24, 2025 Comments at 48–51. TransCanada USA Pipeline Services LLC filed comments in support of INGAA's proposal.

[170] *Id.* at 49–50.

[171] *Id.* at 49–51.

[172] *Id.* at 49.

[173] PGC filed reply comments in support of AGA's reply comments.

[174] AGA March 4, 2026 Reply Comments at 6; APGA March 13, 2026 Reply Comments at 6–7.

[175] AGA March 4, 2026 Reply Comments at 6; APGA March 13, 2026 Reply Comments at 6–7.

[176] AGA March 4, 2026 Reply Comments at 6.

[177] 18 CFR 157.206(b)(5).

[178] *See, e.g.,* 18 CFR 157.206(b)(5)(ii) (requiring a noise survey for new and modified compression station facilities); *id.* 157.208(c)(9) (requiring a concise analysis discussing the relevant issues outlined in § 380.12, including, for compressor facilities, how the proposed action will be made to comply with applicable State Implementation Plans developed under the Clean Air Act); *see also id.* 380.12 (requiring submission of an environmental report consisting of thirteen resource reports and related material, including Resource Report 9—Air and noise quality).

[179] *Cf., e.g., Commission Staff,* Environmental Information Request, Docket No. CP20–448–000, at 3 (issued May 26, 2020) (requesting information on Endangered Species Act compliance); *ANR Pipeline Co.,* Environmental Information Response, Docket No. CP19–102–000, at 7, attach. 4 (issued March 27, 2019) (providing information on Endangered Species Act compliance).

[180] 54 U.S.C. 306108.

[181] 36 CFR pt. 800.

proceeding under a blanket certificate.[182]

1. Comments

74. INGAA argues that only a ''finding of adverse effects'' by the SHPO or THPO should preclude a project from proceeding under a blanket certificate and thus requests that the Commission allow projects to proceed under a blanket certificate when the project receives a ''no effect to historic properties'' or a ''no adverse effect to historic properties'' finding from the SHPO or THPO.[183]

2. Commission Determination

75. The blanket certificate program has been successful, in part, due to the environmental conditions of the program, which ensure that only those projects that will have minimal impacts are eligible. Expanding the program to include projects that receive a finding of ''no adverse effect'' would change the program's underlying protections for historic properties because a ''no effect'' finding typically only occurs where no historic properties are present. Moreover, the Commission's current blanket certificate procedures for compliance with the NHPA,[184] which are designed to streamline the approvals of projects, do not apply to projects receiving a ''no adverse effect'' finding.

76. In order to institute alternative procedures that would allow for the streamlined approval of projects that receive a ''no adverse effect'' finding while ensuring compliance with the NHPA, the Commission would likely be required to develop a programmatic agreement for the program. Development of a nationwide programmatic agreement would necessitate consultation with SHPOs within the National Conference of SHPOs (which includes all fifty states, territories, and freely associated states), all federally recognized Indian Tribes and Native Hawaiian organizations, as well as establishing an opportunity for public input, and review by the Advisory Council. This would be a lengthy and difficult process that would delay implementation of the proposed revisions to the blanket certificate program, which will provide streamlined procedures that increase flexibility and reduce regulatory burdens on interstate natural gas companies. Accordingly, we do not propose to expand the blanket program to allow projects with no adverse effects and instead propose to retain the current ''no effect'' requirement.

77. Nevertheless, we propose to clarify in our regulations that, upon acceptance of the blanket certificate, the certificate holder shall act as the Commission's non-Federal representative for purposes of complying with the NHPA, consistent with similar provisions for Endangered Species Act compliance.[185]

M. Reporting Requirements

78. Currently, blanket certificate holders are required to file annual reports for activities completed under automatic authorization. Although there are additional, and sometimes different, requirements for certain types of facilities (delivery points, temporary compression, abandonments, and storage testing facilities), the report generally must include: (1) a description of the facilities installed; (2) the specific purpose, location, and beginning and completion date of construction of the facilities installed, the date service commenced, and, if applicable, a statement indicating the extent to which the facilities were jointly constructed; (3) the actual installed cost of each facility; (4) information regarding consultations which took place to ensure compliance with the Endangered Species Act, the NHPA, and the Coastal Zone Management Act; (5) documentation, including images, that restoration of work areas is progressing appropriately; (6) a discussion of problems or unusual construction issues, including those identified by affected landowners, and corrective actions taken or planned; and (7) for new or modified compression, a noise survey.[186]

1. Comments

79. Some commenters request that the Commission expand the reporting requirements for projects completed under the blanket certificate program. AGA requests that pipelines be required to provide additional disclosure and identification of blanket activities both in the FERC Form No. 2 and when a natural gas pipeline submits an NGA section 4 rate case filing.[187] NGSA states that the Commission should establish a mechanism for identifying and tracking blanket certificate projects.[188] And EDF suggests that the Commission should create a public database of blanket certificate filings, notices, and objections to help ensure that landowners are protected should the Commission decide to increase the scope of the blanket certificate program.[189]

2. Commission Determination

80. As discussed above, we propose to require natural gas pipelines to disclose the beneficiaries of automatic authorization projects. We believe that such additional information can be incorporated into the reporting already required and that additional or duplicative reporting is unnecessary. With respect to EDF's request for a public database of blanket certificate activities, we note that the Commission's eLibrary system includes all filings made to the Commission, including prior notice applications, protests to those applications, and the certificate holders' annual reports of blanket activities.[190] Thus, a separate parallel system would entail additional maintenance costs while providing no new benefits.

N. Expanding Public Notification

81. Currently, for automatic authorization projects, certificate holders must make a good-faith effort to notify in writing all affected landowners [191] at least 45 days prior to commencing construction or at the time they initiate easement negotiations, whichever is earlier.[192] For prior notice activities, blanket certificate holders must file an application with the Commission and make a good-faith effort to notify in writing all affected landowners within at least three business days of the date that a docket

[182] 18 CFR 157.206(b)(3)(ii); *id.* pt. 157, subpt. F, app. II.

[183] INGAA September 24, 2025 Comments at 51–53. WBI filed comments in support of INGAA's proposal.

[184] 18 CFR pt. 157, subpt. F, app. II.

[185] 18 CFR 157.206(b)(7); *id.* pt. 157, subpt. F, app. I.

[186] 18 CFR 157.207. With the exception of increases in storage capacity, for which there are additional reporting requirements, other prior notice activities require only that the certificate holder file the actual installed cost of each facility. *Id.* 157.207, 157.208(e).

[187] AGA September 24, 2025 Comments at 13.

[188] NGSA November 7, 2025 Reply Comments at 8.

[189] EDF September 24, 2025 at 23.

[190] For example, the pipeline's annual reports can be found in eLibrary by searching for the ''157.207 Annual Construction Report'' under the ''Report/Form'' document class type.

[191] 18 CFR 157.6(d)(2) (defining affected landowners).

[192] *Id.* 157.203(b), (d). Landowner notification is not required for: (1) replacements that meet the location requirements of § 2.55(b)(1)(ii) and do not cause any ground disturbance; (2) replacements done for safety, Department of Transportation compliance, environmental, or unplanned maintenance reasons that are not foreseen and that require immediate attention; (3) abandonments by sale or transfer of the facilities where the easement will continue to be used for transportation of natural gas; (4) instances where there is only one landowner and that landowner has requested the service or facilities; and (5) activities that do not involve ground disturbance or changes to operational air and noise emissions. *Id.* 157.203(d)(3).

number is assigned to the application or at the time it initiates easement negotiations, whichever is earlier.[193]

1. Comments

82. EDF recommends increasing the landowner notification window for automatic authorization projects from 45 to 60 days, expanding the definition of ''landowner'' to include affected communities, and requiring that the Office of Public Participation host meetings during the notice window.[194] EDF also proposes requiring that electronic notice be provided to affected landowners for blanket certificate activities,[195] as well as notification by certified mail.[196]

83. Ms. Swanton expresses general disagreement with the blanket certificate program due to lack of outreach and the ability to comment.[197] She notes that automatic authorizations receive no public comment period and landowners are only afforded 45 days' notice.[198]

2. Commission Determination

84. Because the good faith effort standard in § 157.203(d)(1) and (2) is subjective, we propose to adopt the same notification requirement as for section 7 applications—*i.e.,* that the company notify all affected landowners for all blanket certificate projects by certified or first class mail.[199]

85. We do not propose to adopt the other measures recommended by EDF. With respect to the notice requirements for projects constructed under automatic authorization, we believe 45 days is sufficient given the scope of such projects. Additionally, the definition of affected landowner is the same used for section 7 applications, and we do not recommend creating different notification requirements for blanket certificate projects. Finally, we decline to require that the Office of Public Participation hold a public meeting during the notice period for prior notice projects. No such requirement exists for section 7 projects, which are typically larger and have more potential impacts. And imposing such a requirement would likely require lengthening blanket certificate project timelines, contrary to the program's stated aims of streamlining reviews and reducing regulatory burdens. We note that the Office of Public Participation will continue to engage with the public and act as a liaison to members of the public affected by and interested in Commission proceedings. Additionally, we note that the Commission's landowner helpline is available to provide assistance, and our landowner notification regulations require interstate pipelines to provide information regarding the helpline.[200]

86. Regarding electronic notice, affected landowner lists are established by identifying the owners of affected properties as reflected in the most recent county/city tax records. The Commission is not aware of a reliable, verifiable resource that pipeline companies or the Commission could use to generate a list of email addresses for affected landowners to accomplish electronic notice. Thus, we also decline to adopt EDF's proposal to require electronic notice to affected landowners.

87. Finally, in response to Ms. Swanton's comments that stakeholders should be allowed to comment on automatic authorization projects, we find the projects eligible for automatic authorization, including those proposed for inclusion herein, are so well-understood as an established industry practice that little scrutiny is required to determine their compatibility with the public convenience and necessity. Therefore, we do not adopt Ms. Swanton's proposal.

O. Additional Proposed Revisions

88. In addition to the proposals filed by various commenters, we propose the following changes to the blanket certificate regulations.

1. Endangered Species Act Compliance

89. Section 7 of the Endangered Species Act of 1973 [201] requires federal agencies to ensure that their actions are not likely to jeopardize the continued existence of federally listed threatened or endangered species or result in the destruction or adverse modification of the critical habitat of such species. This requires the Commission to consult with the US Fish and Wildlife Service (FWS) or National Marine Fisheries Service if a proposed action may affect a listed species or critical habitat. Currently, the blanket certificate regulations require certificate holders to conduct informal consultation and receive a determination from the appropriate federal agency that the activity is not likely to adversely affect a listed species or critical habitat or that no further consultation is necessary prior to proceeding under a blanket certificate.[202] Because consultation is not required for activities that would have no effect on a listed species or critical habitat, we clarify that for all blankets activities for which the certificate holder finds, using appropriate federal databases such as the FWS Information for Planning and Consultation (IPaC) website, that an activity has no effect to listed species or critical habitat, the certificate holder is only required to provide documentation of that finding. Certificate holders would still be required to conduct informal consultation and receive a determination from the appropriate federal agency for activities that may affect but are not likely to adversely affect listed species or critical habitat. Activities that are likely to adversely affect listed species or critical habitat would require a case-specific authorization order.

2. Landowner Notification

90. Section 157.203(d)(2) currently requires landowner notification for prior notice projects ''within at least three business days following the date that a docket number is assigned to the application or at the time [the certificate holder] initiates easement negotiations, whichever is earlier.'' However, some of the notice requirements presuppose that a docket number has been assigned, which may not be the case if the notification occurs during easement negotiations.[203] Additionally, if easement negotiations begin months prior to an application being filed, landowners may, by the time the application is filed, no longer have or remember all the information that was contained in the notice that was provided. Therefore, for prior notice projects, we propose to require landowner notification both when easement negotiations begin and within 3 business days of a docket number being assigned.

3. Removal of Outdated Cross Reference

91. Section 157.204(b) states: ''Upon receiving an application for a blanket certificate under this subpart, the Commission will conduct a hearing pursuant to section 7(c) of the Natural Gas Act and §§ 1.32 and 157.11 of this chapter.'' We propose removing the cross-reference to § 1.32, as the section no longer exists in the Commission's regulations.

[193] 18 CFR 157.203(d)(2). The same landowner notification exceptions that apply to automatic authorizations also apply to prior notice projects.

[194] EDF September 24, 2025 Comments at 21–23.

[195] *Id.* at 22.

[196] *Id.* at 6.

[197] Kristin Swanton August 25, 2025 Comments.

[198] *Id.*

[199] 18 CFR 157.6(d)(1)(i) (requiring landowner notification by certified or first class mail); *see also infra* proposed revisions to 18 CFR 157.203(d).

[200] 157 CFR 203(d)(1)(iii)(D).

[201] 16 U.S.C. 1536(a).

[202] *See* 18 CFR 157.206(b)(3)(i); *id.* pt. 157, subpt. F, app. I.

[203] 18 CFR 157.203(d)(2)(vi).

4. Updating the Procedure for the Withdrawal of Protests

92. Currently, under § 157.205(f), the certificate holder, protestor, any intervenors, and Commission staff have 30 days from the prior notice deadline to resolve the protest and file a withdrawal. Section 157.205(g) also limits the time to withdraw a protest to 30 days following the prior notice deadline. We propose to alter this timeline and allow for the withdrawal of a protest any time prior to a Commission order. This change would provide parties additional time to negotiate a resolution while not preventing the Commission from acting in a timely fashion, depending on the circumstances.

5. Construction of Facilities Near Nuclear Power Plants

93. Section 157.206(b)(6) does not currently allow the construction of eligible facilities that are located within 0.5 miles of a nuclear power plant that is either operating or under construction, or for which a construction permit has been filed with the Nuclear Regulatory Commission (NRC). Because we propose to incorporate mainline facilities into § 157.208, we clarify that mainline facilities are also subject to the same restriction. Additionally, to clarify that the term ''nuclear power plant'' was not intended to cover nuclear storage facilities, we propose replacing ''nuclear power plant'' with ''nuclear power reactor facilities,'' the term used in NRC's comments to the original blanket certificate notice of proposed rulemaking.[204]

6. Synthetic and Liquefied Natural Gas (LNG) Facilities

94. Section 157.212 requires prior notice procedures for facilities that transport either a mix of synthetic and natural gas or exclusively revaporized LNG. We propose eliminating this section and allowing such facilities to be constructed either under automatic authorization or prior notice procedures, subject to the applicable cost limits. In the 2006 rulemaking, the Commission stated that its ''lack of experience under the blanket program in supervising . . . LNG and synthetic gas . . . facility projects [made it] prudent to provide prior notice for all projects involving these . . . facilities.'' [205] Additionally, the Commission noted that ''LNG and synthetic gas facilities . . . [raise] fact-specific issues of safety, security, and gas interchangeability.'' [206] Since 2006, the Commission has gained considerable experience in addressing issues related to synthetic gas and LNG. For example, most pipelines have gas quality tariff provisions to protect shippers and ensure that gas interchangeability issues are addressed.[207] Thus, we believe the section is no longer necessary. Facilities that transport either a mix of synthetic and natural gas or exclusively revaporized LNG would be eligible for construction under the other provisions of the blanket certificate regulations.

7. Abandonment of Delivery Points

95. Section 157.216(a)(1) currently allows for the automatic authorization to abandon delivery points, ''provided the facility has not been used to provide: (i) Interruptible transportation service during the one year period prior to the effective date of the proposed abandonment, or (ii) Firm transportation service during the one year period prior to the effective date of the proposed abandonment, provided the point is no longer covered under a firm contract.'' Additionally, § 157.216(a)(2)(iii) provides for the automatic authorization of ''any other facility that did or could now qualify for automatic authorization as described in § 157.203(b), provided the certificate holder obtains the written consent of each customer served using the facility during the past 12 months.'' Because delivery points qualify under both sections of § 157.216(a), this has led to confusion regarding the proper vehicle to abandon delivery points.

96. We propose clarifying the regulations to allow the abandonment of all delivery points under automatic authorization if the certificate holder obtains written consent of each customer served using the facility during the past 12 months or if the delivery point has not been used to provide interruptible or firm transportation service for the past 12 months and the point is no longer covered under a firm contract.

8. Correction to Condition Regarding Sensitive Environmental Resources

97. Section 157.206(b)(4) states that ''[a]ny transaction authorized under a blanket certificate shall not have a significant adverse impact on a sensitive environmental area.'' The use of the word ''transaction'' in the regulation is misleading, as pipeline companies and other stakeholders may assume that the provision does not apply to construction activities. We propose replacing the term with ''activity.'' Additionally, we propose replacing the term ''impacts'' with ''effects,'' consistent with our current practice.

9. Correction to Categorical Exclusion for Blanket Certificate Projects

98. Section 380.4(a)(21) states that ''[a]pprovals of blanket certificate applications and prior notice filings under § 157.204 and §§ 157.209 through 157.218 of this chapter'' would not have a significant effect on the human environment and are categorically excluded from preparation of an EA or environmental impact statement. The regulation inadvertently included mainline facilities under § 157.210. Because mainline facilities are proposed to be authorized under § 157.208, we note that section 380.4 would not apply to those facilities under the revisions proposed herein. However, because we propose authorizing compressor station expansions under § 157.210, we propose amending § 380.4(a)(21) to remove § 157.210 from this categorical exclusion. Thus, under the proposed regulations neither mainline facilities nor compressor station expansions will fall under the categorical exclusion.

10. Engineering Information

99. To ensure that Commission staff has the appropriate information to evaluate prior notice applications, we propose to require applicants to file the same Exhibit G flow diagram information that is filed for section 7 applications.[208] Additionally, for prior notice applications that would increase storage capacity, we propose to require the same geologic and engineering information required for applications that do not result in an increase in storage capacity.[209] Last, consistent with Commission practice, we propose to change ''analysis'' to ''assessment'' in § 157.213(c)(9).

[204] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,216; *see also* 10 CFR 100.3 (defining ''power reactor'' to mean ''a nuclear reactor of a type described in § 50.21(b) or § 50.22 of this chapter designed to produce electrical or heat energy.''); US Nuclear Regulatory Commission, *Glossary: Power Reactor, https://www.nrc.gov/reading-rm/basic-ref/glossary/power-reactor* (accessed Apr. 15, 2026) (defining ''power reactor'' as ''[a] reactor designed to produce heat for electric generation (as distinguished from reactors used for research), for producing radiation or fissionable materials or for reactor component testing'').

[205] Order No. 686, 117 FERC ¶ 61,074 at P 15.

[206] *Id.* P 18.

[207] *See Pol'y Statement on Provisions Governing Nat. Gas Quality & Interchangeability in Interstate Nat. Gas Pipeline Co. Tariffs,* 71 FR 35893 (June 22, 2006), 115 FERC ¶ 61,325 (2006) (requiring pipelines to maintain tariff provisions governing gas quality and interchangeability).

[208] 18 CFR 157.14(a)(8)–(10).

[209] 18 CFR 157.213(c)(1)–(9).

11. Severability

100. We propose to include as new § 157.201(e) a proviso that if any provision of the blanket certificate regulations, or the application of any provision thereof to any person or circumstance, is held invalid, the remainder of those regulations and the application thereof to other persons or circumstances shall not be affected thereby. Notably, the revisions proposed herein are not ''in any way intertwined'' and ''operate entirely independently of one another.'' [210]

III. Request for Comments

101. The Commission requests and encourages public comments on this notice of proposed rulemaking. Comments may include any related matters or alternative proposals that commenters may wish to discuss. The Commission will consider comments it receives and provide responses in a final rule, with changes, if warranted.

102. Comments are due July 27, 2026. Comments must refer to Docket No. RM25–12–001 and must include the commenter's name, the organization they represent, if applicable, and their address in their comments. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

103. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software must be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

104. Commenters that are not able to file comments electronically may file an original of their comment by USPS mail or by courier-or other delivery services. For submission sent via USPS only, filings should be mailed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submission of filings other than by USPS should be delivered to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

IV. Regulatory Requirements

A. Information Collection Statement

105. The information collection in this proposed rule is being submitted to the Office of Management and Budget (OMB) per its regulations,[211] which require that OMB approve certain reporting, record keeping, and public disclosure requirements imposed by an agency.

106. The Commission estimates that the proposals in this notice of proposed rulemaking will expand the scope and scale of projects that interstate natural gas pipelines may construct without a case-specific authorization order and increase the cost limits for such projects, among other changes. As a result, these proposals would reduce the number of full applications and reporting burden.

107. The Commission estimates that this proposed rule will impact the following existing information collections:

- FERC–537: Gas Pipeline Certificate: Construction, Acquisition & Abandonment.

Title: FERC–537: Gas Pipeline Certificates: Construction, Acquisition, and Abandonment.

Action: Revision to an existing information collection.

OMB Control No: 1902–0060.

Respondents: Companies proposing Natural Gas Projects under section 7 of the Natural Gas Act and Jurisdictional Natural Gas Companies.

108. *Frequency of Responses:* Ongoing. Natural gas companies file the necessary information with the Commission so that it can review the filing of applications for the construction and operation of facilities to provide service or to abandon facilities or service under section 7 of the Natural Gas Act to determine if the requested authorization should be granted. The data required to be submitted in a certificate filing may include (depending on the circumstances and application):

- Identification of the company and responsible officials
- Factors considered in the location of the facilities and the impact on the area for environmental considerations
- Flow diagrams showing the design capacity for engineering design verification;
- Cost of proposed facilities, plans for financing, and estimated revenues and expenses related to the proposed facility for accounting and financial evaluation.
- Existing and proposed storage capacity and pressures and reservoir engineering studies for requests to increase storage capacity;
- An affidavit showing the consent of existing customers for abandonment of service requests.

109. In addition, requests for an increase of pipeline capacity must include a statement that demonstrates compliance with the Commission's Certificate Policy Statement by making a showing that the cost of the expansion will not be subsidized by existing customers and that there will not be adverse economic impacts to existing customers, competing pipelines or their customers, or to landowners and surrounding communities.

Necessity of Information: This information is necessary so that the Commission can fulfill its statutory mandate under the Natural Gas Act to oversee natural gas infrastructure and facilities.

INFORMATION COLLECTIONS IMPACTED BY THIS RULEMAKING

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [212]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) [213]
18 CFR 157.6 Interstate Certificate and Abandonment Applications [214].	22	1.39	30.58	500 hrs.; $51,000	15,290 hrs; $1,559,580	$70,890
18 CFR 157.53 Pipeline Purging/Testing Exemptions.	1	1	1	50 hrs.; $5,100	50 hrs.; $5,100	5,100

[210] *Davis Cnty. Solid Waste Mgmt.* v. *EPA,* 108 F.3d 1454, 1459 (D.C. Cir. 1997) (internal quotation marks and citation omitted); *Carlson* v. *Postal Regul. Comm'n,* 938 F.3d 337, 351 (D.C. Cir. 2019); *Epsilon Elecs., Inc.* v. *U.S. Dep't of Treasury,* 857 F.3d 913, 929 (D.C. Cir. 2017); *Telephone & Data Sys., Inc.* v. *FCC,* 19 F.3d 42, 50 (D.C. Cir. 1994).

[211] 5 CFR 1320.11.

INFORMATION COLLECTIONS IMPACTED BY THIS RULEMAKING—Continued

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response [212] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1) [213]
18 CFR 157.203(c) Blanket Certificates Prior Notice Filings.	30	2.125	63.75	200 hrs.; $20,400	12,750 hrs.; $1,300,500	43,350
18 CFR 157.207 Blanket Certificates—Annual Reports.	176	1	176	50 hrs.; $5,100	8,800 hrs.; $897,600	5,100
18 CFR 284.11 (NGPA Section 311 Construction—Annual Reports).	75	1	75	50 hrs.; $5,100	3,750 hrs.; $382,500	5,100
18 CFR 284.8 [215] Request for Waiver of Capacity Release Regulations.	31	1.39	43.09	10 hrs.: $1,020	430.9 hrs.; $43,952	1,418
18 CFR 284.13(e) and 284.126(a) Interstate and Intrastate Bypass Notice.	2	1	2	30 hrs.; $3,060	60 hrs.; $6,120	3,060
18 CFR 284.221 Blanket Certificates—Transportation by Interstate Pipelines on behalf of others.	1	1	1	100 hrs.; $10,200	100 hrs.; $10,200	10,200
18 CFR 284.224 Blanket Certificate—Hinshaw Pipeline Blanket Certificates.	2	1	2	75 hrs.; $7,650	150 hrs.; $15,300	7,650
18 CFR 157.18 Non-facility Certificate or Abandonment Applications.	11	1.36	14.96	75 hrs.; $7,650	1,122 hrs.; $114,444	10,200
Project based Labor wages	22	1	22	15 hrs.; $1,530	330 hrs.; $33,660	1,530
Total	.....	.....	431 (rounded)	.....	42,833 hrs.; (rounded) $4,368,956.	.....

The Commission requests comments on

- the need for this information,
- whether the information will have practical utility,
- the accuracy of the provided burden estimates,
- ways to enhance the quality, utility, and clarity of the information to be collected, and
- any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

Send written comments concerning the collection of information(s) and the associated burden estimate(s) to the Commission according to the instructions in this notice of proposed rulemaking. You must include the Docket Number and the related OMB Control Number (if applicable).

B. Environmental Analysis

110. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[216] Accordingly, Commission staff is directed to prepare a National Environmental Policy Act document to assess the environmental impacts of projects that may be constructed pursuant to the automatic authorization. That document will also consider the impact of the action we are taking in this rulemaking proceeding. For prior notice projects, Commission staff will continue to conduct a case-specific analysis, including the nature of appropriate environmental review, *e.g.,* preparation of an Environmental Assessment or application of a categorical exclusion.

C. Regulatory Flexibility Act

111. The Regulatory Flexibility Act of 1980 (RFA) [217] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to make such an analysis if proposed regulations would not have such an effect.

112. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[218] SBA regulations designate natural gas pipelines (*i.e.,* NAICS 486210) as small entities if they do not exceed the size standard of $41.5 million.[219] For the past five years, one company not affiliated with larger companies had annual revenues in combination with its affiliates of $41.5 million or less and therefore could be considered a small entity under the RFA. Based on the estimated number of respondents submitting full applications (22), this represents about five percent of the total potential respondents that may experience a significant impact from the proposed rule. However, the proposed rule adjusts the cost limitations of the current program to ensure that the program continues to cover the same class of infrastructure projects. Impacts associated with this proposed rule are limited to the avoidance of unintended new obligations that would be imposed on affected small businesses in the absence of a change and therefore are not significant. Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that the regulations proposed herein should not have a significant economic impact on a substantial number of small entities.

D. Regulatory Planning and Review

113. Executive Order (E.O.) 12866 (Regulatory Planning and Review), as amended by E.O. 14215 (Ensuring Accountability for All Agencies) and affirmed by E.O. 13563 (Improving Regulation and Regulatory Review), directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of

[212] Commission staff estimates that the industry's hourly cost for wages plus benefits is similar to the Commission's $102 FY 2026 average hourly cost for wages and benefits.

[213] Each of the figures in this column are rounded to the nearest dollar.

[214] This proposed rulemaking would reduce the number of applications. There is no proposed impact on the other parts of this collection.

[215] A Certificate Abandonment Application would require waiver of the Commission's capacity release regulations in 18 CFR 284.8; therefore this activity is associated with Interstate Certificate and Abandonment Applications.

[216] 42 U.S.C. 4321–4347; 18 CFR pt. 380.

[217] 5 U.S.C. 601–612.

[218] 13 CFR 121.101.

[219] *Id.*

quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has determined this regulatory action is a ''significant regulatory action,'' under section 3(f) of Executive Order 12866, as amended, though not economically significant under section 3(f)(1). Accordingly, OIRA has reviewed this regulatory action for compliance with the analytical requirements of Executive Order 12866. This regulatory action proposes to expand the scope and scale of construction activities that interstate natural gas pipelines may undertake without a case-specific authorization order from the Commission and increase the cost limits for such projects, which would have the effect of streamlining the approval of natural gas infrastructure projects and would be deregulatory in nature. In particular, the proposed rule would reduce the number of projects subject to the complete application process by approximately 9 projects per year; this streamlining would result in a burden reduction of 29%. These projects could include construction of new interstate pipeline facilities, expansions of existing compressor stations, and abandonment of interstate pipeline facilities. We note that the proposed rule would not change the total number of projects that would be constructed, just the method for obtaining regulatory approval. The proposed rule would result in cost savings to the agency and interstate pipelines for the projects that would be covered by the proposed rule because it would provide a more streamlined administrative process for project proposals that would otherwise require case-specific NGA section 7 review. As reflected in the table above, we estimate that respondents would save 4,500 hours of effort, which the Commission estimates as a cost savings of $459,000. Moreover, faster approvals would result in additional cost savings and benefits to interstate pipelines and their customers. We seek comment on how to quantify those cost savings. The Commission does not anticipate that allowing pipeline companies to charge incremental rates for projects constructed pursuant to the prior notice procedures would shift costs to pipeline customers, as the incremental rate ensures that only those persons who benefit from the project pay for its costs. Additionally, under the proposed rule, future updates to the cost limits would be more in line with changes in construction costs experienced by the natural gas industry, ensuring consistency over time regarding the types of projects eligible for the blanket certificate program. Absent this rule, interstate natural gas pipeline projects costing over $41.1 million would be subject to a less streamlined permitting process. Should the Commission set lower cost limits or use a different method for annually updating those limits, fewer projects would be eligible, resulting in increased administrative costs to both interstate pipelines and the Commission. This proposed rule, if finalized as proposed, is expected to be a deregulatory action under E.O. 14192 (Unleashing Prosperity Through Deregulation).

E. Document Availability

114. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*).

115. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

116. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

117. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *www.ferc.gov/major-orders-regulations* under the NOPR tab.

List of Subjects

18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 380

Environmental impact statements, Reporting and recordkeeping requirements.

By direction of the Commission.

Issued: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

In consideration of the foregoing, the Commission proposes to amend parts 157 and 380, title 18, Code of Federal Regulations, as follows: [220]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

■ 1. The authority citation for part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

■ 2. Amend § 157.202 by adding paragraph (e).

* * * * *

(e) If any provision of this subpart, or the application of such provision to any person or circumstance, is held invalid, the remainder of this subpart and the application of such provision to other persons or circumstances shall not be affected thereby.

■ 3. Amend § 157.202 by adding paragraph (b)(14)

§ 157.202 Definitions

* * * * *

(b) * * *

(14) *Receipt Point* means a tap and/or metering and appurtenant facilities such as heaters, minor gas conditioning, treatment, odorization, and similar equipment, necessary to enable the certificate holder to receive gas from any party.

■ 4. Amend § 157.203 by:

■ a. revising paragraph (b) to include a reference to § 157.212;

■ b. revising paragraph (c) to remove a reference to § 157.212:

■ c. revising paragraph (d)(1); and

■ d. revising paragraph (d)(2).

The revisions read as follows:

§ 157.203 Blanket Certificates.

* * * * *

(b) *Automatic authorization.* A blanket certificate issued pursuant to this subpart authorizes the certificate holder to engage in transactions described in § 157.208(a), § 157.209(a), § 157.211(a)(1), § 157.212, § 157.213(a), § 157.215, § 157.216(a), or § 157.218 without further Commission approval.

(c) *Prior notice required.* A blanket certificate issued pursuant to this subpart authorizes the certificate holder to engage in activities described in § 157.208(b), § 157.210, § 157.211(a)(2), § 157.213(b), § 157.214, or § 157.216(b),

[220] While we are including language regarding the inclusion of mainline facilities in the blanket program in section 157.208(a)(3), with conforming changes elsewhere, we do so to illustratively elicit comment on potentially including mainline facilities under the automatic program.

if the requirements of § 157.205 have been fulfilled.

(d) *Landowner notification.* (1) Except as identified in paragraph (d)(3) of this section, no activity described in paragraph (b) of this section is authorized unless the company notifies all affected landowners, as defined in § 157.6(d)(2), by certified or first class mail at least 45 days prior to commencing construction or at the time it initiates easement negotiations, whichever is earlier. A landowner may waive the 45-day prior notice requirement in writing as long as the notice has been provided. For activity required to restore service in an emergency, the 45-day prior notice period is satisfied in the event a company obtains all necessary easements. The notification shall include at least:

* * * * *

(2) For activities described in paragraph (c) of this section, the company shall notify all affected landowners, as defined in § 157.6(d)(2), by certified or first class mail within at least three business days following the date that a docket number is assigned to the application and at the time it initiates easement negotiations. The notice should include at least:

* * * * *

■ 5. Amend § 157.204(b) by removing cross reference to § 1.32.

§ 157.204 Application procedure.

* * * * *

(b) *Hearing procedure.* Upon receiving an application for a blanket certificate under this subpart, the Commission will conduct a hearing pursuant to section 7(c) of the Natural Gas Act and § 157.11 of this chapter.

■ 6. Amend § 157.205 by:

■ a. Revising paragraph (a) to remove reference to § 157.212;

■ b. Revising paragraph (f);

■ c. Revising paragraph (g).

The revisions read as follows:

§ 157.205 Notice procedure.

(a) *Applicability.* No activity described in §§ 157.208(b), § 157.210, § 157.211(a)(2), § 157.213(b), 157.214 or 157.216(b), except for activity required to restore service in an emergency, is authorized by a blanket certificate granted under this subpart, unless, prior to undertaking such activity:

* * * * *

(f) *Effect of protest.* If a protest is filed in accordance with paragraph (e) of this section, then the certificate holder, the person who filed the protest, any intervenors, and staff may resolve the protest and file a withdrawal of the protest pursuant to paragraph (g) of this section prior to the issuance of a Commission order that would have otherwise been required in the absence of such withdrawal. Informal settlement conferences may be convened by the Director of the Office of Energy Projects or his designee. If a protest is not withdrawn or dismissed pursuant to paragraph (g) of this section, the activity shall not be deemed authorized by the blanket certificate. Instead, the request filed by the certificate holder shall be treated as an application for section 7 authorization for the particular activity. The **Federal Register** notice of the request shall be deemed to be notice of the section 7 application sufficient to fulfill the notice requirement of §§ 157.9 and 157.10.

(g) *Withdrawal or dismissal of protests.* The protestor may withdraw a protest prior to a Commission order that would have otherwise been required in the absence of such withdrawal by submitting written notice of withdrawal to the Secretary of the Commission and serving a copy on the certificate holder, any intervenors and any other party requesting service. The withdrawal must state that the certificate holder and the protestor concur in the withdrawal. Within 10 days of the filing of a protest, the Director of the Office of Energy Projects will dismiss that protest if it does not raise a substantive issue and fails to provide any specific detailed reason or rationale for the objection. If a protest is dismissed, the notice requirements of this section will not be fulfilled until the earlier of: (1) a 30 day period following the deadline determined in paragraph (d) of this section has run; or the dismissed protesting party notifying the Secretary of the Commission that its concerns have been resolved

■ 7. Amend § 157.206 by:

■ a. Revising paragraph (b)(4)

■ b. Revising paragraph (b)(6)

■ c. Adding paragraph (b)(8)

■ d. Revising paragraph (c).

The revisions read as follows:

§ 157.206 Standard Conditions.

* * * * *

(b) * * *

(4) Any activity authorized under a blanket certificate shall not have a significant adverse effect on a sensitive environmental area.

* * * * *

(6)(i) Any activity otherwise subject to authorization under § 157.208 shall not be authorized if the activity is located within 0.5 mile of nuclear power reactor facilities which are either operating or under construction, or for which a construction permit has been filed with the Nuclear Regulatory Commission.

(ii) Any activity otherwise subject to authorization under § 157.215 shall not be authorized if the activity is located within 2.0 miles of nuclear power reactor facilities which are either operating or under construction, or for which a construction permit has been filed with the Nuclear Regulatory Commission.

* * * * *

(8) The certificate holder shall act as the Commission's non-Federal representative upon acceptance of the blanket certificate for purposes of complying with the National Historic Preservation Act of 1966.

* * * * *

(c) *Commencement.* Any authorized construction, extension, or acquisition shall be completed and made available for service by the certificate holder and any authorized operation, or service, shall be available within two years of the date the activity is authorized pursuant to § 157.205(h). The certificate holder may apply to the Director of the Office of Energy Projects for an extension of this deadline. However, if the request for extension is due to the end-user/shipper not being ready to accept service, the certificate holder must so notify the Commission in writing no later than 10 days after expiration of the two-year period.

■ 8. Amend § 157.208 by:

■ a. Revising paragraph (a);

■ b. Revising paragraph (b);

■ c. Revising paragraph (c)(5);

■ d. Revising paragraph (c)(6);

■ e. Revising paragraph (c)(7);

■ f. Revising paragraph (d);

■ g. Revising Table 1 to PARAGRAPH (d);

■ h. Revising paragraph (e);

■ i. Revising paragraph (e)(2).

The revisions read as follows

§ 157.208 Construction, acquisition, operation, replacement, and miscellaneous rearrangement of facilities.

(a) *Automatic authorization.* If the project cost does not exceed the cost limitations set forth in column 1 of table 1 to paragraph (d) of this section, or if the project is required to restore service in an emergency, the certificate holder is authorized to: (1) make miscellaneous rearrangements of any facility; (2) acquire, construct, replace, or operate any eligible facility; or (3) acquire, construct, modify, replace, and operate natural gas mainline facilities, including compression and looping, that are not eligible facilities under § 157.202(b)(2)(i). The certificate holder shall not segment projects in order to

meet the cost limitations set forth in column 1 of table 1 to paragraph (d).

(b) *Prior notice.* If the project cost is greater than the amount specified in column 1 of table 1 to paragraph (d) of this section, but less than the amount specified in column 2 of table 1 to paragraph (d), the certificate holder is authorized to: (1) make miscellaneous rearrangements of any facility; (2) acquire, construct, replace, or operate any eligible facility; or (3) acquire, construct, modify, replace, and operate natural gas mainline facilities, including compression and looping, that are not eligible facilities under § 157.202(b)(2)(i). The certificate holder shall not segment projects in order to meet the cost limitations set forth in column 2 of table 1 to paragraph (d).

(c) * * *

(5) The exhibits required by §§ 157.14(a)(8) through (10). Receipt and delivery point information must be labeled with a location point name and code in conformity with the location name and code the pipeline has adopted in conformance with § 284.13(f) of this chapter;

(6) The exhibits required by §§ 157.14(a)(14) through (19);

(7) A statement explaining how the public convenience and necessity requires the approval of the project, including a description of the proposed project's purpose and beneficiaries;

* * * * *

(d) *Limits and inflation adjustment.* The limits specified in table 1 to this paragraph (d) and table 1 to § 157.215(a)(5) shall be adjusted each calendar year to reflect the year-over-year (January to January) average index change of the Handy-Whitman Index for Gas Compressors and Gas Transmission Line Pipe for all regions for the previous calendar year. The Director of the Office of Energy Projects is authorized to compute and publish limits for future calendar years as a part of table 1 to this paragraph (d) and table 1 to § 157.215(a)(5), pursuant to § 375.308(x)(1) of this chapter.

TABLE 1 TO PARAGRAPH (d)

Year	Limit	
	Auto. proj. cost limit (Col.1)	Prior notice proj. cost limit (Col. 2)
1982	$4,200,000	$12,000,000
1983	4,500,000	12,800,000
1984	4,700,000	13,300,000
1985	4,900,000	13,800,000
1986	5,100,000	14,300,000
1987	5,200,000	14,700,000
1988	5,400,000	15,100,000
1989	5,600,000	15,600,000
1990	5,800,000	16,000,000
1991	6,000,000	16,700,000
1992	6,200,000	17,300,000
1993	6,400,000	17,700,000
1994	6,600,000	18,100,000
1995	6,700,000	18,400,000
1996	6,900,000	18,800,000
1997	7,000,000	19,200,000
1998	7,100,000	19,600,000
1999	7,200,000	19,800,000
2000	7,300,000	20,200,000
2001	7,400,000	20,600,000
2002	7,500,000	21,000,000
2003	7,600,000	21,200,000
2004	7,800,000	21,600,000
2005	8,000,000	22,000,000
2006	9,600,000	27,400,000
2007	9,900,000	28,200,000
2008	10,200,000	29,000,000
2009	10,400,000	29,600,000
2010	10,500,000	29,900,000
2011	10,600,000	30,200,000
2012	10,800,000	30,800,000
2013	11,000,000	31,400,000
2014	11,200,000	31,900,000
2015	11,400,000	32,400,000
2016	11,600,000	32,800,000
2017	11,800,000	33,200,000
2018	12,000,000	33,800,000
2019	12,300,000	34,600,000
2020	12,500,000	35,200,000
2021	12,600,000	35,600,000
2022	13,100,000	37,100,000
2023	14,000,000	39,700,000
2024	14,500,000	41,100,000
2026	30,000,000	86,000,000

TABLE 1 TO PARAGRAPH (d)—Continued

(e) *Reporting requirements.* For each facility completed during the calendar year pursuant to paragraph (a) of this section and §§ 157.212 and 157.213(a), the certificate holder shall file in the manner prescribed in §§ 157.6(a) and 385.2011 of this chapter as part of the required annual report under § 157.207(a) the information described in paragraphs (e)(1)–(5) of this section. For each facility completed during the calendar year pursuant to paragraph (b) of this section, and §§ 157.210 and 157.213(b), the certificate holder shall file in the manner prescribed above only the information described in paragraph (e)(3) of this section.

* * * * *

(2) The specific purpose, including the project's beneficiaries, location, and beginning and completion date of construction of the facilities installed, the date service commenced, and, if applicable, a statement indicating the extent to which the facilities were jointly constructed;

■ 9. Replace § 157.210 to read as follows:

§ 157.210 Facilities at existing compression facilities.

(a) *Prior Notice.* Subject to the notice requirements of §§ 157.205(b) and 157.208(c), the certificate holder is authorized to construct, modify, replace, and operate natural gas facilities, including compression facilities, that would be located within the fence line of an existing compressor station and would exceed the cost limitation provided in column 2 of table 1 to § 157.208(d).

(b) *Application.* Applications for facilities proposed under § 157.210 must include the information required by § 380.12(k) Resource Report 9—Air and noise quality.

■ 10. Replace § 157.212 to read as follows:

§ 157.212 Receipt Points.

Automatic Authorization. The certificate holder may acquire, construct, replace, modify, or operate any receipt point.

■ 11. Amend § 157.213 by:

■ a. Revising paragraph (a)

■ b. Revising paragraph (c)(9).

The revisions read as follows

§ 157.213 Underground storage field facilities.

(a) *Automatic authorization.* If the project cost does not exceed the cost limitations provided in column 1 of table 1 to § 157.208(d), the certificate holder may acquire, construct, modify, replace, and operate facilities for the remediation and maintenance of an existing underground storage facility, provided the storage facility's certificated physical parameters—including total inventory, reservoir pressure, reservoir and buffer boundaries, and certificated capacity remain unchanged—and provided compliance with environmental and safety provisions is not affected. The certificate holder must not segment projects in order to meet this cost limitation.

* * * * *

(c) * * *

(9) A detailed assessment, including data and work papers, to support the need for additional facilities (wells, gathering lines, headers, compression, dehydration, or other appurtenant facilities) for the modification of working gas/cushion gas ratio and/or to improve the capability of the storage field.

■ 12. Revise paragraph (b) of § 157.214 to add paragraph (6):

§ 157.214 Increase in storage capacity.

* * * * *

(b) * * *

(6) The information required by §§ 157.213(c).

■ 13. In § 157.215(a)(5), revise table 1 to PARAGRAPH (a)(5) to read as follows:

§ 157.215 Underground storage testing and development.

(a) * * *

(5) * * *

TABLE 1 TO PARAGRAPH (a)(5)

Year	Limit
1982	$2,700,000
1983	2,900,000
1984	3,000,000
1985	3,100,000
1986	3,200,000
1987	3,300,000
1988	3,400,000
1989	3,500,000
1990	3,600,000
1991	3,800,000
1992	3,900,000
1993	4,000,000
1994	4,100,000
1995	4,200,000
1996	4,300,000
1997	4,400,000
1998	4,500,000
1999	4,550,000
2000	4,650,000
2001	4,750,000
2002	4,850,000
2003	4,900,000
2004	5,000,000
2005	5,100,000
2006	5,250,000
2007	5,400,000
2008	5,550,000
2009	5,600,000
2010	5,700,000
2011	5,750,000
2012	5,850,000
2013	6,000,000
2014	6,100,000
2015	6,200,000
2016	6,300,000
2017	6,400,000
2018	6,500,000
2019	6,600,000
2020	6,700,000
2021	6,800,000
2022	7,100,000
2023	7,600,000
2024	7,900,000
2026	17,000,000

■ 14. Amend § 157.216 by:

■ a. Revising paragraphs (a)(1), (a)(1)(i), and (a)(1)(ii);

■ b. Revising paragraphs (a)(2)(ii) and (a)(2)(iii);

■ c. Revising paragraphs (b)(2)(ii) and (b)(2)(iii).

The revisions read as follows:

§ 157.216 Abandonment.

(a) * * *

(1) A receipt or delivery point, or related supply or delivery lateral, provided:

(i) the facility has not been used to provide interruptible or firm transportation service during the one year period prior to the effective date of the proposed abandonment, and the point is not covered under a firm contract; or

(ii) the certificate holder obtains the written consent of each customer served using the facility during the past 12 months; or

(2) * * *

(ii) A replacement facility that was or could have been constructed under § 2.55(b) of this chapter, provided the cost to abandon the facilities would not exceed the cost limit in § 157.208(d) for activities under the automatic provisions and the certificate holder obtains the written consent of each customer served using the facility during the past 12 months;

(iii) Any other facility that did or could now qualify for automatic authorization as described in § 157.203(b), provided the cost to abandon the facilities would not exceed the cost limit in § 157.208(d) for activities under the automatic provisions and the certificate holder obtains the written consent of each customer served using the facility during the past 12 months.

(b) * * *

(2) * * *

(ii) A replacement facility that was or could have been constructed under § 2.55(b) of this chapter, provided the cost to abandon the facilities would not exceed the cost limit in § 157.208(d) for activities under the prior notice provisions and the certificate holder obtains the written consent of each customer served using the facility during the past 12 months;

(iii) Any other facility that did or could now qualify for prior notice authorization as described in § 157.203(c), provided the cost to abandon the facilities would not exceed the cost limit in § 157.208(d) for activities under the prior notice provisions and the certificate holder obtains the written consent of each customer served using the facility during the past 12 months.

■ 15. Amend Appendix I to Subpart F of Part 157 by:

■ a. Adding a new paragraph (1);

■ b. Revising paragraph (2);

■ c. Redesignating paragraphs (2), (3), (4) as paragraphs (3), (4), (5), respectively.

The revisions read as follows:

Appendix I to Subpart F of Part 157—Procedures for Compliance With the Endangered Species Act of 1973 Under § 157.206(b)(3)(i)

* * * * *

1. The certificate holder shall determine whether the project may affect listed species or critical habitat using appropriate federal databases such as the FWS Information for Planning and Consultation (IPaC) website. If the certificate holder determines that no listed species or its critical habitat occur in the project area or that the project will have no effect on listed species or critical habitat, the certificate holder shall be deemed in compliance with § 157.206(b)(2)(vi) of the Commission's regulations so long as it documents its finding.

2. If the project may affect listed species or critical habitat, the certificate holder shall contact the appropriate regional office of either the FWS or the NMFS (or both the FWS and the NMFS, if appropriate) as determined pursuant to 50 CFR 402.01 for the purpose of initiating informal consultations.

3. The certificate holder shall be deemed in compliance with § 157.206(b)(2)(vi) of the Commission's regulations if the consulted agency (either the FWS or NMFS, or both if appropriate) initially determines, pursuant to the informal consultations, that no species proposed to be listed under 16 U.S.C. 1533 or its critical habitat occur in the project area.

4. If the consulted agency, pursuant to the informal consultations, initially determines that any species proposed to be listed under 16 U.S.C. 1533 or its critical habitat occur in the project area, then the certificate holder shall confer with the consulted agency on how potential impact can be avoided or reduced. Upon completion of the conference and the implementation of any mitigating measures the certificate holder elects to implement, and compliance with paragraph 4 of this Appendix, if applicable, the certificate holder shall be deemed in compliance with § 157.206(b)(2)(vi) of the Commission's regulations.

5.(a) If the consulted agency initially determines, pursuant to the informal consultations, that a listed species or its critical habitat may occur in the project area, then the certificate holder shall continue informal consultation with the consulted agency to determine if the proposed project may affect such species or habitat. Continued informal consultations may include discussions with experts (including experts provided by the consulted agency), field surveys, biological assessments, and formulation of mitigation measures.

(b) The certificate holder shall be deemed in compliance with § 157.206(b)(2)(vi) of the Commission's regulations if the consulted agency agrees with the certificate holder's determination resulting from the continued informal consultations, that the proposed project is not likely to adversely affect a listed species or critical habitat, or that no further consultation is necessary.

(c) If the consulted agency does not agree with such determination by the certificate holder, or if the certificate holder concludes that the proposed project may affect listed

species or the critical habitat of such species, then the certificate holder may not proceed with the proposed project under the blanket certificate.

■ 16. Revise Appendix II to Subpart F of Part 157 to read:

Appendix II to Subpart F of Part 157—Procedures for Compliance With the National Historic Preservation Act of 1966 Under § 157.206(b)(3)(ii)

The following procedures apply to any certificate holder which undertakes a project under the authority of a blanket certificate issued pursuant to subparts E or F of part 157 and to any other service subject to § 157.206(b) of the Federal Energy Regulatory Commission's (Commission) regulations. Pursuant to § 157.206(b)(8) of the Commission's regulations, the certificate holder shall, upon acceptance of its blanket certificate, be designated as the Commission's non-Federal representative for purposes of complying with the National Historic Preservation Act of 1966. For the purposes of this appendix, the following definitions apply:

* * * * *

PART 380—REGULATIONS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

■ 17. The authority citation for part 380 continues to read as follows:

Authority: 42 U.S.C. 4321–4370h, 7101–7352; E.O. 12009, 3 CFR 1978 Comp., p. 142.

■ 18. Amend paragraph (21) of § 380.4 to read:

§ 380.4 Projects or actions categorically excluded

* * * * *

(21) Approvals of blanket certificate applications and prior notice filings under § 157.204 and §§ 157.209 and 157.211 through 157.218 of this chapter;

[FR Doc. 2026–10498 Filed 5–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0150]

RIN 1625–AA00

Safety Zones; Annual Events in the Captain of the Port Eastern Great Lakes Zone

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend existing regulations relating to safety zones that occur annually in Captain of The Port Zone Eastern Great Lakes. This action is necessary to provide for the safety of life on these navigable waters. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 26, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2026–0150.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Ensign Sarah Eacho, Waterways Management at Sector Eastern Great Lakes, U.S. Coast Guard; telephone 716–931–4680, email *D09-SMB-SECBuffalo-WWM@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 lists annually recurring marine events in the CFR. For USCG Sector Eastern Great Lakes, safety zones are listed in Table 1 to 33 CFR 165.939. Over the 2025 calendar year, the Coast Guard was notified of multiple marine events currently recorded in Table 1 to 33 CFR 165.939 that must be amended to keep that table current and accurate. The Captain of the Port Sector Eastern Great Lakes (COTP) also determined that some events currently listed in the regulation are obsolete.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters before, during, and after each respective scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of the Rule

The COTP is proposing to amend or remove established safety zone regulations found in Table 1 to 33 CFR 165.939. The safety zones would cover various navigable waters within boundaries defined below. The regulatory organization, text, event details, and precise coordinates for all proposed events appear at the end of this document.

Proposed changes to the safety zones listed in Table 1 to 33 CFR 165.939 are listed below. These events are listed by their current paragraph number in Table 1 to § 165.939, noting, if applicable, any proposed new paragraph number that would be triggered by the proposed changes. In general, where applicable, expanded safety zone sizes would be designed to enhance the safety of vessels and the navigable waters around the impacted event. We do not discuss minor technical changes such as the correction of typographical errors.

i. Event (f)(1), Festival of the Fish: update approximate location and expand the size of the safety zone from a 420-foot radius to a 500-foot radius.

ii. Event (f)(7), Blazing Paddles (new Event (g)(3)): adjust coordinate location, add information to more accurately describe event area, and move date from June (section (f)) to July (section (g)).

iii. Event (g)(3), Eastlake Willoughby Grand Prix: delete as obsolete.

iv. Event (g)(7), Lorain Independence Day: expand safety zone from a 700-foot radius to a 750-foot radius, and add the word ''approximate'' to description of launch site coordinates.

v. Event (g)(8), Conneaut Red, White, and Boom Over Lake Erie: modify event name to Conneaut Red, White, and Boomfest, change size of safety zone from a 570-foot radius to a 600-foot radius, adjust coordinates, and add the word ''approximate'' to launch location.

vi. Event (g)(9), Fairport Harbor Mardi Gras: increase safety zone size from a 275-foot radius to a 340-foot radius, and add the word ''approximate'' to describe launch site coordinates.

vii. Event (g)(12), Brogan Open Water Classic: modify event name to Brogan Open Water Swim.

viii. Event (g)(29), Wine and Walleye Festival Fireworks: remove ''Fireworks'' from name; change size and shape of safety zone, from a point with a 280-foot radius to barriers better representing the shape and utilization of the waterway to enhance the safety of the waterway during the event.

ix. Event (h)(1), Whiskey Island Paddlefest: Change coordinates of the safety zones and include a more descriptive location.

x. Event (h)(8), Tri CLE Rock Roll Run: adjust safety zone from a rectangle to a polygon that would more accurately encompass the existing race area, and thus, enhance the safety of the waterway during the event.

xi. Event (i)(1), Madison Light Up the Park (new Event (h)(9)): move date from September (section (i)) to August (section (h)), change time to ''On or around the 2nd Saturday in August'' from ''On or around the 1st weekend in September'', adjust coordinate of launch site to an approximate position 41°50′18.35″ N 81°2′52.94″ W, and increase size of safety zone from a 210-foot radius to a 400-foot radius to

provide additional safety for possible wind conditions.

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 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. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. 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 these regulated areas. This regulation will only impact small areas for a few hours per event. In general, the enforcement periods are during times when vessel traffic is normally low. 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 a 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 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 involves safety zones. 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 preliminary Record of Environmental Consideration supporting this determination is available in the docket.

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–2026–0150 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 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 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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. In § 165.939, revise Table 1 to § 165.939 as follows:

TABLE 1 TO § 165.939

Event	Location [1] [2]	Date [3]
(a) January Safety Zones		
[Reserved].		
(b) February Safety Zones		
[Reserved].		
(c) March Safety Zones		
[Reserved].		
(d) April Safety Zones		
(1) United Refining Company of Pennsylvania Fireworks.	Erie, PA. All waters of the Presque Isle Bay, from surface to bottom, encompassed by a 583-foot radius around the Dobbins Landing Launch site at 42°08′19.87″ N, 80°05′29.54″ W in Erie, PA.	On or around the last week in April.
(e) May Safety Zones		
[Reserved].		
(f) June Safety Zones		
(1) Festival of the Fish	Vermilion, OH. All U.S. waters of Lake Erie within a 500-foot radius of the fireworks launch site located at position 41°25′45″ N and 082°21′54″ W.	On or around the 3rd Saturday in June.
(2) City of Syracuse Fireworks Celebration.	Syracuse, NY. All U.S. waters of Onondaga Lake within a 350-foot radius of land position 43°03′37.0″ N, 076°09′59.0″ W in Syracuse, NY.	On or around the last weekend of June.
(3) Rochester Harbor and Carousel Festival.	Rochester, NY. All U.S. waters of Lake Ontario within a 1,120-foot radius of land position 43°15′40.2″ N, 077°36′05.1″ W in Rochester, NY.	On or around the 4th Monday of June.
(4) Seneca River Days	Baldwinsville, NY. All U.S. waters of the Seneca River within an 840-foot radius of land position 43°09′25.0″ N, 076°20′21.0″ W in Baldwinsville, NY.	On or around the 2nd weekend of June.
(5) Flagship Niagara Mariner's Ball Fireworks.	Erie, PA. All waters of Presque Isle Bay, Erie, PA within a 350-foot radius from the Dobbins Landing launch site located at position 42°08′21.79″ N, 080°05′15.89″ W.	On or around the 1st weekend in June.
(6) Hope Chest Buffalo Niagara Dragon Boat Festival.	Buffalo, NY. All waters of the Buffalo River, Buffalo, NY starting at position 42°52′12.0″ N, 078°52′17.0″ W then Southeast to 42°52′03.0″ N, 078°52′12.0″ W then East to 42°52′03.0″ N, 078°52′10.0″ W then Northwest to 42°52′13.0″ N, 078°52′16.0″ W and then returning to the point of origin.	On or around the 3rd weekend in June.
(7) Boaters Against Cancer Fireworks.	Kendall, NY. All waters of Lake Ontario contained within a 210-foot radius of the fireworks launch site located at 43°22′02.04″ N, 078°01′48.06″ W in Kendall, NY.	On or around the last weekend of June.
(8) NYSOPRHP Patriotic-Themed Fireworks Display.	Varying event names. Hamlin, NY. All waters of Lake Ontario, from surface to bottom, encompassed by a 1,000-foot radius around 43°21′51.9″ N, 077°56′59.6″ W.	On or around the last weekend of June or first weekend in July.
(g) July Safety Zones		
(1) Cleveland Triathlon	Cleveland, OH. All U.S. waters of Lake Erie at North Coast Harbor, Cleveland, OH within 100 feet of a line starting at position 41°30′34.6″ N and 081°41′51.3″ W extending in a straight line to the East Basin Break wall at position 41°30′51.8″ N and 081°42′08.5″ W.	On or around the 4th or 5th Sunday in July.
(2) Riverfest Fireworks Display.	Cleveland, OH. All U.S. waters of Lake Erie, Cleveland, OH within a 280-foot radius from position 41°30′34.23″ N and 081°08′55.73″ W.	On or around the 2nd or 3rd weekend in July.

TABLE 1 TO § 165.939—Continued

Event	Location [1] [2]	Date [3]
(3) Blazing Paddles	Cleveland, OH. All waters of the Cuyahoga River in Cleveland, OH, between approximate position 41°29′54″ N, 081°42′17″ W and 41°27′54″ N, 081°40′32″ W, which is between the Main Avenue Bridge/Nautica waterfront and Cleveland Cliffs Cleveland Works waterfront.	On or around the 3rd weekend of July.
(4) City of Cleveland July 4th Fireworks.	Cleveland, OH. All U.S. waters of Lake Erie and Cleveland Harbor within a 1,000-foot radius of land position 41°30′10″ N, 081°42′36″ W at Dock 20.	On or around the 4th of July.
(5) Mentor Harbor Yacht Club.	Mentor, OH. All U.S. waters of Lake Erie and Mentor Harbor within a 500-foot radius of land position 41°43′36″ N, 081°21′09″ W.	On or around the 4th of July.
(6) Whiskey Island Boat Club Parade of Lights.	Cleveland, OH. All U.S. waters within 25 feet of the vessels participating in the Cleveland Parade of Lights in the Cuyahoga River. The safety zone will move with participating vessels as they transit from the mouth of the Cuyahoga River in the vicinity of approximate position 41°29′59″ N, 081°43′31″ W, to Merwin's Wharf in the vicinity of 41°29′23″ N, 081°42′16″ W, and returning to the mouth of the Old River at 41°29′55″ N, 081°42′18″ W.	On or around the 3rd or 4th Weekend in July.
(7) Lorain Independence Day.	Lorain, OH. All U.S. waters within a 750-foot radius of the fireworks launch site located at approximate position 41°28′35.42″ N and 082°10′51.28″ W.	On or around the 4th of July.
(8) Conneaut Red, White, and Boomfest.	Conneaut, OH. All U.S. waters within a 600-foot radius of the fireworks launch site located at approximate position 41°58′09.00″ N and 080°33′31.38″ W.	On or around the 4th of July.
(9) Fairport Harbor Mardi Gras.	Fairport, OH. All U.S. waters within a 340-foot radius of the fireworks launch site located at approximate position 41°45′29.55″ N and 081°16′19.97″ W.	On or around the 4th of July.
(10) Sheffield Lake Community Days.	Sheffield Lake, OH. All U.S. waters of Lake Erie and Sheffield Lake Boat ramp within a 350-foot radius of land position 41°29′27.65″ N, 082°6′47.71″ W.	On or around the 2nd weekend in July.
(11) Bay Village Independence Day Celebration.	Bay Village, OH. All U.S. waters within a 560-foot radius of the fireworks launch site located in Lake Erie, at position 41°29′23.9″ N and 081°55′44.5″ W.	On or around the 4th of July.
(12) Brogan Open Water Swim.	Cleveland, OH. All U.S. waters of Lake Erie within a 400-yard radius of approximate position 41°29′23.0″ N, 081°44′25.0″ W.	On or around the 2nd or 3rd weekend in July.
(13) Boldt Castle 4th of July Fireworks.	Heart Island, NY. All U.S. waters of the Saint Lawrence River within a 1,120-foot radius of land position 44°20′38.5″ N, 075°55′19.1″ W at Heart Island, NY.	On or around the 4th of July.
(14) Clayton Chamber of Commerce Fireworks.	Calumet Island, NY. All U.S. waters of the Saint Lawrence River within an 840-foot radius of land position 44°15′04.0″ N, 076°05′40″ W at Calumet Island, NY.	On or around the 4th of July.
(15) French Festival Fireworks.	Cape Vincent, NY. All U.S. waters of the Saint Lawrence River within an 840-foot radius of land position 44°07′54.6.0″ N, 076°20′01.3″ W in Cape Vincent, NY.	On or around the 2nd weekend of July.
(16) Lyme Community Days	Chaumont, NY. All U.S. waters of Chaumont Bay within a 560-foot radius of land position 44°04′06.3″ N, 076°08′56.8″ W in Chaumont, NY.	On or around the 4th weekend of July.
(17) Village Fireworks	Sackets Harbor, NY. All U.S. waters of Black River Bay within an 840-foot radius of land position 43°56′51.9″ N, 076°07′46.9″ W in Sackets Harbor, NY.	On or around the 4th of July.
(18) Can-Am Festival	Sackets Harbor, NY. All U.S. waters of Black River Bay within a 1,120-foot radius of land position 43°57′15.9″ N, 076°06′39.2″ W in Sackets Harbor, NY.	On or around the 3rd weekend of July.
(19) Fort Brewerton Greater Oneida Lake Chamber of Commerce Fireworks.	Brewerton, NY. All U.S. waters of Lake Oneida within an 840-foot radius of the barge at position 43°14′16.4″ N, 076°08′03.6″ W in Brewerton, NY.	On or around the 4th of July.
(20) Celebrate Baldwinsville Fireworks.	Baldwinsville, NY. All U.S. waters of the Seneca River within a 700-foot radius of land position 43°09′24.9″ N, 076°20′18.9″ W in Baldwinsville, NY.	On or around the 1st weekend of July.
(21) Island Festival Fireworks.	Baldwinsville, NY. All U.S. waters of the Seneca River within a 1,120-foot radius of land position 43°09′22.0″ N, 076°20′15.0″ W in Baldwinsville, NY.	On or around the 1st weekend of July.
(22) Village of Sodus Point Fourth of July Fireworks.	Sodus Point, NY. All U.S. waters of Sodus Bay within a 1,120-foot radius of land position 43°16′33″ N, 076°58′27″ W in Sodus Point, NY.	On or around the 4th of July.

TABLE 1 TO § 165.939—Continued

Event	Location [1 2]	Date [3]
(23) Olcott Fireworks	Olcott, NY. All U.S. waters of Lake Ontario within a 1,120-foot radius of land position 43°20′23.6″ N, 078°43′09.5″ W in Olcott, NY.	On or around the 4th of July.
(24) North Tonawanda Fireworks.	North Tonawanda, NY. All U.S. waters of the East Niagara River within a 1,400-foot radius of land position 43°00′56.3″ N, 078°53′38.6″ W in North Tonawanda, NY.	On or around the 4th of July.
(25) Tonawanda's Canal Fest Fireworks.	Tonawanda, NY. All U.S. waters of the East Niagara River within a 210-foot radius of land position 43°01′17.8″ N, 078°52′40.9″ W in Tonawanda, NY.	On or around the 4th Sunday of July.
(26) Tom Graves Memorial Fireworks.	Port Bay, NY. All waters of Port Bay, NY, within an 840-foot radius of the barge located in position 43°17′52.4″ N, 076°49′55.7″ W in Port Bay, NY.	On or around the 4th of July.
(27) Oswego Harborfest	Oswego, NY. All waters of Oswego Harbor, Oswego, NY contained within a 700-foot radius of position 43°28′06.9″ N, 076°31′08.1″ W along with a 350-foot radius of the breakwall between positions 43°27′53.0″ N, 076°31′25.3″ W then Northeast to 43°27′58.6″ N, 076°31′12.1″ W.	On or around the last week of July.
(28) City of Oswego, NY 4th of July Display.	Oswego, NY. All waters of Lake Ontario, Oswego, NY within a 490-foot radius from the launch site located at position 43°27′55.8″ N, 076°30′59.0″ W.	On or around the 4th of July.
(29) Wine and Walleye Festival Fireworks.	Ashtabula, OH. All waters of the Ashtabula River between the Arch located at approximate position 41°54′09″ N, 80°47′53″ W and the Lift Bridge located at position 41°54′01″ N, 080°47′51″ W. (NAD 83).	On or around the last weekend of July.
(30) City of Erie 4th of July Fireworks.	Erie, PA. All waters of Lake Erie contained within a 280-foot radius of the Dobbins Landing launch site located at 42°08′17.13″ N, 080°05′30.17″ W in Erie, PA.	On or around the 4th of July.
(31) Buffalo Italian Fest	Buffalo, NY. All waters of Lake Erie contained within a 420-foot radius of 42°52′04.23″ N, 078°53′00.67″ W in Buffalo, NY.	On or around 2nd or 3rd weekend of July.
(32) Hamburg Beach Blast ..	Hamburg, NY. All waters of Lake Erie contained within a 280-foot radius of 42°45′59.21″ N, 078°52′41.51″ W in Hamburg, NY.	On or around the last weekend of July.
(33) Christmas in July Fireworks.	Henderson Harbor, NY. All waters within a 420-foot radius of the barge at position 43°86′66″ N, 076°20′97″ W in Henderson Harbor, NY.	On or around the last weekend of July.
(34) SamSen Operation/ Seneca Lake Resorts 4th of July.	Romulus, NY. All waters of the Seneca Lake, contained in a 420-foot radius of 42°43′39.28″ N, 076°54′59.47″ W in Romulus, NY.	On or around the 4th of July.
(35) Town of Newfane Annual Fireworks Show.	Olcott, NY. All waters of Lake Ontario within a 1,120-foot radius of land position 43°20′23.6″ N, 078°43′09.5″ W in Olcott, NY.	On or around the 4th of July.
(h) August Safety Zones		
(1) Whiskey Island Paddlefest.	Cleveland, OH. All U.S. waters of Lake Erie and Cleveland Harbor offshore Wendy Park within the polygon bounded by the approximate positions: 41°29′59.5″ N and 081°42′59.3″ W to 41°30′4.4″ N and 081°42′44.5″ W to 41°30′17.4″ N and 081°43′0.6″ W to 41°30′14.0″ N and 081°43′8.0″ W to 41°29′59.0″ N and 081°43′35.0″ W to 41°29′55.0″ N and 081°43′35.0″ W and back to 41°29′59.5″ N and 081°42′59.3″ W.	On or around the 3rd or 4th weekend in August.
(2) D-Day Conneaut	Conneaut, OH. All U.S. waters of Conneaut Township Park, Lake Erie, within an area starting at 41°57′43.4″ N 80°34′07.2″ W to 41°58′03.2″ N 80°34′20.0″ W to 41°58′08.7″ N 80°33′32.0″ W to 41°58′04″ N 80°33′31″ W to 41°58′00″ N to 80°33′36″ W and returning to the point of origin.	On or around the 3rd weekend in August.
(3) Celebrate Erie Fireworks	Erie, PA. All U.S. waters of Presque Isle Bay within an 800-foot radius of the Dobbins Landing launch site, at 42°08′19.0″ N, 080°05′29.0″ W in Erie, PA.	On or around the 3rd weekend of August.

TABLE 1 TO § 165.939—Continued

Event	Location [1 2]	Date [3]
(4) Thunder on the Niagara Hydroplane Boat Races.	North Tonawanda, NY. All U.S. waters of the Niagara River near the North Grand Island Bridge, encompassed by a line starting at 43°03′32.9″ N, 078°54′46.9″ W to 43°03′14.6″ N, 078°55′16.0″ W then to 43°02′39.7″ N, 078°54′13.1″ W then to 43°02′59.9″ N, 078°53′42.0″ W and returning to the point of origin.	On or around the last weekend in July to the 2nd weekend of August.
(5) Ski Show Sylvan Beach	Sylvan Beach, NY. All waters where Fish Creek meets Oneida Lake starting at position 43°11′36.6″ N, 75°43′53.8″ W then South to 43°11′33.7″ N, 75°43′51.2″ W then East to 43°11′42.4″ N, 75°43′38.6″ W then North to 43°11′44.5″ N, 75°43′39.7″ W then returning to the point of origin.	On or around the 2nd or 3rd weekend of August.
(6) Great Lakes Offshore Grand Prix.	Dunkirk, NY. All waters of Lake Erie starting at position 42°29′37.7″ N, 079°21′17.7″ W then Northwest to 42°29′45.2″ N, 079°21′28.2″ W then Northeast to 42°30′15.0″ N, 079°21′20.0″ W then Northeast to 42°30′39.0″ N, 079°19′46.0″ W then Southeast to 42°30′09.3″ N, 079°19′03.1″ W.	On or around the 2nd or 3rd weekend of August.
(7) County Commissioners Association of Pennsylvania Fireworks.	Erie, PA. All waters of Presque Isle Bay, from surface to bottom, encompassed by 350-foot radius around the Dobbins Landing Launch site, at 42°8′19.6008″ N 80°5′29.2806″ W.	On or around the 1st or 2nd week of August.
(8) Tri CLE Rock Roll Run ...	Cleveland, OH. All U.S. waters of Lake Erie offshore Edgewater Beach and immediately adjacent waters within the following approximate safety zone rectangle: (1) 41°29′15.76″ N, 081°44′46.34″ W; (2) 41°29′27.96″ N, 081°44′49.87″ W; (3) 41°29′31.98″ N, 081°44′24.01″ W, (4) 41°29′27.46″ N, 081°44′22.51″ W.	On or around the 2nd weekend of August.
(9) Madison Light Up the Park.	Madison Township, OH. All U.S. waters of Lake Erie, within a 400-foot radius of approximate position 41°50′18.35″ N and 081°02′52.94″ W.	On or around the 2nd Saturday in August.
(i) September Safety Zones		
(1) Cleveland National Airshow.	Cleveland, OH. All U.S. waters of Lake Erie and Cleveland Harbor (near Burke Lakefront Airport) from position 41°30′20″ N and 081°42′20″ W to 41°30′50″ N and 081°42′49″ W, to 41°32′09″ N and 081°39′49″ W, to 41°31′53″ N and 081°39′24″ W, then return to the original position (NAD 83).	Wednesday before Labor Day through Labor Day.
(2) Head of the Cuyahoga ...	Cleveland, OH. All U.S. waters of the Cuyahoga River, between a line drawn perpendicular to the river banks from position 41°29′55″ N, 081°42′23″ W (NAD 83) just past the Detroit-Superior Viaduct bridge at MM 1.42 of the Cuyahoga River south to a line drawn perpendicular to the river banks at position 41°28′32″ N, 081°40′16″ W (NAD 83) just south of the Interstate 490 bridge at MM 4.79 of the Cuyahoga River.	The 3rd weekend in September.
(3) Village of Sodus Point Labor Day Fireworks.	Sodus Point, NY. All waters of Lake Ontario, from surface to bottom, encompassed by a 560-foot radius around 43°16′33″ N 076°58′27″ W in Sodus Point, NY.	On or around the 1st weekend of September.
(j) October Safety Zones		
(1) Light the Night at Canalside.	Buffalo, NY. All waters of Lake Erie, from surface to bottom, encompassed by 350-foot radius around 42°52′07.96″ N 78°53′00.87″ W.	On or around the 1st weekend of October.
(k) November Safety Zones		
(1) City of Oswego Tree Lighting Display.	Oswego, NY. All waters of the Oswego River, from surface to bottom, encompassed by a 210-foot radius around 43°27′15.18″ N, 76°30′27.89″ W.	On or around the 4th weekend in November.

TABLE 1 TO § 165.939—Continued

Event	Location [1] [2]	Date [3]
(l) December Safety Zones		
(1) City of North Tonawanda NYE Fireworks.	North Tonawanda, NY. All waters of the Erie Canal, from surface to bottom, encompassed by a 105-foot radius around 43°01′17.96″ N 78°52′41.04″ W.	On or around the last night in December.

[1] All geographic coordinates in Table 1 to § 165.939 are North American Datum of 1983 (NAD 83).
[2] Location and zone size subject to change. Exact location and size will be posted in a Notice of Enforcement and Local Notice to Mariners.
[3] Date subject to change. Exact date will be posted in a Notice of Enforcement and Local Notice to Mariners.

M.J. Walter,
Captain, U.S. Coast Guard, Captain of the Port Sector Eastern Great Lakes.

[FR Doc. 2026–10484 Filed 5–26–26; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0356]

RIN 1625–AA00

Safety Zone; Sector Mobile Annual and Recurring Safety Zones

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise its regulations for permanent safety zones in the Coast Guard Sector Mobile Captain of the Port Zone, 33 CFR 165.801 Table 7, to update the current list with revisions and additional events. The proposed safety zones are necessary to protect event participants, waterway users, and vessels from the potential hazards associated with these recurring events. This proposed rulemaking would prohibit persons from being in the proposed safety zones without permission from the Captain of the Port (COTP) or the COTP's designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 26, 2026.

ADDRESSES: To submit comments and view available documents, go to *https://www.regulations.gov* and search for USCG–2026–0356.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking contact Chief Petty Officer Stacy Stevenson, U.S. Coast Guard Sector Mobile Waterways, by telephone at 251–382–8653 or email at *sectormobilewaterways@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

Airshows, fireworks displays, and swim and sailing events are held on a recurring basis on the navigable waters within the Coast Guard Sector Mobile Captain of the Port Zone. The Coast Guard has established safety zones for some of these recurring events to ensure the protection of the maritime public and event participants from associated potential hazards. The current list of annual and recurring safety zones in the Captain of the Port Mobile Zone (COTP) appears in Table 7 of 33 CFR 165.801, for airshows, fireworks displays and swim and sailing events, respectively. This table was last amended by a final rule entitled Safety Zone; Bay St. Louis, MS published in the **Federal Register** on September 5, 2025 (90 FR 42814).

The Coast Guard proposes to update the title and the list of recurring organized water events in Table 7 to 33 CFR 165.801 for events held on navigable waters within the COTP Mobile Zone. These events include airshows, fireworks displays, and swim and sailing events that require a limited access area to restrict vessel traffic for safety purposes. The current list in Table 7 must be amended to provide new information on existing safety zones, to add new safety zones, and to remove safety zones that are no longer required. The proposed rule would also remove the regulation for barge-based fireworks displays in 33 CFR 165.834 and relocate it to Table 7 of § 165.801—Sector Mobile Annual and Recurring Safety Zones, consolidating all events under a single citation.

The purpose of this rulemaking is to ensure the safety of vessels, event participants, and the navigable waters before, during, and after a scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

The Coast Guard encourages the public to participate in this proposed rulemaking through the comment process so that any necessary changes can be identified and implemented in a timely and efficient manner. The Coast Guard will address all public comments accordingly, whether through response, additional revision to the regulation, or otherwise.

III. Discussion of the Rule

This proposed rule revises Table 7 to 33 CFR 165.801 by updating information for recurring safety zones in the COTP Mobile Zone. These updates include the following: (1) amend the title of Table 7; (2) amend the language for rows 1 through 4; (3) replace rows 5 and 6 with new recurring safety zones; (4) add new recurring safety zones to row 7 and rows 9 through 12; and (5) move the recurring safety zone regulation 33 CFR 165.834 to row 8. For events listed in the table, entry into the safety zone locations would be prohibited on the dates and times of the event, without permission of the Captain of the Port or a designated representative. This rule would also remove the regulation for barge-based fireworks displays in 33 CFR 165.834 and relocate it to Table 7 of 33 CFR 165.801 to consolidate recurring events in the COTP Mobile Zone.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analysis 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. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. 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.

In general, the safety zone proposed by this rule are in areas where vessels may safety transit around the zone. If that is not possible, vessels may be able to transit through a safety zone with the Captain of the Port's permission. Also, these safety zones will only be enforced for limited durations, and the Coast Guard will issue a Broadcast Notice to Mariners via VHF FM marine channel 16, which will allow small entities to adjust their transit plans.

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 for the establishment of safety zones located in the immediate vicinity of various marine events and that will each be enforced for a relatively short duration. 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.

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–2026–0356 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 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 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 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. Remove § 165.834 Safety Zone; Reoccurring Firework Displays near Convention Center on the Mobile River, Mobile, AL

■ 3. Revise Table 7 of § 165.801 to read as follows:

* * * * *

TABLE 7 OF § 165.801—SECTOR MOBILE ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector mobile location	Safety zone
1. Multiple dates from May to December.	Harbor Walk Seasonal Firework.	East Pass to Choctawhatchee Bay, Destin, FL.	East Pass to Choctawhatchee Bay, to include all waters extending 700′ in all directions from a fireworks display barge located in the East Pass.
2. July 4th	City of Niceville Fireworks	Boggy Bayou, Niceville, FL	Boggy Bayou, to include all waters extending 250 yards around a fireworks display barge that will be located at the approximate position 30°30′46″ N, 86°29′13″ W. located at the approximate position 30°30′46″ N, 86°29′13″ W.
3. 1 Day; Last week in June or 1st week of July.	Hurlburt Field AFB Fireworks	Santa Rosa Sound, Mary Esther, FL.	Santa Rosa Sound, to include all waters extending 200 yards around a fireworks display barge that will be located south of Hurlburt Field.
4. July 4th	Mississippi Sound Fireworks	Mississippi Sound, Biloxi, MS	Mississippi Sound, to include all waters extending 250 yards around a fireworks display barge, between channel markers R‘‘18’’ and R‘‘22’’ and north of Deer Island.
5. 4 Days; 2nd weekend in July	Pensacola Beach Air Show	Gulf of America & Santa Rosa Sound, Pensacola, FL.	Gulf of America, to include all waters 1.75 nautical miles east and 1.5 nautical miles west of position 30°19′36″ N, 87°08′23″ W and extending 1000 yards south of Pensacola Beach creating a box, referred to as the ‘‘Show Box’’. Santa Rosa Sound to include all waters from Deer Point to Sharp Point and all waters within Little Sabine Bay.
6. 3rd or 4th Saturday or Sunday of September.	Swim/paddle event across St. Louis Bay.	St. Louis Bay, Bay St. Louis, MS.	St. Louis Bay, to include all waters bound by the following approximate coordinates: 30°19′8″ N, 89°19′19″ W, 30°18′58″ N 89°17′25″ W, 30°18′22″ N, 89°19′39″ W, 30°18′18″ N, 89°17′34″ W.
7. Recurring dates throughout the year..	Pensacola Sailing/Foiling Regatta.	Pensacola Bay, Pensacola, FL	Pensacola Bay, to include all navigable waters west of Pensacola Bay Bridge along the southern shoreline to 30°20′36″ N, 087°11′01″ W at Deer Point, south to 30°20′21″ N, 087°11′00″ W, then along the north side of the Gulf Intra Coastal Waterway to 30°19′56″ N, 087°15′58″ W, then north to 30°20′40″N, 087°16′00″ W, and along the shoreline to the Pensacola Bay Bridge, excluding Bayou Grande, Davenport Bayou, Bayou Chico Channel, Pensacola Bay Channel, and the Gulf Intracoastal Waterway.
8. Recurring Fireworks Display	Mobile River Fireworks	Mobile River, Mobile, AL	Mobile River, to include all waters 100 yards in all directions from fireworks display barges in the vicinity of Mile Marker 0 near the Arthur R. Outlaw Convention Center.
9. 2 Days in April	Panama City Airshow	Gulf of America, Panama City, FL.	Gulf of America, to include waters bound by the following approximate coordinates: 30°12′57″ N, 85°53′56″ W, 30°13′18″ N, 85°53′42″ W,30°11′55″ N, 85°52′01″ W, and 30°12′16″ N, 85°51′47″ W.
10. 2 Days in October or November.	Keesler Air Force Base Airshow.	Biloxi Back Bay Waterway and Mississippi Sound, Biloxi, MS.	*Base Show Box:* Biloxi Back Bay, to include waters bound by the following approximate coordinates: 30°24′25″ N, 88°55′58″ W, 30°24′14″ N, 88°55′39″ W; 30°25′02″ N, 88°54′60″ W; 30°25′14″ N, 88°55′18″ W. *Beach Show Box:* Mississippi Sound, to include all waters bound by the following approximate coordinates 30°23′33″ N, 88°55′55″ W, 30°23′34″ N, 88°53′38″ W, 30°23′3″ N, 88°55′55″ W, 30°23′4″ N, 88°53′38″ W.
11. Multiple days in April	Powerboat Races	Mississippi Sound, Biloxi, MS	Mississippi Sound, all waters bound by the following approximate positions: 30°23′30″ N, 88°52′7″W, 30°23′24″ N, 88°52′14″ W, 30°23′22″ N, 88°52′13″W, 30°23′18″ N, 88°52′7″ W, 30°23′11″ N, 88°51′51″ W 30°23′12″ N, 88°51′45″ W, 30°23′18″ N, 88°51′44″ W, 30°23′23″ N, 88°51′45″ W
12. Semiannually	Drone Show	Mississippi Sound, Biloxi, MS	Mississippi Sound, all waters bound by the following approximate positions: 30° 23′25″ N, 88° 53′47″ W, 30° 23′34″ N, 88° 53′38″ W, to 30° 23′28″ N, 088° 53′12″ W, 30° 23′25″ N, 88° 53′12″ W

M. O. Vega,

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

[FR Doc. 2026–10478 Filed 5–26–26; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register

Vol. 91, No. 101

Wednesday, May 27, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Supplemental Nutrition Assistance Program: State Agency Options for Standard Utility Allowances and Self-Employment Income

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a revision of a currently approved collection. This information collection addresses the State agency reporting and recordkeeping burden associated with the following State agency options under the Supplemental Nutrition Assistance Program (SNAP): establishing and reviewing standard utility allowances (SUAs) and establishing methodology for offsetting cost of producing self-employment income.

DATES: Written comments must be received on or before July 27, 2026.

ADDRESSES: Comments may be sent to: Kari Hardgrove, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314. Comments may also be submitted via email at *SNAPCPBRules@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Alexandra Schklair via email at *SNAPCPBRules@usda.gov* or by phone at 703–305–2022.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Supplemental Nutrition Assistance Program: State Agency Options for Standard Utility Allowances and Self-Employment Income.

Form Number: N/A.

OMB Control Number: 0584–0496.

Expiration Date: July 31, 2026.

Type of Request: Revision of a currently approved collection.

Abstract: The information collection addresses the mandatory State agency information and burden estimates associated with the following State agency options under SNAP: establishing a methodology for offsetting cost of producing self-employment income and establishing and reviewing SUAs.

SNAP regulations at 7 CFR 273.11(b) require State agencies to calculate a household's self-employment income by excluding the cost of producing such income. The regulations allow State agencies, with approval from FNS, to establish the methodology for offsetting the costs of producing self-employment income, as long as the procedure does not increase program costs. Once approved by FNS via email, States can use these methodologies to determine net self-employment income for SNAP eligibility purposes.

SNAP regulations at 7 CFR 273.9(d)(6)(iii) allow State agencies to establish SUAs in place of the actual utility costs incurred by a household. State agencies must review and adjust SUAs annually to reflect changes in the costs of utilities. The final rule titled, *Supplemental Nutrition Assistance Program: Standardization of Heating and Cooling Standard Utility Allowance* (the final rule), published November 18, 2024, revised SNAP regulations at 7 CFR 273.9(d)(6)(iii) to add the requirement that State agencies must submit for FNS approval their SUA methodologies at least every five years. Methodology submissions must incorporate any revisions necessary to demonstrate that the baseline expenditure data and underlying methodology reflect recent trends and changes. Additionally, State agencies' methodologies must:

- Reflect the entire state or geographic area the SUA covers;
- Use data sourced from utility providers or similarly reliable source;
- Reflect expenses incurred by low-income households; and
- Reflect residential utility expenses.

This revision incorporates the ongoing burden from the final rule, which is currently covered in OMB Control Number 0584–0651, expiration determined by final codification with the final rule. Following OMB approval of this revision, the Department plans to publish an additional notice in the **Federal Register** discontinuing 0584–0651 to reduce duplicative information collections since both capture SUA methodology burden.

Using FNS–388 and 388A (both approved under OMB Control Number 0584–0594, expiration date: 09/30/2026), States send aggregate level data on participation, benefits issued, and other basic program information to FNS using the Food Programs Reporting System (FPRS) at *https://fprs.fns.usda.gov.* This collection uses information submitted in these FNS approved forms as supplemental data. However, this collection is not seeking approval for burden hours associated with the use of these forms because the burden is already accounted for under OMB Control Number 0584–0594.

Reporting Estimate

Self-Employment Methodology

Based on information in the Sixteenth Edition of the SNAP State Options

Report,[1] 23 out of 53 State agencies have already incorporated a methodology for determining the cost of doing business in self-employment cases, which was the basis of the previous burden estimate. Over the next three years this collection covers, FNS estimates that five (5) State agencies will establish a new methodology for offsetting the cost of producing self-employment income, either for the first time or as an update to their current methodology. This estimate is based on past consultations with three (3) FNS regional offices. FNS maintains its estimate from the previous renewal that each of these five (5) responses will require a response time of 10 hours, for a total annual burden of 50 hours (5 State agencies × 1 response × 10 hours per response).

Annual SUA Updates

In addition to the final rule's five-year methodology update requirement, program rules continue to require State agencies to review their SUAs annually and make adjustments to reflect changes in costs, such as by using sources like Consumer Price Index (CPI). This annual update reflects changes in cost in the interim years between State agencies' full methodology update. FNS asks State agencies to submit both preliminary and final annual update amounts so that FNS can plan for any significant changes in SUA amounts which may considerably impact SNAP benefits.

Therefore, FNS estimates that all 53 State agencies will submit two (2) responses at ten (10) hours each to update their SUAs annually. The estimated total burden for this provision is 1,060 hours (53 State agencies × 2 annual updates × 10 hours per response). This represents a decrease of 265 hours from the previous renewal's estimate for this activity. This decrease is due to the final rule separating the baseline methodology update requirement from the annual update, which States previously combined.

SUA Methodology Updates Every Five Years

In addition to annual updates, State agencies must update their SUA baseline methodologies every five (5) years, in line with the final rule requirements. FNS estimates that all 53 State agencies will submit two (2) responses at 40 hours each. This includes burden to gather and analyze data sources, calculate SUAs, and submit both preliminary and final SUA methodology revisions to FNS. This estimate is based on FNS' recent experience evaluating annual SUA updates and providing technical assistance to State agencies, with additional time for State agencies to ensure data sources and methodology meet the criteria in the final rule. The estimated total burden for this provision is 4,240 hours (53 State agencies × 2 SUA methodology updates per State agency × 40 hours per request = 4,240 hours). Since FNS estimates State agencies will only incur this burden once every five (5) years, FNS annualized this burden by dividing the five-year costs by five. The average annual burden is 848 hours (4,240 hours over 5 years/5 = 848 hours annually). This activity represents an increase of 848 annual burden hours compared to the previous renewal.

Given the methodology criteria required under the final rule, FNS anticipates that some State agencies will choose to solicit contractor support to identify data sources and revise SUA methodologies. FNS estimates that five (5) State agencies will solicit contractor support to make required updates to SUA baseline methodology every five (5) years. This estimate assumes that approximately one-fifth to one-quarter of the State agencies FNS identified in the final rule as likely to make substantial revisions to their SUA methodology will solicit contractor support. FNS estimates that each State agency will spend approximately 160 hours soliciting, awarding, and managing such contracts. These estimates are based on FNS' experience with previous Federal and State agency contracts for data analysis. The estimated total burden for this provision is 800 hours (5 State agencies × 1 contract per State agency × 160 hours per request = 800 hours). Since FNS estimates State agencies will only incur this burden every five (5) years, FNS annualized this burden by dividing the five-year cost by five. The average annual burden is 160 hours (800 hours/5 years = 160 hours annually). This activity represents an increase of 160 annual burden hours compared to the previous renewal.

Recordkeeping Estimate

All 53 State agencies are required to keep and maintain one record of the information gathered and submitted to FNS for the SUA and self-employment options. FNS estimates a response time of 0.25 hours per record, for an annual recordkeeping burden of 13.25 hours (53 State agencies × 1 record × 0.25 hours per record = 1,325 hours annually).

Total Burden Estimate

For both reporting and recordkeeping, FNS projects a total annual burden of 2,131.25 hours and 186.20 responses for this collection. This revision reflects an increase of 743 burden hours compared to previous collection due to the program changes associated with the final rule.

Reporting Burden

Affected Public: State, Local, or Tribal Governments.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent: 2.51.

Estimated Total Annual Responses: 133.20.

Estimated Time per Response: 15.90 hours.

Estimated Total Annual Burden on Respondents: 2,118 hours.

Recordkeeping Burden

Affected Public: State, Local, or Tribal Governments.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 53.

Estimated Time per Response: 0.25 hours.

Estimated Total Annual Burden on Respondents: 13.25 hours.

See table below for estimated total annual burden for State agencies:

	CFR citation	Type of respondent	Description of activity	Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)
Reporting Burden								
Annual	7 CFR 273.11(b)(3)	State/Local/Tribal Government.	Review of Self-Employment Methodology.	5.00	1.00	5.00	10.00	50.00

[1] The 16th Edition of the SNAP State Options Report summarizes information related to State policy and administrative options and was published in June 2024. More recent editions of the State Options Report do not include information related to self-employment options, so this is the most recent data available. For more information, please visit *https://www.fns.usda.gov/snap/waivers/state-options-report.*

	CFR citation	Type of respondent	Description of activity	Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)
Every 5 Years.	7 CFR 273.9(d)(6)(iii)(B).	State/Local/Tribal Government.	Update SUA for Annual Change in Cost.	53.00	2.00	106.00	10.00	1,060.00
	7 CFR 273.9(d)(6)(iii)(C).	State/Local/Tribal Government.	Update SUA Baseline Methodology.	53.00	2.00	106.00	40.00	4,240.00
	7 CFR 273.9(d)(6)(iii)(C).	State/Local/Tribal Government.	Solicit and manage contract for updating SUA baseline methodology.	5.00	1.00	5.00	160.00	800.00
Total Reporting Burden (Includes ⅕ of hours and costs incurred every 5 years).				53.00	2.51	133.20	15.90	2,118.00
Recordkeeping Burden								
Annual	7 CFR 273.11(b)(3) and 7 CFR 273.9(d)(6)(iii)(B).	State/Local/Tribal Government.	Recordkeeping Requirements.	53.00	1.00	53.00	0.25	13.25
Total Recordkeeping Burden				53.00	1.00	53.00	0.25	13.25
Total Reporting and Recordkeeping Burden								
Total Annual Burden				53.00	3.51	186.20	11.45	2,131.25

Patrick A. Penn,

Deputy Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 2026–10468 Filed 5–26–26; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Supplemental Nutrition Assistance Program (SNAP)—Waiver Requests To Offer Incentives to SNAP Recipients at SNAP Authorized Stores

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a renewal of an existing collection which includes the burden for SNAP authorized retailers to request a waiver from the Food and Nutrition Service (FNS) to offer SNAP recipients incentives at SNAP authorized retailer locations that encourage them to purchase healthier foods. This collection burden only affects SNAP retailers as well as private organizations or governmental entities who partner with SNAP-authorized stores. There are no data collection activities for SNAP households in this request.

DATES: Written comments must be received on or before July 27, 2026.

ADDRESSES: The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this information collection. Comments may be submitted in writing by one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Comments should be addressed to Karen Patyk, Director, Retailer Policy Division, 1320 Braddock Place, Alexandria, Virginia 22314.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Karen Patyk at 703–305–2954.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: SNAP Retailer Incentive Waiver Request.

Form Number: Not Applicable.

OMB Number: 0584–0695.

Expiration Date: 04/30/2027.

Type of Request: Renewal of a currently existing collection.

Abstract: SNAP equal treatment provisions at 7 CFR 278.2(b) and 7 CFR 274.7(f) require that SNAP recipients receive treatment equal to that received by other customers at all stores authorized to participate in SNAP with the exception that sales tax may not be charged on eligible foods purchased with SNAP benefits. This equal treatment provision prohibits both negative treatment (such as discriminatory practices) as well as preferential treatment (such as incentive programs). Pursuant to Section 4008 of the Agriculture Improvement Act of 2018, Public Law 115–334 (2018 Farm Bill), individual SNAP authorized retailers (or private organizations or governmental entities that partner with authorized stores) may request that FNS waive the SNAP equal treatment provisions in order to be allowed to implement an incentive program the meets the requirements under 7 U.S.C. 2018(j) to encourage SNAP recipients to purchase healthier foods.

Many SNAP-authorized stores that offer incentives to SNAP recipients are either farmers' markets or part of a federally funded grant program that is authorized by statute, including the Gus Schumacher Nutrition Incentive Program (GusNIP) administered by the USDA's National Institute of Food and Agriculture (NIFA) and the Healthy Fluid Milk Incentive (HFMI) project administered by the Food and Nutrition Service.

Farmers' markets are already authorized to provide incentives to SNAP recipients under a blanket FNS waiver of the SNAP equal treatment provision, specifically for farmers' markets. Only incentive projects that are

funded outside of a Federal grant, other than projects funded by farmers' markets, are required to have a waiver from FNS to provide incentives to SNAP households at authorized SNAP retailer locations. FNS provided incentive waivers to SNAP retailers prior to passage of the 2018 Farm Bill under FNS' regular waiver process and has been providing the waivers under a streamlined approach since 2020. Over the past 3 years, FNS has received an average of 15 incentive waiver requests that generally cover multiple retailer locations, and we expect those numbers to increase over the next 5 years. The Department adjusted the estimates for business or other nonprofit respondents; however the total number of respondents remained the same. With this new streamlined process, the Department estimates that out of 267,000 authorized retailers that participate in our program, approximately 800 different retailers would be covered under 15 different incentive waiver requests annually. In general, waivers are granted for three years.

The process for requesting a waiver involves utilizing a form on FNS' website that is directly fillable online and automatically sent to the agency through the website. The information a retailer must submit includes:

1. Requestor Information;
2. Dates of Operation;
3. Retailer location(s), including the FNS number, name, and address of each participating retailer, and whether the project will also operate online;
4. Foods being incentivized;
5. Description of the incentive model; and
6. The goal of the incentive program.

The Department has identified and outlined the activity and the estimated burden hours associated with submitting a SNAP Retailer Incentive Waiver Request.

SNAP Retailer Incentive Waiver Request

Affected Public: (a) Business or other for-profit, (b) Not-for-profit institution, and (c) State, local or Tribal Government. Respondent groups identified include: Up to a total of four SNAP authorized stores, five not-for-profit institutions, and two State, local or Tribal governments, which are neither farmers' markets not operating an incentive program under a GusNIP grant.

Business or Other for-Profit/Not-for-Profit Institution/State, Local or Tribal Government Annual Burden

Estimated Annual Number of Respondents: 15.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 15.

Estimated Annual Time per Response: 1 hour.

Estimated Total Annual Burden on Respondents: 15 hours.

Respondent	CFR citation	Activity	Estimated annual number respondent	Responses annually per respondent	Total annual responses	Estimated average number of hours per response annually	Estimated annual total hours
Business or other for-profit	7 CFR 274.7(f) and 278.2(b).	SNAP Retailer incentive Waiver Request.	7	1	7	1	7
Not-for-profit institution	7 CFR 274.7(f) and 278.2(b).	SNAP Retailer incentive Waiver Request.	4	1	4	1	4
Sub-total of for-profit businesses and not-for-profit institutions.			11	1	11	1	11
State, local or Tribal Government	7 CFR 274.7(f) and 278.2(b).	SNAP Retailer incentive Waiver Request.	4	1	4	1	4
Grand Total Reporting Burden			15	1	15	1	15

Patrick A. Penn,

Deputy Under Secretary, Food, Nutrition, and Consumer Services.

[FR Doc. 2026–10466 Filed 5–26–26; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

White River National Forest; Eagle County, CO; Camp Hale Restoration and Enhancement Project EIS; Withdrawal

AGENCY: Forest Service, Agriculture.

ACTION: Notice; withdrawal.

SUMMARY: The White River National Forest is withdrawing its notice of intent to prepare an environmental impact statement for the Camp Hale Restoration and Enhancement Project on the Eagle-Holy Cross Ranger District to re-evaluate resource needs within the project area.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be directed to Cary Green (NEPA Coordinator) by email at *cary.green@usda.gov* or by phone at 970–390–3234.

Individuals who use telecommunication devices for the hearing-impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The Forest Service published the notice of intent to prepare an environmental impact statement for the project in the **Federal Register** on March 16, 2015 (FRN 2015–05895 (80 FR 13515–13516)).

Beattra Wilson,

Associate Deputy Chief State, Private, and Tribal Forestry, National Forest System.

[FR Doc. 2026–10494 Filed 5–26–26; 8:45 am]

BILLING CODE 3411–15–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

[Docket No. ATBCB–2026–0003]

Proposed Renewal of Information Collection; OMB Control Number 3014–0012, Online Architectural Barriers Act (ABA) Complaint Form

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Architectural and Transportation Barriers Compliance Board (Access Board or Board), invites comment on renewal of our existing information collection, the Online Architectural Barriers Act (ABA) Complaint Form—OMB Control Number 3014–0012. The purpose of this information collection is to provide a standardized method for members of the public to file complaints with the Access Board regarding alleged accessibility barriers at facilities that are required to comply with the ABA. The information collection is scheduled to expire on October 31, 2026, and we propose to continue using the instrument for an additional three years. With this notice, the Access Board solicits comments on the request to renew this information collection.

DATES: Submit comments on or before July 27, 2026.

ADDRESSES: You may submit comments, identified by docket number ATBCB–2026–0003, by any of the following methods. Submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: docket@access-board.gov.* Include docket number ATBCB–2026–0003 in the subject line of the message.
- *Mail:* Office of General Counsel, U.S. Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

Instructions: All submissions must include the docket number, ATBCB–2026–0003. All comments received will be posted without change, including any personal information provided, to *http://www.regulations.gov* and will be available for public viewing.

FOR FURTHER INFORMATION CONTACT: Attorney Advisor, Wendy Marshall, Office of the General Counsel, U.S. Access Board, 202–272–0043, *marshall@access-board.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the Paperwork Reduction Act of 1995 (PRA), and its implementing regulations (5 CFR part 1320), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor (*e.g.,* contractually-required information collection by a third-party). ''Collection of information,'' within the meaning of the PRA, includes agency requests that post identical questions to, or impose reporting or record keeping obligations on, ten or more persons, regardless of whether responses to such questions is mandatory or voluntary. *See* 5 CFR 1320.3(c); see also 44 U.S.C. 3502(3).

II. Proposed Renewal of Existing Information Collection Request

The Access Board is providing notice of its intent to seek approval of a renewal of an existing information collection regarding complaints of Architectural Barriers Act of 1968 (ABA) violations by members of the public. The Access Board is proposing to increase the number of respondents, reduce the estimated burden per response, make non-substantive wording changes to the instructions, and convert the current online form to a more interactive, easier to use online form.

OMB Control Number: 3014–0012.

Title: Online Architectural Barriers Act (ABA) Complaint Form.

Type of Request: Renewal of an information collection.

Abstract: The Access Board enforces the ABA by investigating complaints from members of the public concerning particular buildings or facilities, *i.e.,* those that are: constructed or altered by or on behalf of the United States; leased with federal funds; or constructed or altered with funds from a federal grant or loan. Over 90% of complaints the Access Board receives each year are submitted using the standardized, user-friendly, and accessible Online ABA Complaint Form; the remainder are submitted in writing, without use of a complaint form, by email or mail. The Online ABA Complaint Form allows complaints to be filed 24 hours per day, seven days per week, and allows for greater efficiency, clarity, and timeliness in the complaint filing process and resolution of complaints.

The Online ABA Complaint Form prompts complainants to provide the information the Access Board needs to investigate their complaint. First, complainants must complete the form fields for at least the name of the building or facility and the city and state in which it is located. Second, complainants must describe each barrier to accessibility they have encountered or are aware of at the building or facility. Third, complainants are given the option, but are not required, to provide personal information, including their name, address, telephone number(s), and email address. Where provided, personal information is not disclosed outside the agency without the written permission of the complainant. Complainants are also given the option to upload electronic files containing pictures, drawings, or other documents relevant to their complaint. Once any additional information and the complaint is submitted, the system provides complainants with confirmation that their complaint has been submitted successfully, a complaint number for them to use when making inquiries about the status of their complaint, and an option to print their complaint.

Respondents/Affected Public: Individuals and Households and Businesses and Organizations.

Burden Estimates: In the table below (Table 1), the Access Board provides estimates for the annual reporting burden under this information collection. In the existing collection, the Board had estimated 200 respondents annually with an average response time of 30 minutes and total burden hours of 100. Based on the past three years of data, the ABA complaints received by the Board have consistently outpaced the 200-respondent estimate, averaging around 300–320 respondents. Based on this increase in public participation, the Board believes a more accurate estimate is 400 respondents annually. Additionally, the Board believes that the average response time was overestimated in the last information collection and that coupled with the subsequent changes to the format of the online form, the Board believes the response time will be reduced to 15 minutes per response.

TABLE 1—ESTIMATED ANNUAL BURDEN HOURS

Type of collection	Number of respondents	Frequency of response (per year)	Average response time (mins.)	Total burden (hours)
ABA Complaint Form	400	1	15	100

(**Note:** Total burden hours per collection rounded to the nearest full hour).

Request for Comment: The Access Board seeks comment on any aspect of the proposed renewal of the existing information collection, including: (a) whether it is necessary for the Access Board's performance of the functions of the agency; (b) whether the information will have practical utility; (c) the accuracy of the estimated burden; (d) ways for the Access Board to enhance the quality, utility, and clarity of the information collections; and (e) ways that the burden could be minimized without reducing the quality of the collected information. Comments will be summarized and included in our request for OMB's approval of the new information collection.

Christopher Kuczynski,

General Counsel.

[FR Doc. 2026–10508 Filed 5–26–26; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 260521–0133]

XRIN: 0694–XC146

Reporting for Calendar Year 2025 on Offsets Agreements Related to Sales of Defense Articles or Defense Services to Foreign Countries or Foreign Firms

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice; annual reporting requirements.

SUMMARY: This notice is to remind the public that U.S. firms are required to report annually to the Department of Commerce (Commerce) information on contracts for the sale of defense articles or defense services to foreign countries or foreign firms that are subject to offsets agreements exceeding $5,000,000 in value. U.S. firms are also required to report annually to Commerce information on offsets transactions completed in performance of existing offsets commitments for which an offsets credit of $250,000 or more has been claimed from the foreign representative. This year, such reports must include relevant information from calendar year 2025 and must be submitted to Commerce no later than June 15, 2026.

ADDRESSES: Submit reports in both hard copy and electronically. Address the hard copy to ''Offsets Program Manager, U.S. Department of Commerce, Office of Strategic Industries and Economic Security, Bureau of Industry and Security (BIS), 1401 Constitution Ave NW Washington, DC 20230, Room 3876, Washington, DC 20230.'' Submit electronic copies to *OffsetReport@bis.doc.gov.*

DATES: Reports must include relevant information from calendar year 2025 and must be submitted to Commerce no later than June 15, 2026.

FOR FURTHER INFORMATION CONTACT: Stephen Astle, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, telephone: 202–482–4506; email: *OffsetReport@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 723(a)(1) of the Defense Production Act of 1950, as amended (DPA) (50 U.S.C. 4568), requires the President to submit an annual report to Congress on the impact of offsets on the U.S. defense industrial base. Section 723(a)(2) of the DPA directs the Secretary of Commerce (Secretary) to prepare the President's report and to develop and administer the regulations necessary to collect offsets data from U.S. defense exporters.

The authorities of the Secretary regarding offsets have been delegated to the Under Secretary of Commerce for Industry and Security. The regulations associated with offsets reporting are set forth in 15 CFR part 701 (Offsets Regulations). Offsets are compensation practices required as a condition of purchase in either government-to-government or commercial sales of defense articles and/or defense services, as defined by the Arms Export Control Act (22 U.S.C. 2778) and the International Traffic in Arms Regulations (22 CFR 120–130). Offsets are also applicable to certain items controlled on the Commerce Control list (CCL) and with an Export Control Classification Number (ECCN) including the numeral ''6'' as its third character. The CCL is found in supplement no. 1 to part 774 of the Export Administration Regulations (EAR).

An example of an offset is as follows: a company that is selling a fleet of military aircraft to a foreign government may agree to offset the cost of the aircraft by providing training assistance to plant managers in the purchasing country. Although this distorts the true price of the aircraft, the foreign government may require this sort of extra compensation as a condition of awarding the contract to purchase the aircraft. As described in the Offsets Regulations, U.S. firms are required to report information on contracts for the sale of defense articles or defense services to foreign countries or foreign firms that are subject to offsets agreements exceeding $5,000,000 in value. U.S. firms are also required to report annually information on offsets transactions completed in performance of existing offsets commitments for which an offsets credit of $250,000 or more has been claimed from the foreign representative.

Commerce's annual report to Congress includes an aggregated summary of the data reported by industry in accordance with the Offsets Regulations and the DPA (50 U.S.C. 4568). As provided by section 723(c) of the DPA, BIS will not publicly disclose individual firm information it receives through offsets reporting unless the firm furnishing the information specifically authorizes public disclosure. The information collected is sorted and organized into an aggregate report of national offsets data and therefore does not identify company-specific information.

To enable BIS to prepare the next annual offsets report reflecting calendar year 2025 data, affected U.S. firms must submit required information on offsets agreements and offsets transactions from calendar year 2025 to BIS no later than June 15, 2026.

Jessica Curyto,

Deputy Assistant Secretary for Technology Security.

[FR Doc. 2026–10521 Filed 5–26–26; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–232, A–557–836, A–552–856]

Stationary and Portable Air Compressors From the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable May 20, 2026.

FOR FURTHER INFORMATION CONTACT: Jinny Ahn and Caroline Davis at (202) 482–0339 and (202) 482–1362, respectively (the People's Republic of China (China)), Anne Entz at (202) 482–3845 (Malaysia), and Patrick Barton at (202) 482–0012 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On April 30, 2026, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of stationary and portable air compressors (air compressors) from China, Malaysia, and Vietnam, filed in proper form on behalf of MAT Industries, LLC (the petitioner), a domestic producer of air compressors.[1] The AD Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of air compressors from China, Malaysia, and Vietnam.[2]

Between May 6 and 14, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[3] Between May 11 and 18, 2026, the petitioner filed timely responses to these requests for additional information.[4]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of air compressors from China, Malaysia, and Vietnam are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the air compressors industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.[5]

Periods of Investigations (POI)

Because the Petitions were filed on April 30, 2026, pursuant to 19 CFR 351.204(b)(1), the POI for the Malaysia LTFV investigation is April 1, 2025, through March 31, 2026. Because China and Vietnam are non-market economy (NME) countries, pursuant to 19 CFR 351.204(b)(1), the POI for the China and Vietnam LTFV investigations is October 1, 2025, through March 31, 2026.

Scope of the Investigations

The products covered by these investigations are air compressors from China, Malaysia, and Vietnam. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

Between May 6 and 19, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[6] Between May 11 and 20, 2026, the petitioner provided clarifications and revised the scope.[7] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[8] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[9] Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on June 9, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on June 22, 2026, which is the next business day after 10 calendar days from the initial comment deadline.[10]

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[11] An

[1] *See* Petitioner's Letter, ''Petition for the Imposition of Antidumping and Countervailing Duties,'' dated April 30, 2026 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''Supplemental Questions,'' dated May 6, 2026 (First General Issues Questionnaire); and ''First Country-Specific AD Supplemental Questionnaires: China AD Supplemental, Malaysia AD Supplemental, and Vietnam AD Supplemental,'' dated May 6, 2026; *see also* Memorandum, ''Teleconference with Counsel to the Petitioner,'' dated May 14, 2026 (Second General Issues Questionnaire); Country-Specific AD Memoranda: Second China AD Supplemental, Second Malaysia AD Supplemental, and Second Vietnam AD Supplemental, dated May 14, 2026; and Memoranda, ''Teleconference with Counsel to the Petitioner,'' dated May 19, 2026 (Third General Issues Questionnaire).

[4] *See* Petitioner's Letters, ''Response to the General Issues Supplemental Question,'' dated May 11, 2026 (First General Issues Supplement); Country-Specific AD Supplemental Responses: First China AD Supplement, First Malaysia AD Supplement, and First Vietnam AD Supplement, dated May 11, 2026; ''Response to the Second Supplemental Questionnaire Regarding Volume I,'' dated May 18, 2026 (Second General Issues Supplement); Second Country-Specific AD Supplemental Responses: Second China AD Supplement, Second Malaysia AD Supplement, and Second Vietnam AD Supplement, dated May 18, 2026; and ''Response to the Third Supplemental Questionnaire Regarding Volume I,'' dated May 20, 2026 (Third General Issues Supplement).

[5] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[6] *See* First General Issues Questionnaire; *see also* Second General Issues Questionnaire; and Third General Issues Questionnaire.

[7] *See* First General Issues Supplement at 2–8; *see also* Second General Issues Supplement at 1–4; and Third General Issues Questionnaire at 1.

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] The deadline for scope rebuttal comments falls on June 19, 2026, which is a federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, June 22, 2026). *See* 19 CFR 351.303(b)(1) (''For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.'').

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/*

Continued

electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of air compressors to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) or cost of production (COP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe air compressors, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on June 9, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on June 22, 2026, which is the next business day after 10 calendar days from the initial comment deadline.[12] All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[15] Based on our analysis of the information submitted on the record, we have determined that air compressors, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioner provided its own shipments of air compressors in 2025 and compared this to the estimated total shipments of the domestic like product for the entire domestic industry.[17] Because total production data for the domestic like product for 2025 are not reasonably available to the petitioner, and the petitioner has established that shipments are a reasonable proxy for production data,[18] we relied on data provided by the petitioner for purposes of measuring industry support.[19]

Our review of the data provided in the Petitions, the First General Issues Supplement, the Second General Issues Supplement, the Third General Issues Supplement, and other information

help and a handbook can be found at *https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.*

[12] The deadline for product characteristics rebuttal comments falls on June 19, 2026, which is a federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, June 22, 2026). *See* 19 CFR 351.303(b)(1) (''For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.'').

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F.Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[15] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Antidumping Duty Investigation Initiation Checklists: Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific AD Initiation Checklists), at Attachment II, ''Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam'' (Attachment II). These checklists are on file electronically via ACCESS.

[16] For further discussion, *see* Attachment II of the Country-Specific AD Initiation Checklists.

[17] *Id.*

[18] *Id.*

[19] *Id.*

readily available to Commerce indicates that the petitioner has established industry support for the Petitions.[20] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[21] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[22] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[23] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[24]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[25]

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and suppression; lost sales and revenues; decline U.S. shipments and a U.S. producer ceasing production; negative impact on financial performance, and negative impact on investment in automation and technology.[26] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[27]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigations of imports of air compressors from China, Malaysia, and Vietnam. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Country-Specific AD Initiation Checklists.

U.S. Price

For all countries, the petitioner based export price (EP) on pricing information for air compressors produced in each country and sold or offered for sale in the U.S. market during the POI.[28] For each country, the petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.[29]

Normal Value [30]

For Malaysia, the petitioner stated that it was unable to obtain home market or third-country pricing information for air compressors produced in Malaysia to use as the basis for NV.[31] Therefore, for Malaysia, the petitioner calculated NV based on constructed value (CV).[32] For further discussion of CV, *see* the section ''Normal Value Based on Constructed Value.''

Commerce considers China and Vietnam to be NME countries.[33] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China and Vietnam as NME countries for purposes of the initiation of the LTFV investigations. Accordingly, we base NV on FOPs valued in surrogate market economy countries in accordance with section 773(C) of the Act.

The petitioner claims that Malaysia, Mexico, and the Republic of Türkiye (Türkiye) are appropriate surrogate countries for China because they are market economy countries that are at a level of economic development comparable to that of China and are significant producers of comparable merchandise.[34] The petitioner provided publicly available information from Malaysia, Mexico, and Türkiye to value all FOPs, where applicable.[35] Based on the information provided by the petitioner, we believe it is appropriate to use Malaysia, Mexico, and Türkiye as surrogate countries for China to value FOPs for initiation purposes.

The petitioner claims that El Salvador, Indonesia, and Tunisia are appropriate surrogate countries for Vietnam because they are market economy countries that are at a level of economic development comparable to that of Vietnam and are significant producers of comparable merchandise.[36] The petitioner provided publicly available information from El Salvador, Indonesia, and Tunisia to value all FOPs, where applicable.[37] Based on the information provided by the petitioner, we believe it is appropriate to use El Salvador, Indonesia, and Tunisia as surrogate countries for Vietnam to value FOPs for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determinations.

[20] *Id.*

[21] *Id.; see also* section 732(c)(4)(D) of the Act.

[22] *See* Attachment II of the Country-Specific AD Initiation Checklists.

[23] *Id.*

[24] *Id.*

[25] For further discussion, *see* Country-Specific AD Initiation Checklists at Attachment III, ''Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam.''

[26] *Id.*

[27] *Id.*

[28] *See* Country-Specific AD Initiation Checklists.

[29] *Id.*

[30] In accordance with section 773(b)(2) of the Act, for the Malaysia investigation, Commerce will request information necessary to calculate the constructed value (CV) and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[31] *See* Malaysia AD Initiation Checklist.

[32] *Id.*

[33] *See, e.g., Raw Honey from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Changed Circumstances Review,* 89 FR 64411 (August 7, 2024), and accompanying NME Analysis Memorandum at 5; *see also Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances,* 88 FR 15372 (March 13, 2023), and accompanying Preliminary Decision Memorandum at 5, unchanged in *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair Value and Final Affirmative Determination of Critical Circumstances,* 88 FR 34485 (May 30, 2023).

[34] *See* China AD Initiation Checklist.

[35] *Id.*

[36] *See* Vietnam AD Initiation Checklist.

[37] *See* Country-Specific AD Initiation Checklists.

Factors of Production

Because information regarding the volume of inputs consumed by Chinese and Vietnamese producers/exporters was not reasonably available, the petitioner used its own production experience and product-specific consumption rates for air compressors as a surrogate to value Chinese and Vietnamese manufacturers' FOPs.[38] For China, the petitioner calculated factory overhead, selling, general, and administrative (SG&A) expenses, and profit based on the experience of Malaysian, Mexican, and Turkish producers of comparable merchandise.[39] For Vietnam, the petitioner calculated factory overhead, SG&A, and profit based on the experience of an Indonesian producer of comparable merchandise.[40]

Normal Value Based on Constructed Value

As noted above for Malaysia, the petitioner stated that it was unable to obtain home market or third-country pricing information for air compressors produced in Malaysia to use as the basis for NV. Therefore, the petitioner calculated NV based on CV.[41]

Pursuant to section 773(e) of the Act, the petitioner calculated CV as the sum of the cost of manufacturing, SG&A expenses, financial expenses, and profit.[42] In calculating the cost of manufacturing, the petitioner relied on its own production experience and input consumption rates for air compressors, valued using publicly available information applicable to Malaysia.[43] In calculating SG&A expenses, financial expenses, and profit ratios, the petitioner relied on the fiscal year 2025 financial statements of a producer of comparable merchandise domiciled in Malaysia.[44]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of air compressors from China, Malaysia, and Vietnam are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for air compressors for each of the countries covered by the initiation are as follows: (1) China (Malaysia surrogate)—93.97 to 211.15 percent; (2) China (Mexico surrogate)—56.68 to 201.41 percent; (3) China (Türkiye surrogate)—94.81 to 187.45 percent; (4) Malaysia—73.14 to 116.17 percent; (5) Vietnam (El Salvador surrogate)—52.53 to 106.22 percent; (6) Vietnam (Indonesia surrogate)—25.85 to 132.31 percent; and (7) Vietnam (Tunisia surrogate)—22.06 to 140.39 percent.[45]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating LTFV investigations to determine whether imports of air compressors from China, Malaysia, and Vietnam are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

China and Vietnam

In the Petitions, the petitioner identified over 300 companies in China and 12 companies in Vietnam as producers and/or exporters of air compressors.[46] Our standard practice for respondent selection in AD investigations involving NME countries is to select respondents based on quantity and value (Q&V) questionnaires in cases where Commerce has determined that the number of companies is large, and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petitions, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Because there are over 300 Chinese producers and/or exporters identified in the Petitions, Commerce has determined that it will issue Q&V questionnaires to the largest producers and/or exporters in China that are identified in the U.S. Customs and Border Protection (CBP) POI entry data for which there is complete address information on the record.[47] For Vietnam, because there are 12 producers and/or exporters identified in the Petitions, Commerce will issue a Q&V questionnaire to each potential respondent in Vietnam for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-qv-questionnaire.* Producers/exporters of air compressors from China and Vietnam that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Chinese and Vietnamese producers/exporters no later than 5:00 p.m. ET on June 3, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Malaysia

In the Petitions, the petitioner identified five companies in Malaysia.[48] Following standard practice in AD investigations involving market economy countries, Commerce would normally select respondents based on CBP entry data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigations'' in the appendix. However, for this investigation, one of the main HTSUS subheadings under which the subject merchandise would enter (8414.80.1685) is a basket category under which non-subject merchandise may also enter. Therefore, instead of relying on CBP entry data in selecting respondents, we intend to issue Q&V questionnaires to each potential

[38] *Id.*

[39] *See* China AD Initiation Checklist.

[40] *See* Vietnam AD Initiation Checklist.

[41] *See* Malaysia AD Initiation Checklist.

[42] *Id.*

[43] *Id.*

[44] *Id.*

[45] *See* Country-Specific AD Initiation Checklists.

[46] *See* Petitions at Volume I (Exhibit 11); *see also* First General Issues Supplement at Exhibit GI–SUPP–1; and Second General Issues Supplement at Exhibit GI–SUPP2–1.

[47] *See* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated May 19, 2026.

[48] *See* Petitions at Volume I (Exhibit I–15); *see also* First General Issues Supplement at Exhibit GI–SUPP–1.

respondent for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-qv-questionnaire.* Producers/exporters of air compressors from Malaysia that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. ET on June 3, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). As stated above, instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate application in an NME investigation are outlined in detail in the application itself, which is available on Commerce's website at *https://www.trade.gov/non-market-economy-separate-rate-applications-and-certifications.* Note that Commerce recently promulgated new regulations pertaining to separate rates, including the separate rate application deadline and eligibility for separate rate status, in 19 CFR 351.108.[49] Pursuant to 19 CFR 351.108(d)(1), the separate rate application will be due 21 days after publication of this initiation notice.[50] Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. In addition, pursuant to 19 CFR 351.108(e), exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they fully respond to all parts of Commerce's AD questionnaire and participate in the LTFV proceeding as mandatory respondents.[51] Commerce requires that companies from China and Vietnam submit a response both to the Q&V questionnaire and to the separate rate application by the respective deadlines to receive consideration for separate rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.[52]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the Governments of China, Malaysia, and Vietnam via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of air compressors from China, Malaysia, and/or Vietnam are materially injuring, or threatening material injury to, a U.S. industry.[53] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[54] Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [55] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[56] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested

[49] *See Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws,* 89 FR 101694, 101759–60 (December 16, 2024).

[50] *See* 19 CFR 351.108(d)(1).

[51] *See* 19 CFR 351.108(e).

[52] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving NME Countries,'' (April 5, 2005), at 6 (emphasis added), available on Commerce's website at *https://www.trade.gov/enforcement-and-compliance-policy-bulletins-0.*

[53] *See* section 733(a) of the Act.

[54] *Id.*

[55] *See* 19 CFR 351.301(b).

[56] *See* 19 CFR 351.301(b)(2).

party submits a PMS allegation pursuant to section 773(e) of the Act (*i.e.,* a cost-based PMS allegation), the submission must be filed in accordance with the requirements of 19 CFR 351.416(b), and Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a cost-based PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), sets a deadline for the submission of cost-based PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a cost-based PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

We note that a PMS allegation filed pursuant to sections 773(a)(1)(B)(ii)(III) or 773(a)(1)(C)(iii) of the Act (*i.e.,* a sales-based PMS allegation) must be filed within 10 days of submission of a respondent's initial section B questionnaire response, in accordance with 19 CFR 351.301(c)(2)(i) and 19 CFR 351.404(c)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[57] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[58]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[59] Parties must use the certification formats provided in 19 CFR 351.303(g).[60] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[61]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: May 20, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations consists of certain stationary and portable air compressors, whether electric, gas, or battery powered, including electric motor and gasoline engine powered air compressors with either oil free or oil lubricated reciprocating pumps, and with an integrated pressure vessel that ranges in size from 1 to 80 gallons. The compressors may be either direct drive or belt driven.

Direct drive air compressors included in the scope have a motor connected directly to the compressor element. Belt driven air compressors included in the scope have a motor connected to the compressor crankshaft with a belt. Direct drive air compressors are more often portable but can be stationary, while belt driven air compressors are either portable or stationary.

Covered air compressors have a power level designation between 373 watts (0.5 HP) and 22.37 kilowatts (30 HP). Specifically, portable air compressors often range in power from 0.5HP (373 watts) to 15HP (11.19KW). Reciprocating stationary air compressors range in power from 0.5HP (373 watts) to 25HP (18.64KW). However, a portable or stationary air compressor with a different power level, within the range of 373 watts to 22.37 KW, and otherwise meeting the language of the scope, is covered by the scope. The scope includes only certain reciprocating (piston) compressors, which use a piston moving back and forth in a cylinder to compress the air. The scope also includes unfinished compressors exported from the subject countries. Subject merchandise also includes finished and unfinished compressors that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the in-scope air compressors. The additional parts used to complete ''unfinished compressors'' in a third country are subject to the scope of these investigations.

For the purposes of this scope, ''unfinished compressors'' are compressors which require additional fabrication such as labeling, and packaging, and kitting operations adding accessories.

Specifically included in the scope are compressors which are imported as part of a package with accessories or other products, or kit. Such accessories include but are not limited to hoses, fittings, tool kits, oils, nail guns, pneumatic paint sprayers, air ratchet wrenches, air grease guns, air drills, air hammers, air sanders, air inflators, and air impact drivers. If such accessories or other products are imported separately from the air compressor, such products are not subject to the scope of these investigations.

Specifically excluded from the scope are AC, DC, and battery powered inflators without an integrated air tank or air reservoir that have an output of 1 CFM or less.

The scope excludes rotary compressors. Types of rotary compressors excluded from the scope are rotary screw, rotary vane, and scroll compressors. The scope also excludes dynamic compressors. Types of dynamic compressors excluded from the scope are centrifugal compressors and axial compressors, where rotating impellers or blades compress air.

The in-scope stationary air compressors are classified under subheadings 8414.80.1615, 8414.80.1625, and 8414.80.1635 of the Harmonized Tariff Schedule of the United States (HTSUS). The in-scope portable air

[57] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013 (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[58] *See* 19 CFR 351.302; *see also, e.g., Time Limits Final Rule.*

[59] *See* section 782(b) of the Act.

[60] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2023) (*Final Rule*). Additional information regarding the *Final Rule* is available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[61] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

compressors are classified under subheading 8414.80.1685 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the covered merchandise is dispositive.

[FR Doc. 2026–10516 Filed 5–26–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–403–808]

High Purity Dissolving Pulp From Norway: 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 high purity dissolving pulp (dissolving pulp) from Norway is being, or is 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 27, 2026.

FOR FURTHER INFORMATION CONTACT: Braeden Lowe, 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) 482–9124.

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 September 8, 2025.[1] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] On February 18, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now May 18, 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 product covered by this investigation is dissolving pulp from Norway. 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 not modifying the scope language as it appeared in the *Initiation Notice. See* the 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 price in accordance with section 772(a) of the Act. Normal value is calculated 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 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 Borregaard AS (Borregaard), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Borregaard 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)
Borregaard AS	6.54
All Others	6.54

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

[1] *See High Purity Dissolving Pulp from Brazil and Norway: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 43168 (September 8, 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 High Purity Dissolving Pulp from Brazil and Norway: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 91 FR 7445 (February 18, 2026).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of High Purity Dissolving Pulp from Norway,'' 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 High Purity Dissolving Pulp from Brazil and Norway and Countervailing Duty Investigation of High Purity Dissolving Pulp from Brazil: Preliminary Scope Decision Memorandum,'' dated concurrently with this preliminary determination (Preliminary Scope Decision Memorandum).

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 for estimated antidumping duties, as follows: (1) the cash deposit rate for subject merchandise exported by Borregaard will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a company 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.

These suspension of liquidation instructions and cash deposit requirements 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.[9] 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 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 (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 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 May 11, 2026, pursuant to 19 CFR 351.210(e), Borregaard 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.

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).

[9] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[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 Procedures*).

[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 Procedures.*

[14] *See* Borregaard's Letter, ''Request for Postponement of the Final Determination'' dated May 11, 2026.

Dated: May 18, 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 merchandise subject to this investigation is high purity dissolving pulp, which is a dissolving pulp with an alpha cellulose percentage of 90 percent by weight or higher on an oven dry basis, as calculated by: alpha cellulose percentage = (100–S10) + 0.5 * (S10–S18) where S10 and S18 values are determined by International Organization for Standardization (ISO) 692:1982, and having a brightness level of 90 percent or higher, as measured by ISO 2470–1:2016. High purity dissolving pulp may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from hardwoods, softwoods, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). High purity dissolving pulp may be produced from a chemical pulping process including without limitation a kraft (sulfate) pulping and/or sulfite pulping process.

High purity dissolving pulp can be shipped in any form, including, but not limited to, a liquid slurry or in any dried form such as flakes, powder, granules, pellets, shreds, rolls and sheets.

The scope includes merchandise matching the above description that has been finished, packaged, or otherwise processed in a third country, including but not limited to processes such as commingling, blending, diluting, repackaging, or any other process that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. The scope also includes high purity dissolving pulp that is commingled or blended with high purity dissolving pulp from sources not subject to this investigation. Only the subject component of such commingled or blended products is covered by the scope of this investigation.

Excluded from the scope is high purity dissolving pulp with an intrinsic viscosity under 455 milliliters per gram (mL/g), as measured by ISO 5351:2010.

Also excluded from the scope is cotton linters pulp that consists of at least 90 percent by weight, on an oven-dried basis, of cotton linters fibers.

High purity dissolving pulp products are classified under subheadings 4701.00.0020 and 4702.00.0040, of the Harmonized Tariff Schedule of the United States (HTSUS). High purity dissolving pulp products may also enter under subheadings 4706.30.0000 or 4706.92.0100. Reference to HTSUS classifications is provided for convenience and customs purposes, and the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2026–10527 Filed 5–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–921]

Certain Monomers and Oligomers from the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain monomers and oligomers (monomers and oligomers) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2024, through December 31, 2024.

DATES: Applicable May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Peter Shaw or Sun Cho, 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) 482–6458 or (202) 482–0697.

SUPPLEMENTARY INFORMATION:

Background

On January 5, 2026, Commerce published the *Preliminary Determination* in this investigation and postponed the final determination to no later than 135 days after the date of publication of the *Preliminary Determination.*[1] Accordingly, the deadline for this final determination is now May 20, 2026. We invited interested parties to comment on the *Preliminary Determination*.[2] On February 6, 2026, Commerce published the *Amended Preliminary Determination* in this investigation.[3]

For a complete description of the events that occurred since the *Preliminary Determination, see* the Issues and Decision Memorandum.[4] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Investigation

The products covered by this investigation are monomers and oligomers from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination.* Therefore, we made no changes to the scope of the investigation.

Verification

Commerce conducted verification of the information relied upon in making its final determination in this investigation, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Specifically, Commerce conducted on-site verification of the sales and cost information submitted by Green Chemical Co., Ltd. (Green Chemical) and Miwon Specialty Chemical Co., Ltd. (Miwon).[5] We used standard

[1] *See Certain Monomers and Oligomers from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination, and Extension of Provisional Measures,* 91 FR 244 (January 5, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.*

[3] *See Certain Monomers and Oligomers from the Republic of Korea: Amended Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 91 FR 5429 (February 6, 2026) (*Amended Preliminary Determination*).

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Monomers and Oligomers from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See* Memoranda, ''Verification of the Sales Responses of Green Chemical,'' dated April 3, 2026; ''Verification of the Sales Responses of Miwon Specialty Chemical Co., Ltd.,'' dated April 3, 2026; ''Verification of the Sales Responses of Miwon North America, Inc.,'' dated April 3, 2026; ''Verification of the Cost Response of Green Chemical Co. Ltd. and Green Life Science Co., Ltd.,'' dated April 6, 2026; ''Verification of the Cost Response of Miwon Specialty Chemical Co., Ltd.,'' dated April 10, 2026; ''Verification of the Cost Response of Miwon Specialty Chemical Co., Ltd.,'' dated April 10, 2026; and ''Verification of the Cost

Continued

verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Green Chemical and Miwon.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. For a list of the issues addressed in the Issues and Decision Memorandum, *see* Appendix II.

Changes Since the Preliminary Determination

We made certain changes since the *Preliminary Determination.* For a discussion of these changes, *see* the Issues and Decision Memorandum.

Use of Adverse Facts Available

Consistent with the *Preliminary Determination,* Commerce continues to find, pursuant to sections 776(a) and (b) of the Act, that the use of facts otherwise available, with adverse inferences (AFA), is warranted in determining the estimated weighted-average dumping rate for Kukdo Chemicals Co., Ltd. (Kukdo Chemicals). For this final determination, there is no new information on the record that would cause us to reconsider our preliminary decision.[6] As AFA, we are assigning a rate of 155.42 percent to Kukdo Chemicals.[7] For a full description of the methodology underlying Commerce's final determination, *see* the Issues and Decision Memorandum.

As discussed in the Issues and Decision Memorandum, Commerce finds, pursuant to sections 776(a) and (b) of the Act, that the use of AFA is warranted in determining the estimated weighted-average dumping margin for Miwon.[8] As AFA, we assigned the rate of 155.42 percent to Miwon.[9] For a full description of the methodology underlying Commerce's final determination, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that Commerce shall determine an estimated all-others rate for all other 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 examined, excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. In this investigation, Commerce calculated an individual estimated weighted-average dumping margin for Green Chemical. Because Green Chemical's dumping margin is the only individually calculated dumping margin that is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Green Chemical is the margin assigned to all other producers and exporters.[10]

Final Affirmative Determination of Critical Circumstances

We continue to find that critical circumstances exist for imports of the subject merchandise from Korea produced and/or exported by Green Chemical and Kukdo Chemicals pursuant to sections 735(a)(3)(A) and (B) of the Act, and 19 CFR 351.206. In addition, as a result of our application of AFA for Miwon, we find that critical circumstances exist for imports of the subject merchandise from Korea produced and/or exported by Miwon and all other producers and/or exporters.[11]

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist for the period January 1, 2024, through December 31, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Green Chemical Co., Ltd.; Green Life Science[12]	65.72
Miwon Specialty Chemical Co., Ltd	* 155.42
Kukdo Chemicals Co. Ltd	* 155.42
All Others	65.72

* Rate is based on facts available with adverse inferences.

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with a final 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 of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce received no comments on the *Preliminary Determination* regarding Green Chemical, it is adopting the *Preliminary Determination* as the final determination for Green Chemical in this investigation. Consequently, there are no new calculations to disclose for Green Chemical. Because Commerce applied an AFA rate based solely on the Petition to the other individually examined company in this investigation, Miwon, in accordance with section 776 of the Act, there are no calculations to disclose for Miwon.[13]

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after January 5, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**. Because we determine

Response of Miwon Specialty Chemical Co., Ltd.,'' dated May 13, 2026.

[6] *See Preliminary Determination* PDM at ''Application of Facts Available and Use of Adverse Inferences.''

[7] The rate we are assigning as AFA changed from the *Preliminary Determination.* For a detailed discussion of this issue *see* the Issues and Decision Memorandum at ''Application of Facts Available and Use of Adverse Inference''.

[8] *See* Issues and Decision Memorandum at Comment 1.

[9] *Id.*

[10] *See, e.g., Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014).

[11] *See* Issues and Decision Memorandum at ''Final Affirmative Determination of Critical Circumstances.''

[12] Commerce preliminarily determined that Green Chemical Co., Ltd. and Green Life Science should be collapsed and treated as a single entity. *See, e.g., Preliminary Determination,* 91 FR at 245. We received no comments on this preliminary determination; thus, we continue to treat Green Chemical Co., Ltd. and Green Life Science as a single entity for the purposes of this final determination.

[13] *See* Petitioner's Letter, ''Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Monomers and Oligomers from the Republic of Korea and Taiwan,'' dated March 27, 2025 (Petition); *see also* Checklist, ''AD Investigation Initiation Checklist,'' dated April 16, 2025; *see also* Petitioner's Letter, ''Response to Volume IV Supplemental Questions,'' dated April 4, 2025, at Exhibit Supp-IV–3.

that critical circumstances exist with respect to Green Chemical, Kukdo Chemicals, Miwon, and all other producers and/or exporters, we will instruct CBP to suspend such entries on or after October 7, 2025, which is 90 days prior to the date of the publication of the *Preliminary Determination* in the **Federal Register**. Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, 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 deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final 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. These suspension of liquidation instructions will remain in effect until further notice.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of monomers and oligomers from Korea no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Suspension of Liquidation'' section.

Administrative Protective Order

This notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This final determination and notice are issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: May 20, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products subject to this investigation are certain multifunctional acrylate and methacrylate monomers, and acrylated bisphenol-A epoxy based oligomers (collectively, certain monomers and oligomers or CMOs) that are derived from chemical reactions involving the use of acrylic or methacrylic acid. Products within the scope are listed below and have the following Chemical Abstracts Service (CAS) numbers:

CAS No.	Description	Molecular formula
109–16–0	Triethylene glycol dimethacrylate (TEGDMA)	$C_{14}H_{22}O_6$
13048–33–4	1,6-hexanediol diacrylate (HDDA)	$C_{12}H_{18}O_4$
42978–66–5	Tripropylene glycol diacrylate (TPGDA)	$C_{15}H_{24}O_6$
3290–92–4	Trimethylolpropane trimethacrylate (TMPTMA)	$C_{18}H_{26}O_6$
15625–89–5	Trimethylolpropane triacrylate (TMPTA)	$C_{15}H_{20}O_6$
28961–43–5	Ethoxylated trimethylol-propane triacrylate (EOTMPTA)	$(C_2H_4O)_n(C_2H_4O)_n(C_2H_4O)_nC_{15}H_{20}O_6$
57472–68–1	Dipropylene glycol diacrylate (DPGDA)	$C_{12}H_{18}O_5$
55818–57–0	Bisphenol-A-epichlorohydrin copolymer acrylate (EPOXY ACRYLATE)	$(C_{15}H_{16}O_2.C_3H_5ClO)_x.xC_3H_4O_2$

The monomers are generally known as multifunctional acrylates (MFAs) or multifunctional methacrylates (MFMAs) depending on whether the functional groups are acrylate or methacrylate. The monomers generally contain stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene. The monomers are either difunctional or trifunctional (having 2 or 3 functional groups/molecule), have viscosities of 9 to 15 centipoise (cPs) at 25 degrees Celsius (if difunctional) or 44 to 110 cPs at 25 degrees Celsius (if trifunctional), have (meth)acrylate equivalent weights (molecular weight per number of functional groups) between 99 and 158 and molecular weights between 226 and 472 grams per mol.

The acrylated bisphenol-A epoxy based oligomer is commonly referred to as epoxy acrylate or acrylated epoxy. In contrast to epoxy resin, the main characteristic of the epoxy acrylate oligomer is that it contains acrylate functional groups which make them curable by free-radical polymerization. The epoxy acrylate has a molecular weight between 508 to 536 grams per mol and a viscosity of 2400 to 3600 cPs at 65 degrees Celsius. The epoxy acrylate generally contains stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene.

Certain monomers and oligomers are subject to the scope even if an in-scope monomer or oligomer is blended or mixed with one or more other in-scope monomers or oligomers.

Certain monomers and oligomers in any blend or mixture are also subject to the scope, so long as the blend or mixture contains no less than 20 percent by weight of in-scope CMOs.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing ingredients, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country.

The scope also includes CMOs that are commingled, mixed or blended with in-scope product from sources not subject to these investigations.

Only the subject component(s) of such blends, mixtures or commingled products described above is covered by the scope of these investigations. Subject merchandise contained in a blended, mixed or commingled product described above will not have undergone a chemical reaction as a result of being blended, mixed or commingled.

Notwithstanding the above, specifically excluded from the scope are downstream products, including but not limited to, inks,

coatings and overprint varnishes. For purposes of this exclusion, the downstream product requires only the application of energy to be cured, *e.g.,* inks or varnish applied to packaging, coatings applied to wood flooring, *etc.* The energy source required to cure the downstream product to its substrate can be thermal, ultraviolet radiation, visible light, electron beam radiation, or infrared radiation.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2916.12.5050, 2916.14.2050, 3824.99.2900, 3907.29.0000 and 3907.30.0000. Subject merchandise may also be entered under subheadings 2916.12.1000 and 3824.99.9397. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Changes Since the *Preliminary Determination*
IV. Final Affirmative Determination of Critical Circumstances
V. Application of Facts Available and Use of Adverse Inference
VI. Discussion of the Issues
  Comment 1: Whether to Apply Total Adverse Facts Available to Miwon
  Comment 2: Whether Commerce Should Include U.S. Sales of Products Further Processed in a Third Country
  Comment 3: Whether Commerce Should Include U.S. Sales of Products Further Processed in the United States
  Comment 4: Whether Commerce Should Grant Miwon a Constructed Export Price Offset
  Comment 5: Whether to Use Miwon's Reported U.S. Credit and Inventory Carrying Expenses
  Comment 6: Whether to Revise Miwon's Reported Home Market Credit Expenses
  Comment 7: Whether to Revise Miwon's Reported U.S. Indirect Selling Expenses
  Comment 8: Whether to Revise Miwon's Reported Rebates
  Comment 9: Whether to Incorporate Miwon's Minor Corrections from the Sales Verification
  Comment 10: Whether to Revise Certain of Miwon's Reported Dates of Sale
  Comment 11: Whether to Exclude Miwon's Reported Sales of Non-Subject Merchandise
  Comment 12: Whether to Clarify Miwon's Reported Sales of Subject Merchandise from the Verification Report
  Comment 13: Whether to Adjust Miwon's General & Administrative Expense Ratio
  Comment 14: Whether to Clarify Certain Information from the Cost Verification Report
VII. Recommendation

[FR Doc. 2026–10520 Filed 5–26–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–866]

High Purity Dissolving Pulp From Brazil: 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 high purity dissolving pulp (dissolving pulp) from Brazil is being, or is 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 27, 2026.

FOR FURTHER INFORMATION CONTACT: 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) 482–3810.

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 September 8, 2025.[1] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] On February 18, 2026, Commerce postponed the preliminary determination of this investigation and the revised deadline is now May 18, 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 product covered by this investigation is dissolving pulp from Brazil. 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 not preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Constructed export

[1] *See High Purity Dissolving Pulp from Brazil and Norway: Initiation of Less-Than-Fair-Value Investigations,* 90 FR 43168 (September 8, 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 High Purity Dissolving Pulp from Brazil and Norway: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 91 FR 7445 (February 18, 2026).

[5] See Memorandum, Decision Memorandum for the Preliminary Affirmative Determination in the Leess than fair value investigation of High purity Dissolving Pulp from Brazil, dated oncurrently with, and hereby adopted by, this notice (preliminary Decision Memborandum).

[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 High Purity Dissolving Pulp from Brazil and Norway and Countervailing Duty Investigation of High Purity Dissolving Pulp from Brazil: Preliminary Scope Decision Memorandum,'' dated concurrently with this preliminary determination (Preliminary Scope Decision Memorandum).

prices have been calculated in accordance with section 772(b) of the Act. Normal value is calculated in accordance with section 773 of the Act. In addition, Commerce has relied on partial facts available under section 776(a)(1) of the Act and partial adverse facts available under sections 776(a) and (b) of the Act for Bracell Bahia Specialty Cellulose S.A. (BSC) and Bracell SP Celulose Ltda. (BSP) (collectively, Bracell). 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.

Commerce calculated an individual estimated weighted-average dumping margin for Bracell, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Bracell 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/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Bracell Bahia Specialty Cellulose S.A./Bracell SP Celulose Ltda.[9]	7.20	6.09
All Others	7.20	6.09

Suspension of Liquidation

In accordance with section733(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 for estimated antidumping duties, as follows: (1) the cash deposit rate for subject merchandise exported by Bracell will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a company 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.[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] 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.[12]

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 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

[9] Commerce has preliminarily determined that BSC and BSP are a single entity. *See* Preliminary Decision Memorandum for further discussion.

[10] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[11] 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 Procedures*).

[12] 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.

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, 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 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 May 12, 2026, pursuant to 19 CFR 351.210(e), Bracell requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[15] 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: May 18, 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 merchandise subject to this investigation is high purity dissolving pulp, which is a dissolving pulp with an alpha cellulose percentage of 90 percent by weight or higher on an oven dry basis, as calculated by: alpha cellulose percentage = (100 − S10) + 0.5 * (S10 − S18) where S10 and S18 values are determined by International Organization for Standardization (ISO) 692:1982, and having a brightness level of 90 percent or higher, as measured by ISO 2470–1:2016. High purity dissolving pulp may be derived from any virgin or recycled cellulose fiber source (including, but not limited to, those sourced from hardwoods, softwoods, woody crops, agricultural crops/byproducts/residue, and agricultural/industrial/other waste). High purity dissolving pulp may be produced from a chemical pulping process including without limitation a kraft (sulfate) pulping and/or sulfite pulping process.

High purity dissolving pulp can be shipped in any form, including, but not limited to, a liquid slurry or in any dried form such as flakes, powder, granules, pellets, shreds, rolls and sheets.

The scope includes merchandise matching the above description that has been finished, packaged, or otherwise processed in a third country, including but not limited to processes such as commingling, blending, diluting, repackaging, or any other process that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country. The scope also includes high purity dissolving pulp that is commingled or blended with high purity dissolving pulp from sources not subject to this investigation. Only the subject component of such commingled or blended products is covered by the scope of this investigation.

Excluded from the scope is high purity dissolving pulp with an intrinsic viscosity under 455 milliliters per gram (mL/g), as measured by ISO 5351:2010.

Also excluded from the scope is cotton linters pulp that consists of at least 90 percent by weight, on an oven-dried basis, of cotton linters fibers.

High purity dissolving pulp products are classified under subheadings 4702.00.0020 and 4702.00.0040 of the Harmonized Tariff Schedule of the United States (HTSUS). High purity dissolving pulp products may also enter under subheadings 4706.30.0000 or 4706.92.0100. Reference to the HTSUS classifications is provided for convenience and customs purposes, and the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation and Single Entity Treatment
V. Application of Facts Available and Use of Adverse Inference
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. 2026–10523 Filed 5–26–26; 8:45 am]

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[14] *See APO and Service Procedures.*

[15] *See* Bracell's Letter, ''Bracell's Request for Postponement of the Department's Antidumping Duty Final Determination,'' dated May 12, 2026.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–833]

Large Diameter Welded Pipe From the Republic of Türkiye: Preliminary Results and Rescission, In Part, of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), May 1, 2024, through April 30, 2025. In addition, we are rescinding the review with respect to 12 companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Elizabeth Beuley, 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) 482–3269.

SUPPLEMENTARY INFORMATION:

Background

On June 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on large diameter welded line pipe (welded pipe) from the Republic of Türkiye (Türkiye).[1] On July 22, 2025, Commerce selected HDM Celik Boru Sanayi Ve Ticaret A.S. (HDM) as the mandatory respondent in this review.[2] On September 23, 2025, the petitioner [3] timely withdrew its request for review of three companies.[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] and, 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 March 11, 2026, we extended the preliminary results of this review to no later than May 20, 2026.[7]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[8] A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is welded pipe from Türkiye. For a complete description of the scope of the *Order, 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 a party who requested a review withdraws its request within 90 days of the date of publication of notice of initiation. As noted above, Commerce received timely-filed withdrawal requests with respect to the following companies, and no other parties requested an administrative review of these companies: (1) Noksel Celik Boru Sanayi A.S. (Noksel); (2) Toscelik Profil ve Sac End. A.S.; [9] and (3) Toscelik Spiral Boru Uretim A.S.[10] Therefore, we are rescinding this administrative review with respect to these companies, pursuant to 19 CFR 351.213(d)(1).

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it concludes that there were no suspended entries of subject merchandise during the POR.[11] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.[12] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.[13] Commerce notified all interested parties of its intent to rescind the instant review regarding the companies listed in Appendix II because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.[14] No party commented on our intent to rescind. In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding this administrative review for the companies listed in Appendix II, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Constructed export price is 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.

Rate for Non-Individually Examined Company

The Act and Commerce's regulations do not address the establishment of a rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 26967 (June 25, 2025) (*Initiation Notice*); *see also Large Diameter Welded Pipe from the Republic of Turkey: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order,* 84 FR 18799 (May 2, 2019); and *Large Diameter Welded Pipe from the Republic of Turkey: Notice of Court Decision Not in Harmony With Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order, in Part,* 85 FR 35262 (June 9, 2020) (*Amended Final Determination*) (collectively, *Order*).

[2] *See* Memorandum, ''Respondent Selection,'' dated July 22, 2025.

[3] The petitioner is the American Line Pipe Producers Association Trade Committee.

[4] *See* Petitioner's Letter, ''Partial Withdrawal of Request for Administrative Review,'' dated September 23, 2025 (Petitioner Withdrawal Request).

[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.

[7] *See* Memorandum, ''Extension of Deadline for the Preliminary Results of the 2024–2025 Antidumping Administrative Review,'' dated March 11, 2026.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Large Diameter Welded Pipe from the Republic of Türkiye; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] In English, this company's name is Toscelik Profile and Sheet Ind. Co.

[10] *See* Petitioner Withdrawal Request.

[11] *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4154 (January 24, 2023).

[12] *See* 19 CFR 351.212(b)(1).

[13] *See, e.g., Shanghai Sunbeauty Trading Co.* v. *United States,* 380 F.Supp.3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that ''{w}hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended''; *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review,* 77 FR 65532 (October 29, 2012) (noting that ''for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate'').

[14] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated August 11, 2025.

Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any rates that are zero, *de minimis* (*i.e.,* less than 0.5 percent), or determined entirely on the basis of facts available. Where the weighted-average dumping margin for each of the individually examined companies is zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated.''

In this administrative review, we preliminarily calculated a weighted-average dumping margin for HDM, the sole individually examined respondent in this review. Because this estimated weighted-average dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, we are preliminarily assigning the estimated weighted-average dumping margin calculated for HDM to Cimtas Boru Imalatiral Ticaret Ltd. (Cimtas), the remaining company under review that was not selected for individual examination, consistent with the guidance in section 735(c)(5)(A) of the Act.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margins exist for the period May 1, 2024, through April 30, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
HDM Celik Boru Sanayi Ve Ticaret A.S.[15]	1.89
Cimtas Boru Imalatiral Ticaret Ltd	1.89

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 accordance with 19 CFR 351.224(b).

Verification

Commerce received a timely request from the petitioner to verify the information submitted in this administrative review, pursuant to 19 CFR 351.307(b)(1)(iv).[16] Commerce does not intend to verify the information submitted by the mandatory respondent in the course of this administrative review.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[17] 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.[18] 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.[19] 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.[20] 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).[21]

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: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participants are foreign nationals; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[22]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If HDM's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[23] 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 HDM's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[24]

In accordance with Commerce's ''automatic assessment'' practice, for

[15] This rate also applies to HDM Spiral Kaynakli Celik Boru A.S., the English name of which is HDM Spirally Welded Steel Pipe Inc.

[16] *See* Petitioner's Letter, ''Request for Verification,'' dated November 13, 2025.

[17] *See* 19 CFR 351.309.

[18] *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*).

[19] *See* 19 CFR 351.309(c)(2) and (d)(2).

[20] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[21] *See APO and Service Procedures.*

[22] *See* 19 CFR 351.310(d).

[23] *See* 19 CFR 351.212(b)(1).

[24] *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).

entries of subject merchandise during the POR produced by HDM for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[25]

For Cimtas, which was not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the ''Rate for Non-Individually Examined Company'' section, above.

For the companies listed above and in Appendix II for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for 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 rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

The final results of this 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.[26] Commerce intends to issue assessment instructions to CBP regarding HDM and Cimtas 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 companies listed above will be that established 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) for previously investigated or reviewed companies not covered by 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, or the 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 1.57 percent, the all-others rate established in the *Amended Final Determination*.[27] These cash deposit requirements, when imposed, shall remain in effect until further notice.

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, 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 of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 20, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

Appendix II

Companies With No Reviewable Entries—Rescinded From Review

1. Cagil Makina San ve Tic A.S. AKA Cagil Makina A.S.
2. Spirally Welded Steel Pipe Inc.
3. Emek Boru Makina Sanayi ve Ticaret A.S.
4. Erciyas Celik Boru Sanayi A.S.
5. Mazlum Mangtay Boru Son. Ins. Tar.Urn.San.ve Tic. A.S.
6. Ozbal Celik Boru San. Tic. Ve TAAH A.S.
7. Umran Celik Boru Sanayii A.S.

Companies With Review Requests Withdrawn—Rescinded From Review

1. Noksel Celik Boru Sanayi A.S.
2. Toscelik Profil ve Sac End. A.S.;
3. Toscelik Spiral Boru Uretim A.S.

[FR Doc. 2026–10522 Filed 5–26–26; 8:45 am]

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[25] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[26] *See* section 751(a)(2)(C) of the Act.

[27] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–053]

Certain Aluminum Foil From the People's Republic of China: Amended 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) is amending the final results of the administrative review of the antidumping duty (AD) order on certain aluminum foil (aluminum foil) from the People's Republic of China (China) to correct a ministerial error. The period of review (POR), April 1, 2023, through March 31, 2024.

DATES: Applicable May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Jacob Waddell, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1369.

SUPPLEMENTARY INFORMATION:

Background

On April 16, 2026, Commerce published the *Final Results* of the 2023–2024 administrative review of the AD order on aluminum foil from China.[1] On April 21, 2026, we received a timely filed ministerial error allegation from the Aluminum Association Trade

[1] *See Certain Aluminum Foil from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 20405 (April 16, 2026) (*Final Results*), and accompanying Issues and Decision Memorandum.

Enforcement Working Group,[2] the petitioners.[3] As we agree with the allegations, we are amending the *Final Results* to correct certain ministerial errors raised by the petitioners.[4]

Legal Framework

Section 751(h) of the Tariff Act of 1930, as amended (the Act), defines a ''ministerial error'' as including ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other unintentional error which the administering authority considers ministerial.'' [5] With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce ''will analyze any comments received and, if appropriate, correct any . . . ministerial error by amending the final results of review. . .''

Ministerial Errors

In the ministerial error comments, the petitioners alleged that Commerce made a ministerial error in its calculation of a surrogate value for selling, general and administrative (SG&A), and interest expenses.[6] We agree that we made a ministerial error regarding the calculation of a surrogate value for SG&A, and interest expenses in the *Final Results,* pursuant to section 751(h) of the Act and 19 CFR 351.224(f), and have amended our calculations to correct this error.[7]

For a complete discussion of the ministerial error allegation, as well as Commerce's analysis, *see* the Ministerial Error Memorandum. The Ministerial Error Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users as *https://access.trade.gov*.

Amended Final Results of Review

As a result of correcting the ministerial error described above, we determine that the following estimated weighted-average dumping margins for the respondents and companies receiving a separate rate for the period April 1, 2023, through March 31, 2024.

Exporter	Weighted-average dumping margin (percent)
Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd./Hangzhou Dingsheng Import&Export Co., Ltd./Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited/Hangzhou Teemful Aluminium Co., Ltd./Hangzhou Five Star Aluminium Co., Ltd./Inner Mongolia Liansheng New Energy Material Co., Ltd./Inner Mongolia Xinxing New Energy Material Co., Ltd./Dingheng New Materials Co., Ltd./Thai Ding Li New Materials Co., Ltd	26.60
Jiangsu Zhongji Lamination Materials Co., Ltd./Jiangsu Zhongji Lamination Materials Co., (HK) Limited/Jiangsu Huafeng Aluminum Industry Co., Ltd./Anhui Zhongji Battery Foil Sci&Tech Co., Ltd./Anhui Maximum Aluminum co., Ltd./Sichuan Wanshun Zhongji Aluminium Industry Co., Ltd	29.89
Companies Receiving a Separate Rate	
Dong-IL Aluminium Co., Ltd	28.01
Eastern Valley Co., Ltd	28.01
Korea Aluminium Co., Ltd	28.01
Lotte Aluminium Co., Ltd	28.01
Xiamen Xiashun Aluminum Foil Co., Ltd	28.01

Disclosure

Pursuant to 19 CFR 351.224(b), we intend to disclose to parties in this proceeding the calculations performed for these amended final results within five days of the publication of this notice in the **Federal Register**.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), 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 amended final results of this review. The amended final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the amended final results of this review and for future deposits of estimated duties, where applicable.[8]

Where Dingsheng [9] and Zhongji [10] reported reliable entered values, we calculated importer- (or customer-) specific ad valorem rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[11] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[12] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than de minimis (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[13] Where an importer- (or

[2] The Aluminum Association Trade Enforcement Working Group's constituent members are JW Aluminum Company, Novelis Corporation, and Reynolds Consumer Products, LLC (collectively, the petitioners).

[3] *See* Petitioners' Letter, ''Petitioners' Comments on a Ministerial Error in the Final Results Margin Calculations,'' dated April 21, 2026 (Petitioners' Ministerial Error Allegation).

[4] *See* Memorandum, ''Analysis of Ministerial Error Allegations,'' dated concurrently with this notice (Ministerial Error Memorandum).

[5] *See* 19 CFR 351.224(f).

[6] *See* Petitioners' Ministerial Error Allegation.

[7] *See* Ministerial Error Memorandum.

[8] *See* section 751(a)(2)(C) of the Act.

[9] Dingsheng, collectively, consists of Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Hangzhou Dingsheng Import&Export Co., Ltd.; Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited; Hangzhou Teemful Aluminium Co., Ltd.; Hangzhou Five Star Aluminium co., Ltd.; Inner Mongolia Liansheng New Energy Material Co., Ltd.; Inner Mongolia Xinxing New Energy Material Co., Ltd.; Dingheng New Materials Co., Ltd.; and Thai Ding Li New Materials Co., Ltd. *See* Memorandum, ''Dingsheng Final Results Analysis Memorandum,'' dated concurrently with this notice.

[10] Zhongji, collectively, consists of Jiangsu Zhongji Lamination Materials Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., (HK) Limited; Jiangsu Huafeng Aluminum Industry Co., Ltd.; Anhui Zhongji Battery Foil Sci&Tech Co., Ltd.; Anhui Maximum Aluminum Co., Ltd.; and Sichuan Wanshun Zhongji Aluminium Industry Co., Ltd.

[11] *See* 19 CFR 351.212(b)(1).

[12] *Id.*

[13] *Id.*

customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[14]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the amended 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 amended cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in these amended final results of review for each exporter as listed above; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this 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.

[14] *See* 19 CFR 351.106(c)(2).

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 APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 751(a) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: May 15, 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. 2026–10525 Filed 5–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–233, C–557–837, C–552–857]

Stationary and Portable Air Compressors From the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable May 20, 2026.

FOR FURTHER INFORMATION CONTACT: Jonathan Hall-Eastman and Maria Teresa Aymerich at (202) 482–6467 and (202) 482–0499, respectively, (the People's Republic of China (China)), Ted Pearson at (202) 482–2631 (Malaysia), and Henry Wolfe at (202) 482–0574 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On April 30, 2026, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of stationary and portable air compressors (air compressors) from China, Malaysia, and Vietnam, filed in proper form on behalf of MAT Industries, LLC (the petitioner), a domestic producer of air compressors.[1] The CVD Petitions were accompanied by antidumping duty (AD) petitions concerning imports of air compressors from China, Malaysia, and Vietnam.[2]

Between May 4 and 14, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petitions in supplemental questionnaires.[3] Between May 8 and 18, 2026, the petitioner filed timely responses to these requests for additional information.[4]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC), the Government of Malaysia (GOM), and the Government of Vietnam (GOV) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of air compressors in the respective countries and that such imports are materially injuring, or threatening material injury to, the domestic industry producing air

[1] *See* Petitioner's Letter, ''Petition for the Imposition of Antidumping and Countervailing Duties,'' dated April 30, 2026 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''Supplemental Questions,'' dated May 4, 2026 (Malaysia CVD Supplemental Questionnaire); ''Supplemental Questions,'' dated May 5, 2026 (First Vietnam CVD Supplemental Questionnaire); ''Supplemental Questions,'' dated May 6, 2026 (First General Issues Questionnaire); ''Supplemental Questions,'' dated May 8, 2026 (China CVD Supplemental Questionnaire); ''Second Supplemental Questions,'' dated May 13, 2026 (Second Vietnam CVD Supplemental Questionnaire); *see also* Memorandum, ''Teleconference with Counsel to the Petitioner,'' dated May 14, 2026; and Memorandum, ''Teleconference with Counsel to the Petitioner,'' dated May 19, 2026 (Third General Issues Questionnaire).

[4] *See* Petitioner's Letters, ''Response to the Supplemental Questions Regarding Volume VII,'' dated May 8, 2026 (First Vietnam CVD Supplement); ''Response to the General Issues Supplemental Questions,'' dated May 11, 2026 (First General Issues Supplement); ''Response to the Supplemental Questions Regarding Volume VI,'' dated May 11, 2026 (Malaysia CVD Supplement); ''Response to the Supplemental Questions Regarding Volume V,'' dated May 13, 2026 (China CVD Supplement); ''Response to the Second Supplemental Questionnaire Regarding Volume VII,'' dated May 15, 2026 (Second Vietnam CVD Supplement); ''Response to the Second Supplemental Questionnaire Regarding Volume I,'' dated May 18, 2026 (Second General Issues Supplement); and ''Response to the Third Supplemental Questionnaire Regarding Volume I,'' dated May 20, 2026.

compressors in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in sections 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.[5]

Periods of Investigation (POI)

Because the Petitions were filed on April 30, 2026, the POI for each of the CVD investigations is January 1, 2025, through December 31, 2025.[6]

Scope of the Investigation

The products covered by these investigations are air compressors from China, Malaysia, and Vietnam. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

Between May 6 and 19, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[7] Between May 11 and 20, 2026, the petitioner provided clarifications and revised the scope.[8] The description of merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[9] Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information, all such factual information should be limited to public information.[10] Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on June 9, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on June 22, 2026, which is the next business day after 10 calendar days from the initial comment deadline.[11]

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[12] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOC, GOM, and GOV of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petitions.[13] Commerce held consultations with the GOM on May 18, 2026.[14] The GOC and GOV did not request consultations.[15]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is

[5] *See* section on ''Determination of Industry Support for the Petitions,'' *infra.*

[6] *See* 19 CFR 351.204(b)(2).

[7] *See* First General Issues Questionnaire; *see also* Second General Issues Questionnaire; and Third General Issues Questionnaire.

[8] *See* First General Issues Supplement at 2–8; *see also* Second General Issues Supplement at 1–4; and Third General Issues Supplement at 1.

[9] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] The deadline for scope rebuttal comments falls on June 19, 2026, which is a federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (in this instance, June 22, 2026). *See* 19 CFR 351.303(b)(1) (''For both electronically filed and manually filed documents, if the applicable due date falls on a non-business day, the Secretary will accept documents that are filed on the next business day.'').

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help* and a handbook can be found at *https://access.trade.gov/ACCESSHandbookonElectronicFilingProcedures_March2026.pdf.*

[13] *See* Commerce's Letter, ''Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated April 9, 2026.

[14] *See* Memorandum, ''Consultations with the Government of Malaysia,'' dated May 18, 2026; *see also* GOM's Letter, ''The Government of Malaysia's Statement for the Consultations on the Countervailing Duty Petition,'' dated May 19, 2026.

[15] *See* GOC's Letter, ''Comments on CVD Petition,'' dated May 15, 2026; *see also* GOC's Letter, ''Comments on CVD Petition: Alleged Transnational Subsidy Programs,'' dated May 15, 2026; and GOV's Letter, ''Comments on Countervailing Duty Petition,'' dated May 18, 2026.

responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,[16] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[17]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.[18] Based on our analysis of the information submitted on the record, we have determined that air compressors, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[19]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioner provided its own shipments of air compressors in 2025 and compared this to the estimated total shipments of the domestic like product for the entire domestic industry.[20] Because total production data for the domestic like product for 2025 are not reasonably available to the petitioner, and the petitioner has established that shipments are a reasonable proxy for production data,[21] we relied on data provided by the petitioner for purposes of measuring industry support.[22]

Our review of the data provided in the Petitions, the First General Issues Supplement, the Second General Issues Supplement, the Third General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.[23] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[24] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[25] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[26] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[27]

Injury Test

Because China, Malaysia, and Vietnam are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from China, Malaysia, and Vietnam materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product.

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; underselling and price depression and suppression; lost sales and revenues; decline in U.S. shipments and a U.S. producer ceasing production; negative impact on financial performance; and negative impact on investment in automation and technology.[28] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[29]

Initiation of CVD Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of air compressors from China, Malaysia, and Vietnam benefit from countervailable subsidies conferred by the GOC, GOM, and GOV. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

China

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 39 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

[16] *See* section 771(10) of the Act.

[17] *See USEC, Inc.* v. *United States,* 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F.Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd.* v. *United States,* 865 F.2d 240 (Fed. Cir. 1989)).

[18] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Checklists, ''Countervailing Duty Investigation Initiation Checklists: Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Country-Specific CVD Initiation Checklists), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Stationary and Portable Air Compressors from the People's Republic of China, Malaysia, and the Socialist Republic of Vietnam (Attachment II). These checklists are on file electronically via ACCESS.

[19] For further discussion, *see* Attachment II of the Country-Specific CVD Initiation Checklists.

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.; see also* section 702(c)(4)(D) of the Act.

[25] *See* Attachment II of Country-Specific CVD Initiation Checklists.

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

Malaysia

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 23 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Malaysia CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Vietnam

Based on our review of the Petitions, we find that there is sufficient information to initiate a CVD investigation on 43 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the Vietnam CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petitions, the petitioner identified over 300 companies in China, five companies in Malaysia and 12 companies in Vietnam as producers/exporters of air compressors.[30] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, Commerce intends to select mandatory respondents based on quantity and value (Q&V) questionnaires issued to the potential respondents. Commerce normally selects mandatory respondents in CVD investigations using U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the ''Scope of the Investigation'' in the appendix. However, for these investigations, one of the main HTSUS subheadings under which the subject merchandise would enter (HTSUS 8414.80.1685) is a basket category under which non-subject merchandise may also enter. Therefore, we cannot rely on CBP entry data in selecting respondents. Notwithstanding the decision to rely on Q&V questionnaires for respondent selection, due to the large number of Chinese producers and/or exporters identified in the Petition, Commerce has determined to limit the number of Q&V questionnaires that it will issue to Chinese producers and/or exporters based on CBP data for air compressors from China during the POI under the appropriate HTSUS subheadings listed in the ''Scope of the Investigations,'' in the appendix.[31] Accordingly, for China, Commerce will issue Q&V questionnaires to the largest producers and/or exporters that are identified in the CBP entry data for which there is complete address information on the record. For Malaysia and Vietnam, we intend to issue Q&V questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will post the Q&V questionnaires along with filing instructions on Commerce's website at *https://www.trade.gov/ec-adcvd-case-announcements.* Producers/exporters of air compressors from China, Malaysia, and Vietnam that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant producers/exporters no later than 5:00 p.m. ET on June 3, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://www.trade.gov/administrative-protective-orders.*

Distribution of a Copy of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions have been provided to the GOC, GOM, and GOV via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of air compressors from China, Malaysia, and/or Vietnam are materially injuring, or threatening material injury to, a U.S. industry.[32] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[33] Otherwise, these CVD investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [34] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[35] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time

[30] *See* Petitions at Volume I (Exhibit 11); *see also* First General Issues Supplement at Exhibit GI–SUPP–1; and Second General Issues Supplement at Exhibit GI–SUPP2–1.

[31] *See* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated May 19, 2026.

[32] *See* section 703(a)(1) of the Act.

[33] *Id.*

[34] *See* 19 CFR 351.301(b).

[35] *See* 19 CFR 351.301(b)(2).

limit established under 19 CFR 351.301, or as otherwise specified by Commerce.[36] For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in these investigations.[37]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[38] Parties must use the certification formats provided in 19 CFR 351.303(g).[39] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[40]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: May 20, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by these investigations consists of certain stationary and portable air compressors, whether electric, gas, or battery powered, including electric motor and gasoline engine powered air compressors with either oil free or oil lubricated reciprocating pumps, and with an integrated pressure vessel that ranges in size from 1 to 80 gallons. The compressors may be either direct drive or belt driven.

Direct drive air compressors included in the scope have a motor connected directly to the compressor element. Belt driven air compressors included in the scope have a motor connected to the compressor crankshaft with a belt. Direct drive air compressors are more often portable but can be stationary, while belt driven air compressors are either portable or stationary.

Covered air compressors have a power level designation between 373 watts (0.5 HP) and 22.37 kilowatts (30 HP). Specifically, portable air compressors often range in power from 0.5HP (373 watts) to 15HP (11.19KW). Reciprocating stationary air compressors range in power from 0.5HP (373 watts) to 25HP (18.64KW). However, a portable or stationary air compressor with a different power level, within the range of 373 watts to 22.37 KW, and otherwise meeting the language of the scope, is covered by the scope. The scope includes only certain reciprocating (piston) compressors, which use a piston moving back and forth in a cylinder to compress the air. The scope also includes unfinished compressors exported from the subject countries. Subject merchandise also includes finished and unfinished compressors that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of these investigations if performed in the country of manufacture of the in-scope air compressors. The additional parts used to complete ''unfinished compressors'' in a third country are subject to the scope of these investigations.

For the purposes of this scope, ''unfinished compressors'' are compressors which require additional fabrication such as labeling, and packaging, and kitting operations adding accessories.

Specifically included in the scope are compressors which are imported as part of a package with accessories or other products, or kit. Such accessories include but are not limited to hoses, fittings, tool kits, oils, nail guns, pneumatic paint sprayers, air ratchet wrenches, air grease guns, air drills, air hammers, air sanders, air inflators, and air impact drivers. If such accessories or other products are imported separately from the air compressor, such products are not subject to the scope of these investigations.

Specifically excluded from the scope are AC, DC, and battery powered inflators without an integrated air tank or air reservoir that have an output of 1 CFM or less.

The scope excludes rotary compressors. Types of rotary compressors excluded from the scope are rotary screw, rotary vane, and scroll compressors. The scope also excludes dynamic compressors. Types of dynamic compressors excluded from the scope are centrifugal compressors and axial compressors, where rotating impellers or blades compress air.

The in-scope stationary air compressors are classified under subheadings 8414.80.1615, 8414.80.1625, and 8414.80.1635 of the Harmonized Tariff Schedule of the United States (HTSUS). The in-scope portable air compressors are classified under subheading 8414.80.1685 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the covered merchandise is dispositive.

[FR Doc. 2026–10526 Filed 5–26–26; 8:45 am]

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[36] *See* 19 CFR 351.302.

[37] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[38] *See* section 782(b) of the Act.

[39] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[40] *See Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069 (September 29, 2023).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–846]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From Indonesia: Amended Preliminary Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is amending its preliminary affirmative determination in the less-than-fair-value (LTFV) investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from Indonesia to reflect Commerce's determination that it is necessary to rely on facts otherwise available including adverse inferences (AFA) in reaching its preliminary determination. The period of investigation (POI) is July 1, 2024, through June 30, 2025.

DATES: Applicable May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo or Thomas Cloyd, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2371or (202) 482–1246, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 2026, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of solar cells from Indonesia.[1] In the *Preliminary Determination,* Commerce noted that, because sufficient information regarding affiliation was missing from the record, it was necessary to rely on facts otherwise available in determining the estimated weighted-average dumping margin for PT Blue Sky Solar Indonesia (Blue Sky).[2] Moreover, Commerce stated that it intended to request additional information from Blue Sky to consider for the final determination and that we intended to conduct verification of Blue Sky's responses to more definitively determine whether Blue Sky has undisclosed affiliation.[3] On April 30, 2026, Commerce contacted Blue Sky to obtain additional information and verify Blue Sky's responses regarding affiliation.[4] Blue Sky declined to cooperate with Commerce's request. Therefore, Commerce finds that it is necessary to amend its *Preliminary Determination* to reflect the need to rely on total AFA to determine of Blue Sky's preliminary estimated weighted-average dumping margin. For a detailed discussion of Commerce's request for information and attempt to verify Blue Sky's reporting of affiliations, as well as its decision to rely on total AFA for the *Preliminary Determination, see* the Amended Preliminary Decision Memorandum.

Amended Preliminary Determination

As a result of Commerce's finding that it is necessary to rely on total AFA in reaching its preliminary determination, Commerce is applying the following estimated weighted-average dumping margin to Blue Sky for the *Preliminary Determination.*

Exporter/producer[5]	Weighted-average dumping margin (percent)
PT Blue Sky Solar Indonesia	*94.36

*Rate based on facts available with adverse inferences.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a 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 of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce is applying total AFA to the individually examined company Blue Sky in this investigation, in accordance with section 776 of the Tariff Act of 1930, as amended (the Act), and the applied AFA rate is based solely on the Petition, there are no calculations to disclose.[6]

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates calculated in this amended preliminary determination, in accordance with section 733(d) of the Act. Because this amended preliminary determination results in an increased cash deposit rate, this rate will be effective on the date of publication of this notice in the **Federal Register**. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of our amended preliminary determination.

Notification to Interested Parties

This amended preliminary determination is issued and published in accordance with sections 733(d) 777(i)(1) of the Act.

Dated: May 21, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2026–10519 Filed 5–26–26; 8:45 am]

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[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from Indonesia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part,* 91 FR 22802 (April 28, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See Preliminary Determination* PDM at 5–6.

[3] *Id.*

[4] *See* Memorandum, ''Decision Memorandum for the Amended Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from Indonesia,'' dated concurrently with, and hereby adopted by, this notice (Amended Preliminary Decision Memorandum).

[5] The rate for PT REC Solar Energy Indonesia and the rate for all other producers/exporters remains unchanged for the *Preliminary Determination.*

[6] *See* Alliance for American Solar Manufacturing and Trade's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the Republic of India, the Republic of Indonesia, and the Lao People's Democratic Republic,'' dated July 17, 2025 (Petition); *see also* Checklist, ''Antidumping Duty Investigation Initiation Checklist,'' dated August 6, 2025.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Food Nutrition and Safety (FNS) Measurements and Methods Consortium

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of Research Consortium.

SUMMARY: The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, in support of efforts to develop and evaluate measurement methods and standards, including reference materials, to support quality and safety for the food testing community, is establishing the Food Nutrition and Safety (FNS) Measurements and Methods Consortium (''Consortium''). The Consortium will bring together stakeholders to identify and address measurement and standards needs related to analytical testing of food ingredients and food products. The Consortium efforts are intended to advance food measurement capabilities, support the development of food reference materials, and collect data to support the development of best practices and standard methods. Participants will be required to sign a Cooperative Research and Development Agreement (CRADA). At NIST's discretion, entities that are legally prohibited or not legally authorized to enter into CRADAs may be allowed to participate in the Consortium under an agreement other than a CRADA with terms that may differ, as necessary, from the Consortium CRADA terms.

DATES: The Consortium's activities will commence August 25, 2026. (''Commencement Date''). NIST will accept letters of interest to participate in this Consortium on an ongoing basis.

ADDRESSES: Completed letters of interest must be submitted via the letter of interest webform at *https://forms.gle/*

HBnwvinURpiGJrKF6, by email to *melissa.phillips@nist.gov,* or via hardcopy to the Consortium Manager, Dr. Melissa Phillips, Chemical Sciences Division of NIST's Material Measurement Laboratory, 100 Bureau Drive, Mail Stop 8390, Gaithersburg, Maryland 20899. Organizations whose letters of interest are accepted in accordance with the process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a consortium CRADA with NIST. A consortium CRADA template will be made available to qualifying applicants.

FOR FURTHER INFORMATION CONTACT: J'aime Maynard, Consortia Agreements Officer, National Institute of Standards and Technology's Technology Partnerships Office, by mail to 100 Bureau Drive, Mail Stop 2200, Gaithersburg, Maryland 20899, by electronic mail *agreements@nist.gov,* or by phone (301) 975–8408.

SUPPLEMENTARY INFORMATION: The objective of the FNS Measurements and Methods Consortium is to develop and evaluate measurement methods and standards to support quality and safety in the food testing community. Food manufacturers rely on accurate analytical testing methods to ensure consistency in food production and accuracy in product labeling, and thus, compliance with food labeling laws. Additionally, testing is critical to understand potential contamination sources and levels to ensure food ingredients and food products are safe for human consumption and to reduce the need for product recalls.

The focus of this Consortium is to compare measurement methods to characterize and quantify nutrients and/or contaminants in food ingredients and food products, toward improving overall comparability within the community and enabling organizations that join the Consortium (''Consortium Members'') to improve the accuracy and precision of their own, internal measurements. The Consortium will organize at least one interlaboratory study annually based on candidate reference materials and/or commercial products with the following goals:

- Evaluate the applicability of current reference materials for food ingredient and food product testing, and develop new reference materials to support advancement of the food testing industry.
- Compare the suitability of current published methods, including standard methods, to measure nutrients and/or contaminants in food ingredients and food products.
- Utilize common materials to collect reproducibility data in support of measurement assurance and standards development, and propose tests(s) that can be standardized through the AOAC International or similar consensus process, using outcomes from Consortium efforts as a foundation.

No proprietary information will be shared or accepted as part of the Consortium. Contributions of materials to be used as interlaboratory study samples, such as food ingredients or products, are highly encouraged.

Participation Process

Eligibility to participate in the Consortium will be determined by NIST based on the information provided by prospective participants in response to this notice. Prospective participants can submit a letter of interest by completing the letter of interest webform at *https://forms.gle/HBnwvinURpiGJrKF6;* alternatively, parties can answer the questions detailed in LETTER OF INTEREST, below, and send via email or hardcopy (for reference, see **ADDRESSES** section above). NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the project objective or requirements identified below.

Each responding organization's letter of interest should include the address, point of contact, and following information:

(1) The contribution(s) the organization will make to the Consortium efforts. All Consortium members must contribute one or more of the following:

a. Analytical Testing: Narrative of interest and experience in analytical testing of food ingredients and food products and description of the services and/or technical capabilities they will contribute to Consortium activities. Please describe thoroughly or attach information about available instrumentation, relevant accreditations, published methods, etc.

b. Materials: Narrative of interest and description of the food ingredients or food products they will contribute to Consortium activities.

c. Unique Industry or Community Perspective: Narrative of interest and description of other relevant expertise (*e.g.,* trade associations, regulatory oversight, standards development) they will contribute to Consortium activities.

(2) List of anticipated participating individuals (anyone contributing to Consortium activities, such as laboratory analysts, should be included).

Letters of interest must not include proprietary information, including proprietary business information. NIST will not treat any information provided in response to this notice as proprietary information. NIST will notify each organization of its eligibility to join the Consortium. In order to participate in this Consortium, each eligible organization must sign a CRADA. Entities that are legally prohibited or not legally authorized to enter into CRADAs may be allowed to participate in the Consortium, at NIST's discretion, under separate non-CRADA agreements with terms that may differ, as necessary, from the Consortium CRADA terms. NIST does not guarantee participation in the Consortium to any organization submitting a letter of interest.

Authority: 15 U.S.C. 3710a.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2026–10528 Filed 5–26–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 260507–0127]

Manufacturing USA Institute Competition: Technology Transition Roadmaps

AGENCY: National Institute of Standards and Technology, U.S. Department of Commerce.

ACTION: Notice of Intent (NOI).

SUMMARY: The Office of Advanced Manufacturing (OAM) at the National Institute of Standards and Technology (NIST) intends to announce a competition for eligible Manufacturing USA Institutes to develop actionable roadmaps for transitioning technologies to market. NIST intends that through this competition, institutes will identify and document the capabilities and resources needed to de-risk the scale-up of advanced manufacturing technologies from pilot to full commercial integration in the U.S. industrial base. The expected competition will seek to enable applicants to work with critical stakeholders to envision how a Manufacturing USA institute can achieve full adoption readiness and industry uptake of institute-developed technology platforms. This NOI is provided to allow potential applicants sufficient time to develop proposals and collaborations among critical stakeholders.

FOR FURTHER INFORMATION CONTACT: All inquiries may be directed to Ms. Cheryl Leonard via email to *ManufacturingUSA@nist.gov* or by phone at (301) 975–4350, with a subject line stating: ''Technology Transition Roadmaps.'' NIST will respond to questions received with answers to frequently asked questions (FAQs) posted on the NIST competition website at *https://www.nist.gov/oam/funding-opportunities.*

SUPPLEMENTARY INFORMATION:

Purpose

This notice serves to announce that the U.S. Department of Commerce, through NIST, intends to open a competition to develop industry-focused, actionable technology transition roadmaps to move from pilot-scale to commercial-scale manufacturing.

The competition will seek to enable eligible Manufacturing USA institutes to identify existing gaps and solutions needed to encourage private-sector investments for scaling institute-developed manufacturing technologies for commercial adoption. NIST intends that the applications must identify specific market drivers, demand signals, or critical manufacturing needs with potential to strengthen the global competitiveness of the U.S. industrial base. NIST anticipates that potential applicants will detail how scaling and commercializing technology developed by the Manufacturing USA institute will achieve meaningful and quantifiable impacts on domestic manufacturing efficiency and productivity. NIST expects that the competition will ask applicants to outline essential infrastructure, resources, capabilities, and partnerships necessary for institutes to act as effective navigators for scale-up and deployment of advanced manufacturing innovations, accelerating impacts. NIST intends that this competition will encourage applicants to envision how NIST laboratories and programs can work with institutes to demonstrate and validate new technologies, create effective commercialization pathways, and assist vendors, suppliers, and manufacturers of all sizes in implementing advanced manufacturing at scale.

Award Amount

NIST intends to provide federal funding of up to $10,000,000. Multiple awards are expected, with each award not exceeding $550,000 for a period of 18-months through a cooperative agreement. No cost-share requirement is anticipated for this competition.

Eligibility

Eligibility for this competition is limited to existing Manufacturing USA institutes.

The competition is expected to be announced in Summer 2026, with a formal announcement on *Grants.gov* and the NIST Office of Advanced Manufacturing website (*www.nist.gov/oam*). NIST expects to post and update answers to frequently asked questions in support of this NOI and the future competition. Interested applicants should monitor *https://NIST.gov/oam* for updates.

Background

Program Background

The Manufacturing USA program exists to secure U.S. global leadership in advanced manufacturing (*https://www.manufacturingusa.com/*). The nine Federal agencies participating in Manufacturing USA bring a whole-of-government approach to innovation, one that springboards U.S.-based inventions to the forefront of advanced manufacturing technologies, created and utilized by a skilled American workforce.

Each Manufacturing USA institute is a public-private partnership that brings together manufacturers of all sizes, universities and community colleges, Federal agencies, and state organizations to accelerate innovation by investing in industrially relevant pre-competitive advanced manufacturing technologies to advance specific technology sectors and develop the current and future workforce in those technologies. Manufacturing USA institutes are tasked to mature advanced manufacturing technologies from laboratory prototypes to industrial readiness, focusing on major industry challenges that can be addressed collaboratively, but are generally beyond the reach of individual organizations. Institutes bridge the gap between basic research and commercial product development, provide shared assets allowing access to cutting-edge capabilities and equipment, and create accessible training resources to ensure that students and workers have the skills needed for careers in advanced manufacturing. Each Manufacturing USA institute also serves as a regional hub of manufacturing innovation, providing the infrastructure to reinforce the competitiveness of the U.S. industrial base and strengthen our national and economic security.

Competition Information

Once the competition has been announced, further information may be found at *https://www.nist.gov/oam/funding-opportunities/.*

Disclaimers

This NOI does not constitute a solicitation. No applications may be submitted in response to this NOI. NIST will post a future announcement on *Grants.gov* that will provide the full requirements for applying for an assistance award. When published, information within the Notice of Funding Opportunity (NOFO) will supersede in its entirety any information provided by this NOI. Any inconsistency between information within this NOI and the expected NOFO announcing NIST's Technology Transition Roadmaps competition shall be resolved in favor of the NOFO.

The roadmaps that will result from this competition are intended to identify actionable mechanisms to drive the adoption of advanced manufacturing innovation. Applicants should not expect any follow-up funding from NIST as a result of outcomes from this competition.

Authority

The statutory authorities for the Technology Transition Roadmaps competition are 15 U.S.C. 278s(g) (Manufacturing USA), 15 U.S.C. 272(b) (Functions of Secretary and Institute), and 42 U.S.C. 18972 (Promoting domestic production of technologies developed under the Manufacturing USA Program).

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2026–10515 Filed 5–26–26; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–1157]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, (OUSD(P&R)), Department of Defense.

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R) 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 27, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Military Community Support Programs, 4800 Mark Center Drive, Suite 14E08, Alexandria, VA 22350, Erika Slaton, (571) 372–5417.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Military and Family Life Counseling Feedback Form; OMB Control Number 0704–FLCS.

Needs and Uses: This information collection is necessary to measure users' satisfaction with MFLC program services to make data driven programming updates.

Affected Public: Individuals or households.

Annual Burden Hours: 3667.

Number of Respondents: 11,000.

Responses per Respondent: 2.

Annual Responses: 22,000.

Average Burden per Response: 10 minutes.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: May 21, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–10461 Filed 5–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0332]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of War has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for DEERS Enrollment/ID Card Issuance; DD Form 1172–2; OMB Control Number 0704–0415.

Type of Request: Revision.

Number of Respondents: 2,153,182.

Responses per Respondent: 1.

Annual Responses: 2,153,182.

Average Burden per Response: 3 minutes.

Annual Burden Hours: 107,659.

Needs and Uses: The information collected is used to determine an individual's eligibility for benefits and privileges, to provide a proper identification card reflecting those benefits and privileges, and to maintain a centralized database of the eligible population.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: May 21, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–10457 Filed 5–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–1156]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense.

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R) 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 27, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy)/ Accession Policy, 4000 Defense Pentagon, Washington, DC 20301, LTC Charles Manning, (703) 695–5527.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Request for Verification of Birth; DD Form 372; OMB Control Number 0704–0006.

Needs and Uses: Title 10, U.S.C. 505, 532, 3253, and 8253, require applicants meet minimum and maximum age and citizenship requirements for enlistment into the Armed Forces (including the Coast Guard). If an applicant is unable to provide a birth certificate, the recruiter will forward a DD Form 372, ''Request for Verification of Birth,'' to a state or local agency requesting verification of the applicant's birth date. This verification of the birth date ensures that the applicant does not fall outside the age limitations, and the applicant's place of birth supports the citizenship status claimed by the applicant.

Affected Public: State, Local, or Tribal Government.

Annual Burden Hours: 12,500.

Number of Respondents: 150,000.

Responses per Respondent: 1.

Annual Responses: 150,000.

Average Burden per Response: 5 minutes.

Frequency: On Occasion.

Dated: May 21, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–10460 Filed 5–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0200]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under the Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of War has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Student Registration, DoDEA Form 600, and Sure Start Medical/ Dental Examination, DoDEA Form 1307; OMB Control Number 0704–0495.

Type of Request: Revision.

Number of Respondents: 67,550.

Responses per Respondent: 1.

Annual Responses: 67,550.

Average Burden per Response: 29.8783.

Annual Burden Hours: 33,638.

Needs and Uses: This information collection requirement is necessary to obtain information on Department of War military and civilian sponsors and their dependents. The information obtained from sponsors is used to determine their dependents' enrollment eligibility to attend the Department of Defense Education Activity (DoDEA) schools. This includes determination of enrollment categories, whether tuition-free or tuition-paying, space-required or space-available. Information gathered for students is used for age verification, class and transportation schedules, record attendance, absence and withdrawal, record and monitor student progress, grades, course and grade credits, educational services and placement, activities, student awards, special interest, and accomplishments.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: May 21, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–10459 Filed 5–26–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0266]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Perkins Loan Program Regulations

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before June 26, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Perkins Loan Program Regulations.

OMB Control Number: 1845–0023.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 8,217,172.

Total Estimated Number of Annual Burden Hours: 149,369.

Abstract: The requirements of these regulations is necessary to monitor a school's due diligence in its contact with the Perkins loan borrower regarding repayment, billing and collections, reimbursement to its Perkins loan revolving fund, rehabilitation of defaulted loans as well as institutions use of third party collections. There has been no change to the regulations. This is a request for an extension without change of the currently approved reporting and record-keeping requirements contained in the regulations related to the administrative requirements of the Perkins Loan Program.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–10470 Filed 5–26–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Case Number 2025–001; EERE–2025–BT–WAV–0139]

Energy Conservation Program: Notification of Petition for Waiver of Zhuhai Samyou Environmental Technology Co., Ltd. From the Department of Energy Walk-In Coolers and Walk-In Freezers Test Procedure and Notification of Grant of Interim Waiver

AGENCY: Office of Critical Minerals and Energy Innovation, Department of Energy.

ACTION: Notification of petition for waiver and grant of an interim waiver; request for comments.

SUMMARY: This notification announces receipt of and publishes a petition for waiver and interim waiver from Zhuhai Samyou Environmental Technology Co., Ltd. (''Samyou''), which seeks a waiver for specified walk-in cooler and walk-in freezer (''WICF'') basic models from the U.S. Department of Energy (''DOE'') test procedure used for determining the efficiency of WICFs. Through this document, DOE also gives notification of its grant of an Interim Waiver Order that requires Samyou to test and rate the specified WICF basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning Samyou's petition and its suggested alternate test procedure to inform DOE's final decision on Samyou's waiver request.

DATES: Written comments, data, and information are requested and will be accepted on or before June 26, 2026.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number EERE–2025–BT–WAV–0139. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by case number ''2025–001'' and docket number EERE–2025–BT–WAV–0139, by any of the following methods:

(1) Email: ZhuhaiSamyouRefSyst2025wav0139@ee.doe.gov. Include the case number [Case No. 2025–001] in the subject line of the message.

(2) Postal Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop CM–5B, Petition for Waiver Case No. 2025–001, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

(3) Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at *www.regulations.gov/docket/EERE-2025-BT-WAV-0139.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See the **SUPPLEMENTARY INFORMATION** section of this document for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Dommu, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Building Technologies Office, Mailstop CM–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Request@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–4798. Email: *Eric.Stas@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

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II. Authority and Background
III. Samyou's Petition for Waiver and Application for Interim Waiver
IV. Requested Alternative Test Procedure
V. Interim Waiver Order
VI. Approval of the Office of the Secretary

I. Request for Comments

DOE is publishing Samyou's petition for waiver in its entirety, pursuant to 10 CFR 431.401(b)(1)(iv).[1] The petition includes a suggested alternate test procedure to determine the efficiency of Samyou's WICF systems. DOE is also publishing the Interim Waiver Order granted to Samyou, which serves as notification of DOE's determination regarding Samyou's petition for an interim waiver, pursuant to 10 CFR 431.401(e)(3). DOE may consider including the alternate procedure specified in the Interim Waiver Order in a subsequent Decision and Order.

DOE invites all interested parties to submit in writing by June 26, 2026, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 431.401(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Yang Bo, Unit 3–B–2, Building 4, No.1, 7th Technology Road, Tangjiawan Town, HighTech Zone, Zhuhai, China, 519080. Email: *ken.zhong@live.cn.*

[1] The petition did not identify any of the information contained therein as confidential business information.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI''). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption, and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Case Number 2025–001

Interim Waiver Order

II. Authority and Background

The Energy Policy and Conservation Act, as amended (''EPCA''),[2] among other things, authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317, as codified) Title III, Part C[3] of EPCA established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency for certain types of industrial equipment. This equipment includes Walk-in Coolers and Walk-in Freezers, the focus of this document. (42 U.S.C. 6311(1)(G))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use, or estimated annual operating cost of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The current test procedure for walk-in coolers and walk-in freezers is contained in the Code of Federal Regulations (''CFR'') at 10 CFR part 431, subpart R, appendix C, *Uniform Test Method for the*

[2] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

[3] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A–1.

Measurement of Net Capacity and AWEF of Walk-In Cooler and Walk-In Freezer Refrigeration Systems.

Under 10 CFR 431.401, any interested person may submit a petition for waiver from DOE's test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(f)(2). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption characteristics. 10 CFR 431.401(b)(1)(iii). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 431.401(f)(2).

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 431.401(l). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.*

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. 10 CFR 431.401(e)(3). Within one year of issuance of an interim waiver, DOE will either: (i) publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 431.401(h)(1).

If the interim waiver test procedure methodology is different than the decision and order test procedure methodology, certification reports to DOE required under 10 CFR 429.12 and any representations must be based on either of the two methodologies until 180–360 days after the publication date of the decision and order, as specified by DOE in the decision and order. Thereafter, certification reports and any representations must be based on the decision and order test procedure methodology, unless otherwise specified by DOE. 10 CFR 431.401(i)(1). When DOE amends the test procedure to address the issues presented in a waiver, the waiver or interim waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 431.401(h)(3).

III. Samyou's Petition for Waiver and Application for Interim Waiver

On November 23, 2025, DOE received from Samyou a petition for waiver and interim waiver from the test procedure for walk-in coolers and walk-in freezers set forth at 10 CFR part 431, subpart R, appendix C.[4] (Samyou, No. 1 at p. 10) [5] Pursuant to 10 CFR 431.401(e)(1), DOE posted the petition on the DOE website at: *www.regulations.gov/document/EERE-2025-BT-WAV-0139-0001.* The petition did not identify any of the information contained therein as confidential business information.

The American Heating and Refrigeration Institute (AHRI) Standard 1250P (I–P)–2009, titled ''Standard for Performance Rating of Walk-in Coolers and Freezers'' (''AHRI 1250–2009''), is incorporated by reference in the test procedure for walk-in cooler refrigeration systems with certain modifications enumerated in 10 CFR part 431, subpart R, appendix C. Referencing AHRI 1250–2009, 10 CFR part 431, subpart R, appendix C provides two possible methods for measuring the refrigeration capacity of single-package dedicated systems: [6] the DX Dual Instrumentation method and the DX Calibrated Box method (see section C5.1 through C5.1.2 of AHRI 1250–2009). For both methods, the refrigeration capacity is determined by measuring the enthalpy change and mass flow rate of the refrigerant (''refrigerant enthalpy method'').

Samyou's petition for waiver and interim waiver asserts that their single-package systems with compact internal configuration and densely packed components require less space for installation; however, there is insufficient physical space within the unit to install all temperature and airflow sensors required by AHRI 1250–2009 without compromising the integrity of the refrigeration circuit. Samyou further asserts that retrofitting the models for testing by drilling into the units or rerouting refrigerant lines would alter the unit's thermal performance, thereby invalidating results. Samyou asserts that their single-package system design constitutes a technical barrier that prevents following the DOE test procedure as currently prescribed, and, therefore, these models require an alternative test method that yields accurate, representative, and repeatable energy consumption data without physically modifying the unit.

Samyou also requested an interim waiver from the existing DOE test procedure, explaining that absent an interim waiver, it would be unable to certify and distribute these models in the U.S. market, resulting in loss of revenue, inability to fulfill existing contracts, competitive disadvantage to manufacturers who have already been granted similar waivers, and potential inventory obsolescence and supply chain disruption. *Id.* DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. 10 CFR 431.401(e)(3).

IV. Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of covered equipment. (42 U.S.C. 6314(d)) Consistency is important when making representations about the energy efficiency of covered equipment, including when demonstrating compliance with applicable DOE energy conservation standards. Pursuant to 10 CFR 431.401, and after consideration of public comments on the petition, DOE may establish in a subsequent Decision and Order an alternate test procedure for the Samyou basic models addressed by the Interim Waiver Order.

Samyou seeks to use an alternate test procedure to test and rate specific WICF basic models. Samyou suggested that the specified basic models be tested according to the test procedure in 10 CFR part 431, subpart R, appendix C, except that instead of using the refrigerant enthalpy method to

[4] The specific basic models for which the petition applies are Samyou VLD–02ZFCLVX3H and MRCOOL MEFDW12D. These basic model names were provided by Samyou in its November 23, 2025 petition.

[5] A notation in this form provides a reference for information that is in the docket for this test procedure waiver (Docket No. EERE–2025–BT–WAV–0139) (available at: *www.regulations.gov/docket/EERE-2025-BT-WAV-0139*). This notation indicates that the statement preceding the reference is document number 1 in the docket and appears at page 10 of that document.

[6] ''Single-packaged dedicated system'' means a refrigeration system (as defined in 10 CFR 431.302) that is a single-package assembly that includes one or more compressors, a condenser, a means for forced circulation of refrigerated air, and elements by which heat is transferred from air to refrigerant, without any element external to the system imposing resistance to flow of the refrigerated air. 10 CFR 431.302.

determine capacity, the specified basic units be tested using the indoor air enthalpy and outdoor air enthalpy test methods to determine capacity.

V. Interim Waiver Order

DOE has reviewed Samyou's application for an interim waiver and the alternate test procedure requested by Samyou.

As described by Samyou, the subject basic models are unable to be tested according to the prescribed DOE test procedure without making significant modifications to the units that would alter their performance. The alternative test method submitted by Samyou would not require modifications to the units under test. Additionally, DOE notes that the alternate test procedure requested by Samyou follows the same approach as the test procedure waiver previously granted to Store It Cold [7] for a unit with similar space constraints.

DOE has initially determined that the alternate test procedure appears to allow for the accurate measurement of the energy efficiency of the specified basic models, while alleviating the testing problems cited by Samyou in implementing the DOE test procedure for these WICF basic models. Consequently, DOE has determined that Samyou's petition for waiver likely will be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant Samyou immediate relief pending a determination of the petition for waiver.

For the reasons stated, it is *ordered* that:

(1) Samyou must test and rate the following WICF basic models with the alternate test procedure set forth in paragraph (2).

Brand	Basic model [8]
SAMYOU	VLD–02ZFCLVX3H
MRCOOL	MEFDW12D

(2) The alternate test procedure for the Samyou basic models identified in paragraph (1) of this Interim Waiver Order is the test procedure for WICFs prescribed by DOE at 10 CFR part 431, subpart R, appendix C,[9] except that the indoor air enthalpy and outdoor air enthalpy methods are used instead of the DX Dual Instrumentation method or the DX Calibrated Box method, as detailed below. All other requirements of appendix C and DOE's regulations remain applicable.

In 10 CFR part 431, subpart R, appendix C, section 3.1. *General modifications: Test Conditions and Tolerances,* revise sections 3.1.1. and 3.1.4, and add instructions in a new section 3.1.8. regarding Tables 3 and 4 of AHRI 1250–2009, to read:

3.1.1. In Table 1, Instrumentation Accuracy, refrigerant temperature measurements shall have a tolerance of ±0.5 F for unit cooler in/out. Temperature measurements used to determine water vapor content of the air shall be accurate to within ±0.4 F, ±1.0 F for all other temperature measurements.

3.1.4. In Tables 2 through 14, the Test Condition Outdoor Wet Bulb Temperature requirement and its associated tolerance apply only to units with evaporative cooling and single-packaged dedicated systems. The condenser-side condensate pan must be dry during performance measurement test periods.

3.1.8. Tables 3 and 4 shall be modified to read as follows:

TABLE 3—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED INDOORS

Test description	Unit cooler air entering dry-bulb (°F)	Unit cooler air entering relative humidity (%)	Condenser air entering dry-bulb (°F)	Condenser air entering wet-bulb (°F)	Compressor capacity	Test objective
Off-Cycle Fan Power.	35	<50	.....	.....	Compressor Off	Measure fan input wattage during compressor off cycle.
Refrigeration Capacity.	35	<50	90	[1] 75,[2] 65	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.

Note:
[1] Required only for evaporative Dedicated Condensing Units.
[2] Maximum allowable value for Single-Packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

TABLE 4—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED OUTDOORS

Test description	Unit cooler air entering dry-bulb (°F)	Unit cooler air entering relative humidity (%)	Condenser air entering dry-bulb (°F)	Condenser air entering wet-bulb (°F)	Compressor capacity	Test objective
Off-Cycle Fan Power.	35	<50	.....	.....	Compressor Off	Measure fan input wattage during compressor off cycle.

[7] For more information on the Store It Cold waiver, *see www.regulations.gov/document/EERE-2018-BT-WAV-0002-0019.*

[8] The Interim Waiver Order applies only to the WICF system basic models manufactured by Samyou specified in the petition and Interim Waiver Order. The Interim Waiver Order does not cover any other WICF system basic models manufactured by Samyou or any other manufacturer.

[9] AHRI 1250–2009 is incorporated by reference in the Federal test procedure at 10 CFR 431.303(b)(2). The alternate test procedure provides amendments to 10 CFR part 431, subpart R, appendix C that include required modifications to the test method prescribed in AHRI 1250–2009.

TABLE 4—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED OUTDOORS—Continued

Test description	Unit cooler air entering dry-bulb (°F)	Unit cooler air entering relative humidity (%)	Condenser air entering dry-bulb (°F)	Condenser air entering wet-bulb (°F)	Compressor capacity	Test objective
Refrigeration Capacity A.	35	<50	95	[1] 75,[2] 68	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.
Refrigeration Capacity B.	35	<50	59	[1] 54,[2] 46	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler and system input power at moderate condition.
Refrigeration Capacity C.	35	<50	35	[1] 34,[2] 29	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler and system input power at cold condition.

Note:
[1] Required only for evaporative Dedicated Condensing Units.
[2] Maximum allowable value for Single-Packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

In 10 CFR part 431, subpart R, appendix C, section 3.2, *General Modifications: Methods of Testing,* add the following instructions regarding additional modifications to the test method prescribed in appendix C of AHRI 1250–2009:

3.2.9 In appendix C, section C1 reads: *Purpose.* The purpose of this appendix is to provide a method of testing for Matched-pair, Single-packaged Dedicated Systems, as well as unit coolers and Dedicated Condensing Units tested alone.

3.2.10 In appendix C, section C5 and C5.1 read as follows:

3.2.10.1 C5 reads: C5, *Methods of Testing for walk-in cooler and freezer systems that have matched unit coolers and condensing units.* The testing of the walk-in cooler and freezer systems include a steady-state test, defrost test, and off-cycle fan power test. For single-packaged dedicated systems, calculate the refrigeration capacity and power consumption using the Indoor Air Enthalpy test method and the Outdoor Air Enthalpy test method. The Indoor Air Enthalpy test method shall be considered the primary measurement and used to report capacity. The Outdoor Air Enthalpy test method shall be considered the secondary measurement and used to calculate the Refrigeration Capacity Heat Balance. See Section C10 of this appendix for complete details on each test method.

3.2.10.2 C5.1 reads: The Gross Total Refrigeration Capacity of Unit Coolers for matched-pairs (not including single-packaged dedicated systems) from steady-state test shall be determined by either one of the following methods.

3.2.11 In appendix C, section C7.1 reads: Refer to the standard rating conditions for a particular application listed in Section 5 of this standard. Test acceptance criteria listed in Table 2 in section 4 of this standard apply to the Dual Instrumentation and Calibrated Box methods of test. Single-packaged dedicated system test tolerances are listed in each applicable Method of Test outlined in section C10.

3.2.12 In appendix C, section C7.2 reads: Data that need to be recorded during the test are listed in Table C2. For single-packaged dedicated systems tested in accordance with ASHRAE 37–2009, data that need to be recorded during the test are listed in ASHRAE 37–2009.

3.2.13 In appendix C, section C6, *Test Chambers Requirements,* add C6.3 to read as follows:

C6.3 For all system constructions (Split Systems, Single-packaged Dedicated Systems, Unit Cooler tested alone, and Dedicated Condensing Unit tested alone), the Unit Cooler under test may be used to aid in achieving the required test chamber ambient temperatures prior to beginning any steady-state test. However, the unit under test must be free from frost before initiating any steady-state testing.

For single-packaged dedicated systems, refer to the applicable methods of test for single-packaged dedicated systems listed in section C10 of this appendix.

In 10 CFR part 431, subpart R, appendix C, section 3.3, *Matched systems, single-packaged dedicated systems, and unit coolers tested alone,* revise the language to read:

3.3 *Matched systems, single-packaged dedicated systems, and unit coolers tested alone:* Use the test method in AHRI 1250–2009 (incorporated by reference; see § 431.303), appendix C as the method of test for matched refrigeration systems, single-packaged dedicated systems, or unit coolers tested alone, with the modifications listed below in sections 3.3.1 through 3.3.7.3.2:

In appendix C of AHRI 1250–2009, renumber the following sections and equations, and references to the following sections and equations, as follows:

Section C10 to Section C11;
Section C11 to C12;
Section C11.1 to C12.1;
Section C11.1.1 to C12.1.1;
Equation C11 to C12;
Equation C12 to C13;
Section C11.2 to C12.2;
Section C11.3 to C12.3;
Equation C13 to C14;
Equation C14 to C15;
Equation C15 to C16;
Equation C16 to C17;
Section C12 to C13; and
Section C13 to C14.

Insert the following as sections C10 through C10.2.3, and equation C11:

C10. *Single-packaged Test Methods and Allowable Refrigeration Capacity Heat Balance.*

C10.1 *Single-packaged Test Methods.*

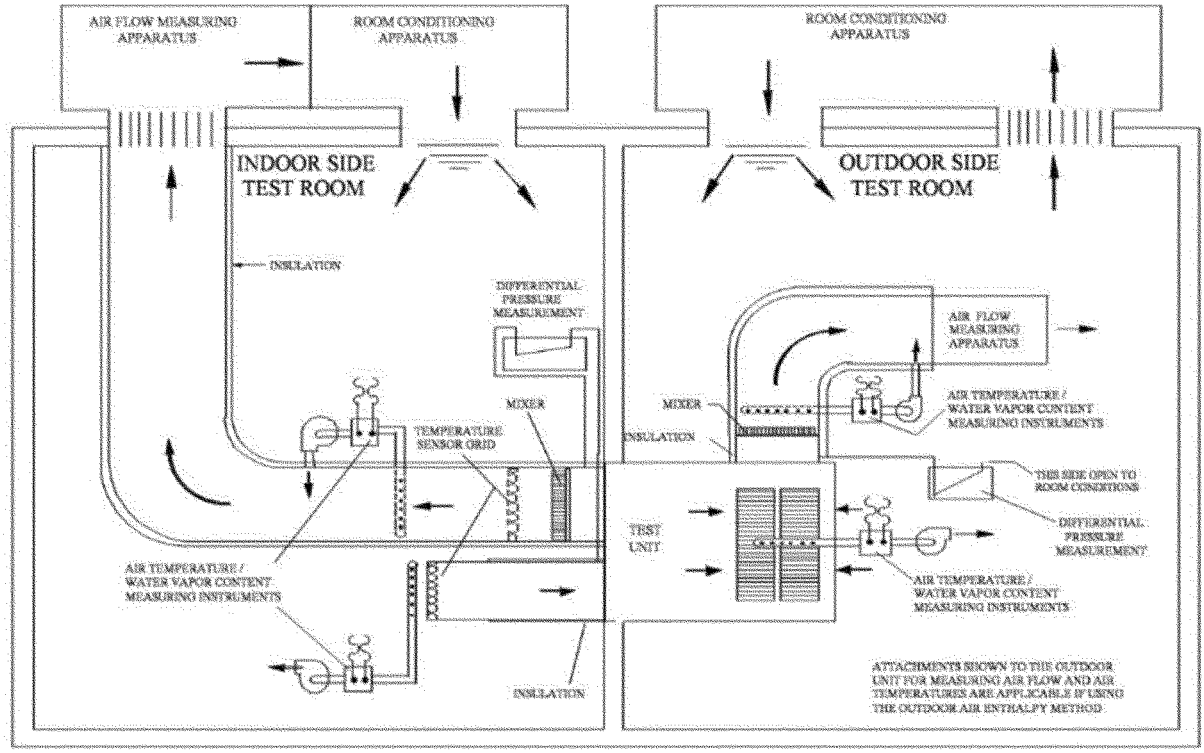

Figure C3 – Air Enthalpy Method

Also see the following website for Figure C3: *www.regulations.gov/document/EERE–2018–BT–WAV–0002–0009.*

C10.1.1 *Indoor Air Enthalpy Method.* Determine Net Refrigeration Capacity of Unit Cooler and input power in accordance with ASHRAE 37–2009, Figure C3, and the following modifications.

C10.1.1.1 Space conditioning capacity is determined by measuring airflow rate and the dry-bub temperature and water vapor content of the air that enters and leaves the coil. Air enthalpies shall be determined in accordance with ANSI/ASHRAE 41.6. Entering air is to be sufficiently dry as to not produce frost on the Unit Cooler coil. Therefore, only sensible capacity measured by dry bulb change shall be used to calculate capacity.

C10.1.1.2 Test Setup for Non-Ducted Unit Coolers. A single outlet plenum box shall be constructed in a cubic arrangement. The length of the longest dimension of the Unit Cooler outlet shall be used to determine the dimension of the cube outlet plenum. Four static pressure taps shall be installed in the center of each face. A 6″ inlet plenum skirt shall be installed with four static pressure taps at each center face as well. Airflow shall be adjusted by the exhaust fan on the airflow plenum to achieve 0.00″WC (± 0.02″ WC).

C10.1.2 *Outdoor Air Enthalpy Method.* Determine Net Refrigeration Capacity of Unit Cooler and input power in accordance with ASHRAE 37–2009, Figure C3, and the following modifications.

C10.1.2.1 Outdoor Air Enthalpy is only applicable on Dedicated Condensing Units for which the leaving air can be fully captured. Space conditioning capacity is determined by measuring airflow rate and the dry-bub temperature and water vapor content of the air that enters and leaves the coil. Air enthalpies shall be determined in accordance with ANSI/ASHRAE 41.6. Line loss adjustments in section 7.3.3.4 of ASHRAE 37–2009 are not applicable to package units.

C10.2 *Allowable Refrigeration Capacity Heat Balance.*

C10.2.1 Following the completion of the steady-state capacity test, for each rating condition, the measured net capacities of the primary and secondary test methods must balance within 6%, per Equation C11.

$$-6\% \leq \frac{\dot{Q}_{net,primary} - \dot{Q}_{net,secondary}}{\dot{Q}_{net,primary}} \times 100\% \leq 6\% \qquad \text{C11}$$

C10.2.2 If measured net capacities do not balance per Equation C11, investigate all potential test facility leaks and/or non-conformances. If no leaks or non-conformances are detected, proceed to section C10.2.3. If any leaks or non-conformances are detected, remedy the concerns and rerun the steady-state test at all applicable rating condition(s). If the measured net capacities balance per Equation C11, then the test is considered valid, and capacity and power measurements from the primary method of the second test will be used. If the measured net capacities still do not balance per Equation C11, proceed to section C10.2.3.

C10.2.3 To achieve a capacity heat balance, the test lab may modify the exterior of the unit under test to reduce

leakage and surface losses. Specifically, the lab may add insulation to the outside surface of the single-packaged dedicated system and/or tape and seal sheet metal edges to minimize outdoor ambient air intrusion to the Unit Cooler. After the unit is insulated, rerun the steady-state test at all applicable rating condition(s). If the measured net capacities balance per Equation C11, then the lab facility and instrumentation are verified as complying with the applicable method of test. However, capacity, power, and all downstream calculations will be based on the results of the primary method from the first test, which occurred before the unit was altered. If the measured net capacities still do not balance per Equation C11, then the lab facility and instrumentation are considered non-compliant, must be remedied, and all prior tests for the unit under test are considered invalid.

In 10 CFR part 431, subpart R, appendix C, sections 3.3 through 3.3.7.3.2 replace references to AHRI–1250–2009 sections C10, C11, C11.1, C11.1.1, C11.2, and C11.3, with C11, C12, C12.1, C12.1.1, C12.2, and C12.3, respectively; and replace references to AHRI–1250–2009 equations C13 and C14 with equations C14 and C15, respectively.

(3) *Representations.* Samyou may not make representations about the efficiency of a basic model listed in paragraph (1) of this Interim Waiver Order for compliance, marketing, or other purposes unless that basic model has been tested in accordance with the provisions set forth in this alternate test procedure and such representations fairly disclose the results of such testing.

(4) This Interim Waiver Order shall remain in effect according to the provisions of 10 CFR 431.401.

(5) This Interim Waiver Order is issued to Samyou on the condition that the statements, representations, test data, and documentary materials provided by Samyou are valid. If Samyou makes any modifications to the controls or configurations of a basic model subject to this Interim Waiver Order, such modifications will render the waiver invalid with respect to that basic model, and Samyou will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for the Interim Waiver Order is incorrect, or the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Samyou may request that DOE rescind or modify the Interim Waiver Order if Samyou discovers an error in the information provided to DOE as part of its petition, determines that the interim waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

(6) Issuance of this Interim Waiver Order does not release Samyou from the applicable requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Samyou may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of WICFs. Alternatively, if appropriate, Samyou may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 431.401(g).

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of petition for waiver, grant of interim waiver, and request for comments.

Signing Authority

This document of the Department of Energy was signed on May 20, 2026, by Audrey Robertson, Assistant Secretary (EERE) for Critical Minerals and Energy Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on May 22, 2026.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

Petition of Zhuhai Samyou Environmental Technology Co., Ltd.

For Waiver and Application for Interim Waiver of Test Procedure for the Measurement of Net Capacity and AWEF of Walk-In Cooler and Walk-In Freezer Refrigeration Systems

Pursuant to 10 CFR 431.401

Submitted by: Zhuhai Samyou Environmental Technology Co., Ltd.

Address: Unit 3–B–2, Building 4, No. 1, 7th Technology Road, Tangjiawan Town, HighTech Zone, Zhuhai, China 519080.

Contact: Yang Bo.

Date: November 20, 2025.

Basic Modl(s) Subject to Waiver:

Model	Brand	Product type
VLD–02ZFCLVX3H	SAMYOU	DC Inverter Compact Refrigeration Unit.
MEFDW12D	MRCOOL	DC Inverter Compact Refrigeration Unit.

I. Grounds for the Waiver Request

The petitioner seeks a waiver from the test procedures prescribed in Appendix C to Subpart R of 10 CFR part 431 for the above-referenced basic model(s) because a unique design characteristic of these models prevents compliance with the standard test methodology.

Specifically, the refrigerated merchandiser units incorporate an extremely compact internal configuration with densely packed components. The product picture and installation figure as below.

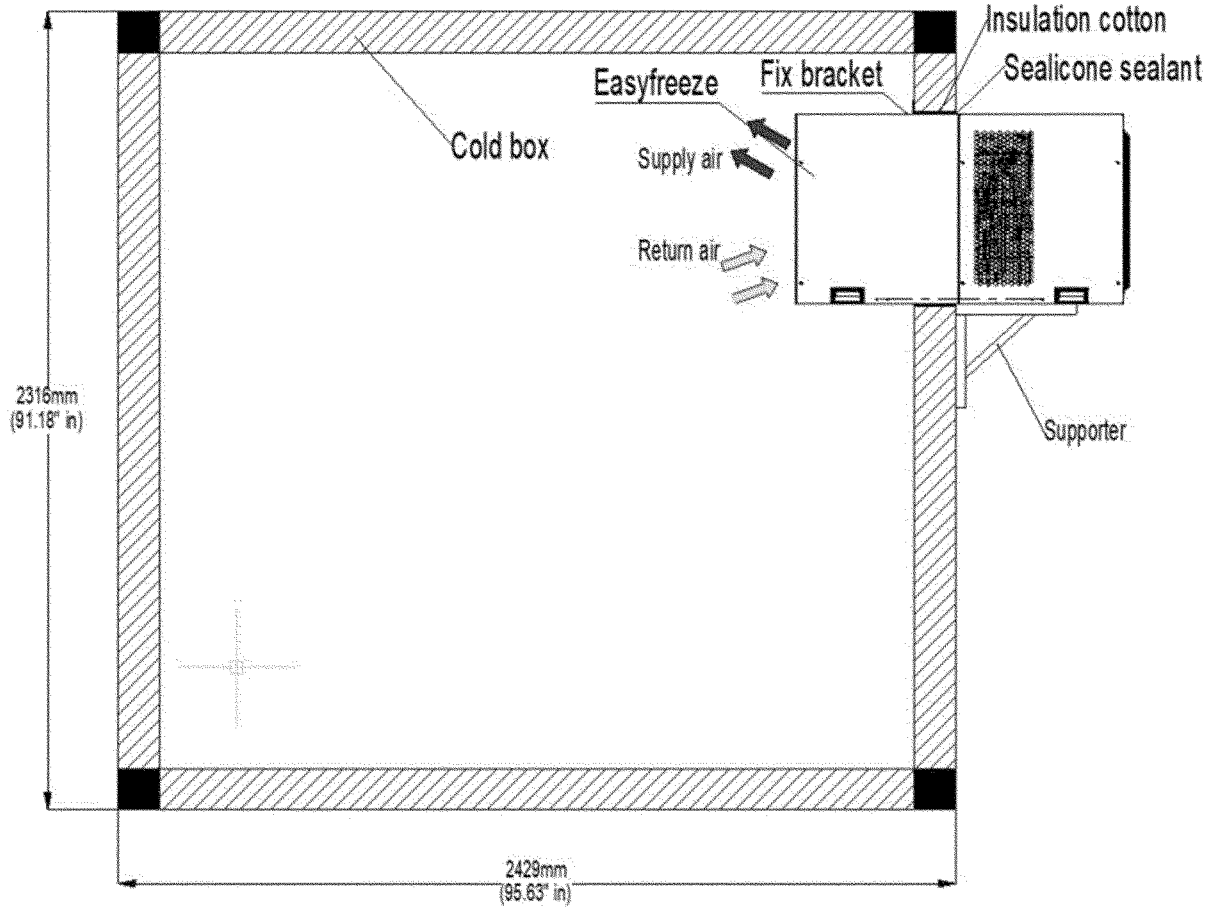

Fig.1 Side mounting overview

The compact configuration requires less space for installation and easy to install on site. But there is insufficient physical space within the unit to install all temperature and airflow sensors required by Appendix C to Subpart R of 10 CFR part 431 without compromising the integrity of the refrigeration circuitry. Any attempt to retrofit the necessary instrumentation would necessitate drilling into or rerouting refrigerant lines, which would alter the unit's thermal performance and invalidate test results.

This design constraint constitutes a legitimate technical barrier that renders strict adherence to the DOE-prescribed test procedure impracticable. Therefore, a waiver is necessary to permit the use of an alternative test method that yields accurate, representative, and repeatable energy consumption data without physically modifying the unit's core architecture.

II. Identification of Other Manufacturers With Similar Design Characteristics

To the best of the petitioner's knowledge, the following manufacturer distributes basic models in U.S. commerce that incorporate similarly space-constrained designs, which may also present challenges in applying the standard Appendix C test procedure:

- Store It Cold, LLC—Models: CBLW08, Models: CBLW10, Models: CBLW12, Models: CBLW15, Models: CBLW18, Models: CBLW25

The petitioner acknowledges that definitive public information on internal design configurations is limited, but based on industry experience and product teardowns, these manufacturers produce units with comparable spatial constraints that could impede full sensor installation per Appendix C.

We also glad to see that DOE has noticed the compact configuration trend for the product and granted the similar waiver to a manufacturer.

III. Proposed Alternative Test Method

The test procedure for the VLD–02ZFCLVX3H with brand name SAMYOU and MEFDW12D with brand name MRCOOL is the test procedure for walk-in cooler refrigeration systems prescribed by DOE at 10 CFR part 431, subpart R, appendix C [1] except as detailed below. All other requirements of 10 CFR part 431, subpart R, appendix C, and DOE's regulations remain applicable.

In 10 CFR part 431, subpart R, appendix C, section 3.1. *General modifications: Test Conditions and Tolerances* revise sections 3.1.1. and 3.1.4., and add instructions in a new section 3.1.8. regarding Tables 3 and 4 of AHRI 1250–2009, to read:

3.1.1. In Table 1, Instrumentation Accuracy, refrigerant temperature measurements shall have a tolerance of ±0.5 F for unit cooler in/out. Temperature measurements used to determine water vapor content of the air shall be accurate to within ±0.4 F, ±1.0 F for all other temperature measurements.

3.1.4. In Tables 2 through 14, the Test Condition Outdoor Wet Bulb Temperature requirement and its

[1] AHRI Standard 1250P (I–P)-2009 (''AHRI 1250–2009'') titled ''Standard for Performance Rating of Walk-in Coolers and Freezers'' is incorporated by reference in the federal test procedure at 10 CFR 431.303(b)(2). The alternate test procedure provides amendments 10 CFR part 431, subpart R, appendix C that include required modifications to AHRI 1250–2009.

associated tolerance apply only to units with evaporative cooling and single-packaged dedicated systems. The condenser-side condensate pan must be dry during performance measurement test periods.

3.1.8. Tables 3 and 4 shall be modified to read as follows:

TABLE 3—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED INDOOR

Test description	Unit cooler air entering dry-bulb, (° F)	Unit cooler air entering relative humidity (%)	Condenser air entering dry-bulb (° F)	Condenser air entering wet-bulb (° F)	Compressor capacity	Test objective
Off-cycle Fan Power	35	<50	.....	.....	Compressor Off	Measure fan input wattage during compressor off cycle.
Refrigeration Capacity.	35	<50	90	[1] 75,[2] 65	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.

Note:
[1] Required only for evaporative Dedicated Condensing Units.
[2] Maximum allowable value for Single-packaged Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

TABLE 4—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED OUTDOOR

Test description	Unit cooler air entering dry-bulb, (° F)	Unit cooler air entering relative humidity (%)	Condenser air entering dry-bulb (° F)	Condenser air entering wet-bulb (° F)	Compressor capacity	Test objective
Off Cycle Fan Power	35	<50	.....	.....	Compressor Off	Measure fan input wattage during compressor off cycle.
Refrigeration Capacity A.	35	<50	95	[1] 75,[2] 68	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.
Refrigeration Capacity B.	35	<50	59	[1] 54,[2] 46	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler and system input power at moderate condition.
Refrigeration Capacity C.	35	<50	35	[1] 34,[2] 29	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler and system input power at cold condition.

Note:
[1] Required only for evaporative Dedicated Condensing Units.
[2] Maximum allowable value for Single-packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

In 10 CFR part 431, subpart R, appendix C, section 3.2. *General Modifications: Methods of Testing* add the following instructions regarding additional modifications to appendix C of AHRI 1250–2009:

3.2.9 In appendix C, section C1. reads: Purpose. The purpose of this appendix is to provide a method of testing for Matched-pair, Single packaged Dedicated Systems, as well as unit coolers and Dedicated Condensing Units tested alone.

3.2.10 In appendix C, section C5. and C5.1 read as follows:

3.2.10.1 C5 reads: C5. Methods of Testing for walk-in cooler and freezer systems that have matched unit coolers and condensing units. The testing of the walk-in cooler and freezer systems include a steady state test, defrost test and off-cycle fan power test. For single-packaged dedicated systems, calculate the refrigeration capacity and power consumption using the Indoor Air Enthalpy test method and the Outdoor Air Enthalpy test method. The Indoor Air Enthalpy test method shall be considered the primary measurement and used to report capacity. The Outdoor Air Enthalpy test method shall be considered the secondary measurement and used to calculate the Refrigeration Capacity Heat Balance. See Section C10 of this appendix for complete details on each test method.

3.2.10.2 C5.1 reads: The Gross Total Refrigeration Capacity of Unit Coolers for matched-pairs (not including single-packaged dedicated systems) from steady state test shall be determined by either one of the following methods.

3.2.11 In appendix C, section C7.1 reads: Refer to the standard rating conditions for a particular application listed in Section 5 of this standard. Test acceptance criteria listed in Table 2 in section 4 of this standard apply to the Dual Instrumentation and Calibrated Box methods of test. Single-packaged dedicated system test tolerances are listed in each applicable Method of Test outlined in section C10.

3.2.12 In appendix C, section C7.2 reads: Data that need to be recorded during the test are listed in Table C2. For single-packaged dedicated systems tested in accordance with ASHRAE 37–2009, data that need to be recorded during the test are listed in ASHRAE 37–2009.

3.2.13 In appendix C, section C6. Test Chambers Requirements, add C6.3 to read as follows:

C6.3 For all system constructions (Split systems, Single-packaged dedicated systems, Unit Cooler tested alone, and Dedicated Condensing Unit tested alone), the Unit Cooler under test may be used to aid in achieving the required test chamber ambient temperatures prior to beginning any Steady-state test. However, the unit under test must be free from frost before initiating any Steady-state testing.

For single-packaged dedicated systems, refer to the applicable methods of test for single-packaged dedicated systems listed in section C10 of this appendix.

In 10 CFR part 431, subpart R, appendix C, section 3.3. *Matched systems, single-packaged dedicated systems, and unit coolers tested alone,* revise the language to read:

3.3 *Matched systems, single-packaged dedicated systems, and unit coolers tested alone:* Use the test method in AHRI 1250–2009 (incorporated by reference; see § 431.303), appendix C as the method of test for matched refrigeration systems, single-packaged dedicated systems, or unit coolers tested alone, with the modifications listed below in sections 3.3.1 through 3.3.7.3.2.:

In appendix C of AHRI 1250–2009, renumber the following sections and equations, and references to the following sections and equations, as follows: Section C10 to Section C11; Section C11 to C12; Section C11.1 to C12.1; Section C11.1.1 to C12.1.1; Equation C11 to C12; Equation C12 to C13; Section C11.2 to C12.2; Section C11.3 to C12.3; Equation C13 to C14; Equation C14 to C15; Equation C15 to C16; Equation C16 to C17; Section C12 to C13; and Section C13 to C14.

Insert the following as sections C10 through C10.2.3, and equation C11:

C10. Single-packaged Test Methods and Allowable Refrigeration Capacity Heat Balance.

C10.1 *Single-packaged Test Methods.*

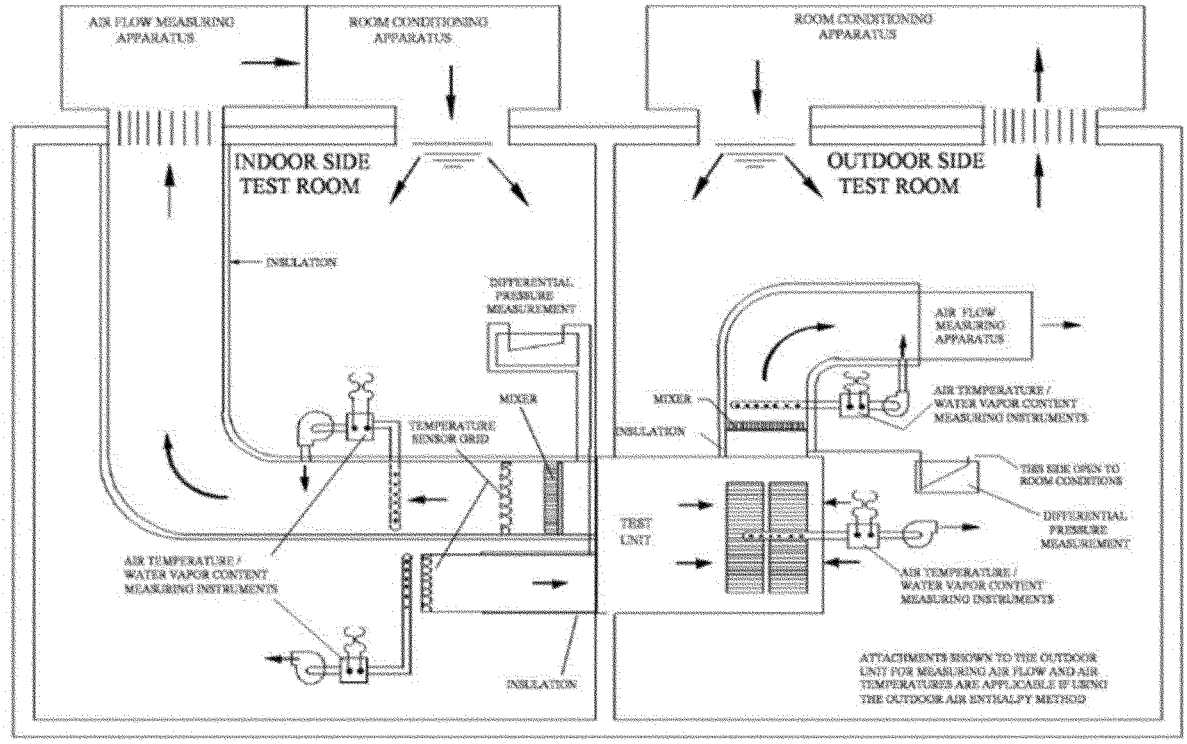

Figure C3 – Air Enthalpy Method

Also see the following website for Figure C3: *https://www.regulations.gov/document/EERE-2018-BT-WAV-0002-0009*.

C10.1.1 *Indoor Air Enthalpy Method.* Determine Net Refrigeration Capacity of Unit Cooler and input power in accordance with ASHRAE 37–2009, Figure C3, and the following modifications.

C10.1.1.1 Space conditioning capacity is determined by measuring airflow rate and the dry-bub temperature and water vapor content of the air that enters and leaves the coil. Air enthalpies shall be determined in accordance with ANSI ASHRAE 41.6.

Entering air is to be sufficiently dry as to not produce frost on the Unit Cooler coil. Therefore, only sensible capacity measured by dry bulb change shall be used to calculate capacity.

C10.1.1.2 Test Setup for Non-Ducted Unit Coolers. A single outlet plenum box shall be constructed in a cubic arrangement. The length of the longest dimension of the Unit Cooler outlet shall be used to determine the dimension of the cube outlet plenum. Four static pressure taps shall be installed in the center of each face. A 6″ inlet plenum skirt shall be installed with four static pressure taps at each center face as well. Airflow shall be adjusted by the exhaust fan on the

airflow plenum to achieve 0.00″ WC (± 0.02″ WC).

C10.1.2 *Outdoor Air Enthalpy Method.* Determine Net Refrigeration Capacity of Unit Cooler and input power in accordance with ASHRAE 37–2009, Figure C3, and the following modifications.

C10.1.2.1 Outdoor Air Enthalpy is only applicable on Dedicated Condensing Units for which the leaving air can be fully captured. Space conditioning capacity is determined by measuring airflow rate and the dry-bub temperature and water vapor content of the air that enters and leaves the coil. Air enthalpies shall be determined in accordance with ANSI ASHRAE 41.6. Line loss adjustments in section 7.3.3.4 of ASHRAE 37–2009 are not applicable to package units.

C10.2 Allowable Refrigeration Capacity Heat Balance.

C10.2.1 Following the completion of the Steady-state capacity test, for each rating condition, the measured net capacities of the primary and secondary test methods must balance within 6%, per Equation C11.

$$-6\% < \frac{Qnet,primary - Qnet,secondary}{Qnet,primary} \times 100\% \leq 6\% \qquad \text{C11}$$

C10.2.2 If measured net capacities do not balance per Equation C11, investigate all potential test facility leaks and/or non-conformances. If no leaks or non-conformances are detected, proceed to Section C10.2.3. If any leaks or non-conformances are detected, remedy the concerns and rerun the Steady-state test at all applicable rating condition(s). If the measured net capacities balance per Equation C11, then the test is considered valid and capacity and power measurements from the primary method of the second test will be used. If the measured net capacities still do not balance per Equation C11, proceed to Section C10.2.3.

C10.2.3 To achieve a capacity heat balance, the test lab may modify the exterior of the unit under test to reduce leakage and surface losses. Specifically, the lab may add insulation to the outside surface of the single-packaged dedicated system and/or tape and seal sheet metal edges to minimize outdoor ambient air intrusion to the Unit Cooler. After the unit is insulated, rerun the Steady-state test at all applicable rating condition(s). If the measured net capacities balance per Equation C11, then the lab facility and instrumentation are verified as complying with the applicable method of test. However, capacity, power, and all downstream calculations will be based on the results of the primary method from the first test, which occurred before the unit was altered. If the measured net capacities still do not balance per Equation C11, then the lab facility and instrumentation are considered non-compliant, must be remedied, and all prior tests for the unit under test are considered invalid.

In 10 CFR part 431, subpart R, appendix C, sections 3.3 through 3.3.7.3.2 replace references to AHRI–1250–2009 sections C10, C11, C11.1, C11.1.1, C11.2, and C11.3, with C11, C12, C12.1, C12.1.1, C12.2, and C12.3, respectively; and replace references to AHRI–1250–2009 equations C13 and C14 with equations C14 and C15, respectively.

IV. Request for Interim Waiver

In addition to the permanent waiver, the petitioner respectfully requests an interim waiver pursuant to 10 CFR 431.401(b)(2), pending final DOE determination on this petition.

Likelihood of Success: The grounds for waiver are well-supported by engineering evidence and consistent with precedent (*e.g.,* Store It Cold). The proposed alternative method is technically sound, reproducible, and aligned with DOE's objective of obtaining accurate energy use data.

Economic Hardship & Competitive Disadvantage: Absent an interim waiver, the petitioner will be unable to certify and distribute these models in the U.S. market. This would result in:

- Loss of significant sales revenue during the review period (estimated at $2–5 million annually),
- Inability to fulfill existing customer contracts and retailer commitments,
- Competitive disadvantage relative to manufacturers who have already secured similar waivers,
- Potential inventory obsolescence and supply chain disruption.

Granting an interim waiver is essential to maintain market access and ensure fair competition while DOE evaluates the full petition.

V. Certification and Signature

I, the undersigned, am authorized to represent the petitioner in this matter. I have reviewed this petition and confirm that all statements herein are true, accurate, and complete to the best of my knowledge and belief.

Signature: _____

Printed Name: Yang Bo.

Title: Quality Manager.

Company: Zhuhai Samyou Environmental Technology Co., Ltd.

Date: November 20, 2025.

[FR Doc. 2026–10483 Filed 5–26–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–23–000]

Commission Information Collection Activities (FERC–725J) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725J (Definition of the Bulk Electric System). The 60-day comment period ended on May 4, 2026, no comments were received.

DATES: Comments on the collection of information are due June 26, 2026.

ADDRESSES: Send written comments on FERC–725J to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202604-1902-006.* You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify Docket No. (IC26–23–000) and the FERC Information Collection number (FERC–725J) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission,

Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

• *All Other Delivery Methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.* Once there, you can also sign up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Contact Kayla Williams at *DataClearance@FERC.gov,* or by telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725J (Definition of the Bulk Electric System).

OMB Control No.: 1902–0259.

Type of Request: Three-year extension of the FERC–725J with no changes to the current reporting requirements.

Abstract: On December 20, 2012, the Commission issued Order No. 773, a Final Rule approving NERC's modification to the definition of ''bulk electric system'' and the Rules of Procedure exception process to be effective July 1, 2013. On April 18, 2013, in Order No. 773–A, the Commission largely affirmed its findings in Order No. 773. In Order Nos. 773 and 773–A, the Commission directed NERC to modify the definition of bulk electric system in two respects: (1) modify the local network exclusion (exclusion E3) to remove the 100 kV minimum operating voltage to allow systems that include one or more looped configurations connected below 100 kV to be eligible for the local network exclusion; and (2) modify the exclusions to ensure that generator interconnection facilities at or above 100 kV connected to bulk electric system generators identified in inclusion I2 are not excluded from the bulk electric system.[1] Each year the Regions and NERC may need to act on exception requests submitted by US only transmission owners, generator owners and distribution providers. Checking past historical requests, staff estimates annual possible exception request to 10 requests. Additionally, it is estimated that each year an entity may request a local distribution determination request.

Type of Respondents: Generator owners, distribution providers, transmission owners entities.

Estimate of Annual Burden.[2] The Commission estimates the annual public reporting burden and cost [3] for the information collection as:

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden (hrs.) & cost ($) per response	Total annual burden hours & total annual cost ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Generator Owners, Distribution Providers, and Transmission Owners (Exception Request).	10	1	10	120 hrs.; $9,915.60	1,200 hrs.; $99,156.
All Registered Entities (Implementation Plans and Compliance).	157	1	157	120 hrs.; $9,915.60	18,840 hrs.; $1,556,749.20.
Local Distribution Determination	1	1	1	120 hrs.; $9,915.60	120 hrs.; $9,915.60.
Total	.....	.....	168	.....	20,160 hrs.; $1,665,820.80

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 estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10505 Filed 5–26–26; 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: EG26–243–000.

Applicants: Scioto Ridge Solar LLC.

Description: Scioto Ridge Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/20/26.

[1] *Revisions to Electric Reliability Organization Definition of Bulk Electric System and Rules of Procedure,* Order No. 773, 141 FERC ¶ 61,236 (2012); *order on reh'g,* Order No. 773–A, 143 FERC ¶ 61,053 (2013); *order on reh'g and clarification,* 144 FERC ¶ 61,174 (2013); *aff'd sub nom., People of the State of New York and the Pub. Serv. Comm'n of New York* v. *FERC,* No. 13–2316 (2d. Cir. 2015). On June 13, 2013, the Commission granted NERC's request for extension of time and extended the effective date for the revised definition of bulk electric system and the Rules of Procedure exception process to July 1, 2014. *Revisions to Electric Reliability Organization Definition of Bulk Electric System and Rules of Procedure,* 143 FERC ¶ 61,231, at P 13 (2013). On March 20, 2014, the Commission approved NERC's revisions to the definition of bulk electric system and determined the revisions either adequately address the Commission's Order Nos. 773 and 773–A directives or provide an equally effective and efficient approach. See *order approving revised definition,* 146 FERC ¶ 61,199 (2014).

[2] 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.

[3] 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*). The hourly estimates for salary plus benefits are:

—Legal (code 23–0000), $140.76.

—File Clerks (code 43–4071), $35.94.

—Electrical Engineer (code 17–2071), $71.19.

The average hourly burden cost for this collection is $82.63 [($140.76 + $35.94 + $ 71.19)/3 = $82.63].

Accession Number: 20260520–5213.
Comment Date: 5 p.m. ET 6/10/26.

Docket Numbers: EG26–244–000.
Applicants: Swenson Solar LLC.
Description: Swenson Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 5/21/26.
Accession Number: 20260521–5064.
Comment Date: 5 p.m. ET 6/11/26.

Docket Numbers: EG26–245–000.
Applicants: Heritage Solar, LLC.
Description: Heritage Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 5/21/26.
Accession Number: 20260521–5132.
Comment Date: 5 p.m. ET 6/11/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–74–000.
Applicants: Entergy Texas, Inc. et al. v. *Midcontinent Independent System Operator Inc. and Southwest Power Pool.*
Description: Complaint of Entergy Texas, Inc. et al. v. *Midcontinent Independent System Operator Inc. and Southwest Power Pool.*
Filed Date: 5/20/26.
Accession Number: 20260520–5240.
Comment Date: 5 p.m. ET 6/22/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER26–2588–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 2646R12 Kansas Municipal Energy Agency NITSA NOA to be effective 5/1/2026.
Filed Date: 5/20/26.
Accession Number: 20260520–5193.
Comment Date: 5 p.m. ET 6/10/26.

Docket Numbers: ER26–2589–000.
Applicants: Faraday Energy Storage LLC.
Description: Initial rate filing: Faraday Energy Storage MBR Application to be effective 12/31/9998.
Filed Date: 5/20/26.
Accession Number: 20260520–5195.
Comment Date: 5 p.m. ET 6/10/26.

Docket Numbers: ER26–2590–000.
Applicants: San Diego Gas & Electric.
Description: 205(d) Rate Filing: Service Agreement No. 73 to be effective 7/19/2026.
Filed Date: 5/20/26.
Accession Number: 20260520–5207.
Comment Date: 5 p.m. ET 6/10/26.

Docket Numbers: ER26–2591–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: 205(d) Rate Filing: Initial Filing of Service Agreement FERC No. 934 and 935 to be effective 7/20/2026.
Filed Date: 5/20/26.
Accession Number: 20260520–5212.
Comment Date: 5 p.m. ET 6/10/26.

Docket Numbers: ER26–2592–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: Revisions to Implement Economic Topology Optimizaton to be effective 10/1/2026.
Filed Date: 5/21/26.
Accession Number: 20260521–5041.
Comment Date: 5 p.m. ET 6/11/26.

Docket Numbers: ER26–2593–000.
Applicants: Cordova Energy Company LLC, MidAmerican Energy Company.
Description: Request for Authorization to Undertake Affiliate Sales of Cordova Energy Company LLC, et al.
Filed Date: 5/18/26.
Accession Number: 20260518–5223.
Comment Date: 5 p.m. ET 6/8/26.

Docket Numbers: ER26–2594–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: 205(d) Rate Filing: Amendment to Service Agreement FERC No. 825 to be effective 5/4/2026.
Filed Date: 5/21/26.
Accession Number: 20260521–5060.
Comment Date: 5 p.m. ET 6/11/26.

Docket Numbers: ER26–2595–000.
Applicants: California Independent System Operator Corporation.
Description: 205(d) Rate Filing: 2026–05–21 Filing of SA 9194 Multilateral VER Agmt among CAISO and SunZia to be effective 12/31/9998.
Filed Date: 5/21/26.
Accession Number: 20260521–5099.
Comment Date: 5 p.m. ET 6/11/26.

Docket Numbers: ER26–2596–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 70 to be effective 7/21/2026.
Filed Date: 5/21/26.
Accession Number: 20260521–5127.
Comment Date: 5 p.m. ET 6/11/26.

Docket Numbers: ER26–2597–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Notice of Cancellation of ISA, SA No. 6571; Queue No. AE2–104/AF2–110 to be effective 6/26/2026.
Filed Date: 5/21/26.
Accession Number: 20260521–5134.
Comment Date: 5 p.m. ET 6/11/26.

Docket Numbers: ER26–2598–000.
Applicants: Public Service Company of Colorado.
Description: 205(d) Rate Filing: 2026–05–21 UPI—SISA—Grandview—926 to be effective 12/10/2025.
Filed Date: 5/21/26.
Accession Number: 20260521–5148.
Comment Date: 5 p.m. ET 6/11/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10504 Filed 5–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–856–000.
Applicants: Northern Natural Gas Company.
Description: 4(d) Rate Filing: 20260520 Negotiated Rate Filing to be effective 5/21/2026.
Filed Date: 5/20/26.
Accession Number: 20260520–5167.
Comment Date: 5 p.m. ET 6/1/26.

Docket Numbers: RP26–857–000.
Applicants: Calypso Exploration, LLC, Ridgewood Tidemark, LLC.
Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of Calypso Exploration, LLC, et al.
Filed Date: 5/20/26.
Accession Number: 20260520–5185.

Comment Date: 5 p.m. ET 6/1/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP25–989–008.

Applicants: Northern Natural Gas Company.

Description: Compliance filing: 20260520 Motion to Reinstate Interim Rates for Contesting Parties to be effective 2/1/2026.

Filed Date: 5/20/26.

Accession Number: 20260520–5202.

Comment Date: 5 p.m. ET 6/1/26.

Docket Numbers: RP26–707–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: Refund Report: TPC 2026–05–21 Annual Cash-Out Refund Report to be effective N/A.

Filed Date: 5/21/26.

Accession Number: 20260521–5076.

Comment Date: 5 p.m. ET 6/2/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10503 Filed 5–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 137–227]

Pacific Gas and Electric Company; Notice of Reasonable Period of Time for Water Quality Certification Application

On May 19, 2026, California State Water Resources Control Board (California SWRCB) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Pacific Gas and Electric Company, in conjunction with the above captioned project on April 20, 2026. Pursuant to section 4.201(e) of the Commission's regulations,[1] we hereby notify the California SWRCB of the following:

Date of Receipt of the Certification Request: April 20, 2026.

Reasonable Period of Time to Act on the Certification Request: One year or April 20, 2027.

If California SWRCB fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

(Authority: 18 CFR 2.1)

Dated: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10501 Filed 5–26–26; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 4.201(e).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4108–019]

City of St. Cloud, Minnesota; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new major license to continue to operate and maintain the St. Cloud Hydroelectric Project No. 4108 (project). The project is located on the Mississippi River, in the City of St. Cloud, in Stearns, Benton, and Sherburne Counties, Minnesota. Commission staff has prepared an Environmental Assessment (EA) for the project.[1]

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document (P–4108). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or at (866) 208–3676 (toll-free), or (202) 502–8659 (TTY).

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed on or before 5:00 p.m. Eastern Time on June 22, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy via the U.S. Postal Service to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–4108–019.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1751981550.

Participation at (202) 502–6595, or at *OPP@ferc.gov.*

For further information, contact David Graefe at (202) 502–6137 or by email at *david.graefe@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10499 Filed 5–26–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2489–049]

Green Mountain Power Corporation; Notice of Reasonable Period of Time for Water Quality Certification Application

On May 11, 2026, Green Mountain Power Corporation (GMP), submitted to the Federal Energy Regulatory Commission (Commission) documentation from the Vermont Department of Environmental Conservation (Vermont DEC) that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5 from GMP, in conjunction with the above captioned project, on May 8, 2026. Pursuant to the Commission's regulations,[1] we hereby notify Vermont DEC of the following:

Date of Receipt of the Certification Request: May 8, 2026.

Reasonable Period of Time to Act on the Certification Request: One year, May 8, 2027.

If Vermont DEC fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

(Authority: 18 CFR 2.1)

Dated: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10500 Filed 5–26–26; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 4.34(b)(5)(iii).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–29–000]

Commission Information Collection Activities (FERC–725U)

AGENCY: Federal Energy Regulatory Commission, DOE.

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 comments on the currently approved information collection, FERC–725U, Mandatory Reliability Standards for the Bulk Power System; CIP Reliability Standards.

DATES: Comments on the collection of information are due July 27, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify Docket No. (IC26–29–000) and the FERC Information Collection number (FERC–725U) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202)502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725U, Mandatory Reliability Standards for the Bulk Power System; CIP Reliability Standards.

OMB Control No.: 1902–0274 (FERC–725U).

Type of Request: Three-year approval of the currently approved collection: FERC–725U with no changes to the reporting or recordkeeping requirements.

Abstract: On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII of the Energy Policy Act of 2005 (EPAct 2005), was enacted into law. EPAct 2005 added a new section 215 to the Federal Power Act (FPA),[1] which requires a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO, subject to Commission oversight, or by the Commission independently. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight or by the Commission independently. In 2006, the Commission certified NERC (now called the North American Electric Reliability Corporation) as the ERO pursuant to section 215 of the FPA. Reliability Standard CIP–014–3 (Physical Security) is part of the implementation of the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk Power system. Reliability Standard CIP–014–3 requires applicable transmission owners and transmission operators to identify and protect transmission stations and transmission substations, and their associated primary control centers that if rendered inoperable or damaged resulting from a physical attack could result in widespread instability, uncontrolled separation, or cascading within an Interconnection.

In terms of information collection requirements, an applicable entity must create or maintain documentation showing compliance, when appropriate, with each requirement of the Reliability Standard. This Reliability Standard CIP–014–3 has six requirements. Transmission owners and transmission operators must keep data or evidence to show compliance with the standard for three years unless directed by its Compliance Enforcement Authority. If a responsible entity is found non-compliant, it must keep information related to the non-compliance until mitigation is complete and approved, or for three years, whichever is longer.

The number of respondents below is based on an estimate of the NERC compliance registry for transmission owners and transmission operators. The Commission based its paperwork burden estimates on the NERC compliance registry as of April 20, 2026. According to the registry, there are 341 transmission owners (TO) and 170

[1] 16 U.S.C. 824*o.*

transmission operators (TOP) who are applicable to CIP–014–3. The estimate is based on a zero change in burden from the current standard to the standard approved in this Order. The Commission based the burden estimate on staff experience, knowledge, and expertise.

For the new Reliability Standard CIP–014–3, the burden for entities remains the same as they will still need to provide the same evidence to demonstrate compliance whether it is kept on-site or loaded electronically into the SEL.

Respondents: Business or other for profit, and not for profit institutions.

Frequency of Responses: On occasion.

Burden Estimates: The Commission estimates the following in the annual public reporting burden and cost [2] as indicated below:

FERC–725U: (MANDATORY RELIABILITY STANDARDS: RELIABILITY STANDARD CIP–014)

	Number of respondents [3] (1)	Number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response (4)	Total burden hours & total cost (3) * (4) = (5) (rounded)	Average cost per respondent (5) ÷ (1)
Change Annual Reporting and Recordkeeping.	341 (TO)	1	341	32 hrs.; $2,032.64	10,912 hrs.; $693,130.	32 hrs.; $2,032.64
	170 (TOP)	1	170	32 hrs.; $2,032.64	5,440 hrs.; $345,549.	32 hrs.; $2,032.64
Total FERC–725U	.....	.....	511	.....	16,352 hrs.; $1,038,679	

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 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10502 Filed 5–26–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0669; FRL–9116–08–OAR]

Phasedown of Hydrofluorocarbons: Allocation of 2026 Production and Consumption Allowances Set Aside for Metered Dose Inhalers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that the Agency allocated hydrofluorocarbon (HFC) set-aside allowances to general pool production and consumption allowance holders. For the calendar year 2026 allocation of HFC allowances, the EPA withheld a limited number of allowances from all general pool allowance holders. These allowances were set aside to accommodate unforeseen HFC needs for metered dose inhaler (MDI) end users. Entities that use HFCs as a propellant in MDIs had until April 30, 2026, to apply for these allowances, and the EPA received no applications. Accordingly, the EPA allocated all of the set-aside allowances pro rata amongst general pool allowance holders. This notice is announcing that allocation.

FOR FURTHER INFORMATION CONTACT: Connor Henderson, U.S. Environmental Protection Agency, Chemicals, Coatings, and Products Division, Office of Clean Air Programs, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–564–2177; email address: *henderson.connor@epa.gov.* You may also visit the EPA's website at *https://www.epa.gov/climate-hfcs-reduction* for further information.

SUPPLEMENTARY INFORMATION: The EPA first established the regulations for issuing allowances in the 2021 final rule titled *Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program Under the American Innovation and Manufacturing Act* [1] and updated previously established methodology in the final rule titled *Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 and Later Years* [2] (2024 Allocation Framework Rule) and the final rule titled *Phasedown of Hydrofluorocarbons: Review and Renewal of Eligibility for Application-Specific Allowances* [3] (2025 Application-specific Allowance Review and Renewal Rule). The 2025 Application-specific Allowance Review and Renewal Rule established an annual set-aside of 1,000,000 metric tons exchange value equivalent (MTEVe) of allowances to be available for the use of hydrofluorocarbons (HFCs) as a propellent in metered dose inhalers (''MDI set-aside'') if the requester meets the criteria for the unique circumstances established in 40 CFR 84.13(b)(1)(iii). These allowances were withheld by the EPA from the October 1, 2025, allocation of 2026 HFC general pool allowances in order to accommodate unforeseen HFC needs, related to use as a propellant in MDIs, resulting from a global pandemic, other public health emergencies, or other healthcare system needs. Entities that use HFCs as a

[2] 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).

[3] The number for TOs (341) and TOPs (170) represent the number of unique US entities and is taken from the NERC compliance registry information as of April 20, 2026.

[1] 86 FR 55116, October 5, 2021.

[2] 88 FR 46836, July 20, 2023.

[3] 90 FR 41676, August 26, 2025.

propellant in MDIs had until April 30, 2026, to apply for these allowances. Having received no applications for MDI set-aside allowances by the April 30, 2026, deadline, the EPA has distributed the entire 1,000,000.0 MTEVe pro-rata to general pool allowance holders. The distributed allowances were allocated in a manner that is proportionate to how many allowances the entity was allocated in the calendar year 2026 allocation.

Note that allowances can only be expended to cover imports and production in the calendar year for which they are allocated. In other words, the allowances referenced in this notice may only be expended through the end of this year, December 31, 2026.

The EPA distributed the 1,000,000.0 MTEVe MDI set-aside allowances pro rata amongst the general pool of production allowance holders as shown in Table 1.

TABLE 1—PRO RATA DISTRIBUTION OF PRODUCTION ALLOWANCES

Entity	Production allowances allocated (MTEVe)
Arkema	120,664.1
Chemours	223,700.8
Iofina Chemical	5.2
Mexichem Fluor	149,220.4
Solstice Advanced Materials US (formerly known as Honeywell International)	506,409.5
Total Issued	1,000,000.0

The EPA distributed the 1,000,000.0 MTEVe MDI set-aside allowances pro rata amongst the general pool of consumption allowance holders as shown in Table 2.

TABLE 2—PRO RATA DISTRIBUTION OF CONSUMPTION ALLOWANCES

Entity	Consumption allowances allocated (MTEVe)
A.C.S. Reclamation & Recovery (Absolute Chiller Services)	734.3
Ability Refrigerants	734.3
ACT Commodities	0.3
Advance Auto Parts	2,625.7
Advanced Specialty Gases	1,048.1
AFK & Co	709.9
AFS Cooling	734.3
A-Gas	12,523.2
Air Liquide USA	1,831.3
American Air Components	734.3
Arkema	114,153.5
Artsen	3,774.7
Automart Distributors DBA Refrigerant Plus	734.3
AutoZone Parts	7,423.6
AW Product Sales & Marketing	444.0
Bluon	122.9
CC Packaging	712.3
Chemours	125,900.8
Chemp Technology	734.3
ChemPenn	81.7
ComStar International	1,323.7
Cross World Group	734.3
Daikin America	11,464.5
EDX Industry	2,111.4
Electronic Fluorocarbons	383.1
Fireside Holdings DBA American Refrigerants	734.2
First Continental International	2,827.9
FluoroFusion Specialty Chemicals	9,376.5
Freskoa USA	734.3
GlaxoSmithKline	1,977.4
Golden Refrigerant	734.3
Harp USA	2,812.3
Hudson Technologies	12,366.7
Hungry Bear	734.3
ICool USA	12,515.3
IGas Holdings	95,907.5
Iofina Chemical	4.7
Kidde-Fenwal	734.3
Lenz Sales & Distribution	4,078.7
Lina Trade	734.3
Linde	1,956.1

TABLE 2—PRO RATA DISTRIBUTION OF CONSUMPTION ALLOWANCES—Continued

Entity	Consumption allowances allocated (MTEVe)
Matheson Tri-Gas	125.3
MEK Chemical Corporation	305.0
Meraki Group	734.3
Metalcraft	591.1
Mexichem Fluor	93,598.5
Mondy Global	1,170.8
National Refrigerants	72,758.8
Nature Gas Import and Export	3,010.8
North American Refrigerants	734.3
O23 Energy Plus	734.3
Perfect Score Too DBA Perfect Cycle	139.1
Reclamation Technologies	2,195.6
Resonac America	244.0
RGAS	17,539.8
RMS of Georgia	6,054.2
Sciarra Laboratories	31.9
SDS Refrigerant Services	734.3
Solstice Advanced Materials US (formerly known as Honeywell International)	302,501.7
Solvay Fluorides	4,049.8
Summit Refrigerants	734.3
SynAgile Corporation	4.1
Technical Chemical	12,545.0
TradeQuim	734.3
Transocean Offshore Deepwater Drilling	0.1
Tulstar Products	2,696.7
Tyco Fire Products	734.3
USSC Acquisition Corp	482.6
Walmart	8,377.6
Waysmos USA	2,059.9
Wego Chemical Group	207.8
Weitron	23,283.4
Wesco HMB	734.3
Wilhelmsen Ships Service	148.4
Total Issued	1,000,000.0

Table 3 reflects the distributed MDI set-aside allowances pro rata amongst the general pool of consumption allowance holders, after taking into account previously finalized administrative consequences.[4]

TABLE 3—PRO RATA DISTRIBUTION OF CONSUMPTION ALLOWANCES ADJUSTED FOR ADMINISTRATIVE CONSEQUENCES

Entity	Available consumption allowances, adjusted for all administrative consequences (MTEVe)
A.C.S. Reclamation & Recovery (Absolute Chiller Services)	734.3
Ability Refrigerants	734.3
ACT Commodities	0.3
Advance Auto Parts	2,625.7
Advanced Specialty Gases	1,048.1
AFK & Co	709.9
AFS Cooling	734.3
A-Gas	12,523.2
Air Liquide USA	1,831.3
American Air Components	734.3
Arkema	114,153.5
Artsen	3,774.7
Automart Distributors DBA Refrigerant Plus	734.3
AutoZone Parts	7,423.6
AW Product Sales & Marketing	444.0
Bluon[a]	0.0
CC Packaging	712.3
Chemours	125,900.8

[4] For more information on the administrative consequences finalized previously that are relevant for the allocation described in this notice, see 90 FR 52391 (November 20, 2025) and 88 FR 72060 (October 19, 2023).

TABLE 3—PRO RATA DISTRIBUTION OF CONSUMPTION ALLOWANCES ADJUSTED FOR ADMINISTRATIVE CONSEQUENCES—Continued

Entity	Available consumption allowances, adjusted for all administrative consequences (MTEVe)
Chemp Technology	734.3
ChemPenn	81.7
ComStar International	1,323.7
Cross World Group	734.3
Daikin America	11,464.5
EDX Industry	2,111.4
Electronic Fluorocarbons	383.1
Fireside Holdings DBA American Refrigerants	734.2
First Continental International	2,827.9
FluoroFusion Specialty Chemicals	9,376.5
Freskoa USA	734.3
GlaxoSmithKline	1,977.4
Golden Refrigerant	734.3
Harp USA	2,812.3
Hudson Technologies	12,366.7
Hungry Bear	734.3
ICool USA	12,515.3
IGas Holdings	95,907.5
Iofina Chemical	4.7
Kidde-Fenwal	734.3
Lenz Sales & Distribution	4,078.7
Lina Trade	734.3
Linde	1,956.1
Matheson Tri-Gas	125.3
MEK Chemical Corporation[b]	244.0
Meraki Group	734.3
Metalcraft	591.1
Mexichem Fluor	93,598.5
Mondy Global	1,170.8
National Refrigerants	72,758.8
Nature Gas Import and Export	3,010.8
North American Refrigerants	734.3
O23 Energy Plus	734.3
Perfect Score Too DBA Perfect Cycle	139.1
Reclamation Technologies	2,195.6
Resonac America[a]	0.0
RGAS	17,539.8
RMS of Georgia	6,054.2
Sciarra Laboratories	31.9
SDS Refrigerant Services	734.3
Solstice Advanced Materials (formerly known as Honeywell International)	302,501.7
Solvay Fluorides	4,049.8
Summit Refrigerants	734.3
SynAgile Corporation	4.1
Technical Chemical	12,545.0
TradeQuim	734.3
Transocean Offshore Deepwater Drilling	0.1
Tulstar Products	2,696.7
Tyco Fire Products	734.3
USSC Acquisition Corp	482.6
Walmart	8,377.6
Waysmos USA	2,059.9
Wego Chemical Group	207.8
Weitron	23,283.4
Wesco HMB	734.3
Wilhelmsen Ships Service	148.4
Total Available	999,572.1

[a] The EPA has previously finalized administrative consequences for these entities stating that the ''[EPA] [w]ill retire and/or revoke allowances until the full administrative consequence is covered,'' (88 FR 72060, October 19, 2023).

[b] The EPA has previously finalized an administrative consequence for this entity for calendar year 2026. This administrative consequence withholds twenty percent of their consumption allowances until the entity comes back into compliance, at which point the EPA allocates it to the allowance holder.

Judicial Review

The AIM Act provides that certain sections of the Clean Air Act (CAA) ''shall apply to'' the AIM Act and actions ''promulgated by the Administrator of [the EPA] pursuant to [the AIM Act] as though [the AIM Act] were expressly included in title VI of [the CAA].'' 42 U.S.C. 7675(k)(1)(C). Among the applicable sections of the CAA is section 307, which includes provisions governing judicial review. 42 U.S.C. 7607(b)(1). Section 307(b)(1) of the CAA provides, in part, that petitions for review must only be filed in the United States Court of Appeals for the District of Columbia Circuit: (i) when the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, but ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

The distribution of MDI set-aside allowances for HFCs to the general pool of production and consumption allowance holders herein noticed is ''nationally applicable'' within the meaning of CAA section 307(b)(1). The AIM Act imposes a national cap on the total number of allowances available for each year for all entities nationwide. 42 U.S.C. 7675(e)(2)(B) through (D). For 2026, there was a set-aside amount of 1,000,000.0 MTEVe of allowances that were withheld by the EPA from the general pool allowance holders pending applications for these allowances from entities that use HFCs as propellants in MDIs. After the April 30, 2026, deadline to apply, for which the EPA received no applications, the Agency allocated the allowances pro rata to general pool allowance holders as 2026 production and consumption allowances. As such, the set-aside allowance allocation is the division and assignment of a single, nationwide pool of set-aside allowances to entities across the country according to the national methodology established in the EPA's regulations. Each entity's set-aside allowance allocation can be a relative share of that pool; thus, any additional allowances awarded to one entity can directly affect the allocations to others. For these reasons, the final action of the EPA allocating set-aside allowances to entities located throughout the country is nationally applicable.

Under section 307(b)(1) of the CAA, petitions for judicial review of this allocation action must be filed in the United States Court of Appeals for the District of Columbia Circuit by July 27, 2026.

Filing a petition for reconsideration by the Administrator does not affect the finality of any action noticed herein for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such action. The final actions described herein may not be challenged later in proceedings to enforce their requirements. 42 U.S.C. 7607(b)(2).

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–10534 Filed 5–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13367–01–OAR]

Notice of Decision on Innovative Product Exemption Applications Under the National Volatile Organic Compound Emission Standards for Consumer Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decisions on applications for innovative product exemptions.

SUMMARY: The Environmental Protection Agency (EPA) is providing notification of its final actions on two applications for innovative product exemptions under the National Volatile Organic Compound Emission Standards for Consumer Products. The EPA is providing this notification for public awareness of, and the basis for, the Agency's decision.

DATES: May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Kaye Whitfield, Chemicals, Coatings, and Products Division, Office of Clean Air Programs, U.S. Environmental Protection Agency, 109 TW Alexander Drive, P.O. Box 12055, Research Triangle Park, NC 27711; telephone number: (919) 541–2509, email address: *whitfield.kaye@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Final Action

On September 11, 1998, pursuant to Clean Air Act (CAA) section 183(e), the EPA issued the National Volatile Organic Compound (VOC) Emission Standards for Consumer Products (Consumer Products Rule).[1] The Consumer Products Rule imposes VOC content limits for certain categories of consumer products manufactured or imported for sale or distribution in the United States. Regulated entities are, generally, the manufacturer or importer of the consumer product, and any distributor that is named on the product label. The Consumer Products Rule also includes innovative product exemption (IPE) provisions whereby a product may exceed the applicable VOC content limits ''if the regulated entity demonstrates that, due to some characteristic of the product formulation, design, delivery systems, or other factors, the use of the product will result in equal or less VOC emissions.'' [2]

On April 4, 2025, Henkel Corporation requested an IPE from the VOC content limits in the Consumer Products Rule for its hairspray product. Similarly, on April 22, 2025, PLZ Corporation requested an IPE for its hairspray product. Both products are subject to an 80 percent VOC content limit (weight-percent VOC). The EPA reviewed the IPE applications and supporting documentation submitted by both companies. After a thorough evaluation, the EPA concluded that the documentation submitted in support of an IPE by Henkel Corporation and PLZ Corporation fails to meet the criteria set forth in the EPA's Consumer Products Rule. Consequently, the EPA denied both companies' requests on May 22, 2026.

II. Judicial Review

CAA section 307(b)(1) governs judicial review of final actions by the EPA. The decisions on these IPE applications under the Consumer Products Rule constitute final agency actions. Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the appropriate Circuit by July 27, 2026. Under CAA section 307(b)(2), the requirements established by the final actions may not be challenged separately in any civil or criminal proceeding brought by the EPA to enforce these requirements.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–10535 Filed 5–26–26; 8:45 am]

BILLING CODE 6560–50–P

[1] 63 FR 48819.

[2] 40 CFR 59.204(a).

FEDERAL COMMUNICATIONS COMMISSION

[OIA Docket No. 24–30; DA 26–499; FR ID 347524]

World Radiocommunication Conference Advisory Committee Schedules Its Fifth and Sixth Meeting

AGENCY: Federal Communications Commission

ACTION: Notice.

SUMMARY: This notice advises interested persons that the fifth and sixth meetings of the World Radiocommunication Conference Advisory Committee (WRC Advisory Committee) will be held at the Federal Communications Commission (FCC). This fifth and sixth meeting of the WRC Advisory Committee will consider status reports and recommendations from its Informal Working Groups (IWG) concerning preparation for the 2027 World Radiocommunication Conference (WRC–27). At the fifth and sixth meetings, the WRC Advisory Committee will continue its work to finalize the Recommendations for WRC–27 Agenda Items that do not have yet a WRC Advisory Committee Recommendation, as well as Future Conference Agenda Items. These meeting are open to the public.

DATES: Tuesday, August 4, 2026 at 11:00 a.m.; Friday, September 25, 2026 at 11:00 a.m.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Room 1.200, Washington, DC 20002. Comments may be presented at the Advisory Committee meeting or in advance of the meeting by email to: *WRC-27@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Gregory Baker, Designated Federal Official, World Radiocommunication Conference Advisory Committee, Office of International Affairs, Global Strategy and Negotiation Division, (202)–919–0758 or *WRC-27@fcc.gov.*

SUPPLEMENTARY INFORMATION: The FCC established the Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2027 World Radiocommunication Conference (WRC–27).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the fourth meeting of the Advisory Committee. The Commission's WRC–27 website (*www.fcc.gov/wrc-27*) contains the latest information on the IWG and WAC meeting agendas and audience participation information, all scheduled meeting dates and updates, and WRC–27 Advisory Committee matters. The fifth and sixth Advisory Committee meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.* There will be audience participation available; send live questions to *livequestions@fcc.gov* only during this meeting. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *FCC504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice).

The proposed agenda for the fifth WAC meeting is as follows:

Agenda

Fifth Meeting of the World Radiocommunication Conference Advisory Committee

Federal Communications Commission

Tuesday, August 4, 2026; 11:00 a.m.

1. Opening Remarks
2. Approval of Agenda
3. WRC–27 Advisory Committee Structure
4. Update by NTIA on the RCS
5. Approval of the Minutes of the Fourth Meeting
6. IWG Reports and Consideration of Documents
7. Future Meetings
8. Other Business

The proposed agenda for the sixth WAC meeting is as follows:

Agenda

Sixth Meeting of the World Radiocommunication Conference Advisory Committee

Federal Communications Commission

Friday, September 25, 2026; 11:00 a.m.

1. Opening Remarks
2. Approval of Agenda
3. WRC–27 Advisory Committee Structure
4. Update by NTIA on the RCS
5. Approval of the Minutes of the Fifth Meeting
6. IWG Reports and Consideration of Documents
7. Future Meetings
8. Other Business

Federal Communications Commission.

Sarah Van Valzah,

Assistant Chief, Office of International Affairs.

[FR Doc. 2026–10507 Filed 5–26–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[FMC–2026–0067]

Renewal of Agency Information Collection Activities: Submission for OMB Review; Comment Requested; Containerized Freight Statistics—Imports and Exports; 3072–0074

AGENCY: Federal Maritime Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Maritime Commission (Commission) is giving public notice that the agency has submitted the continuing information collection listed below in this notice to the Office of Management and Budget (OMB) for approval extension, with revision, for Collection of Information 3072–0074 (Container vessel imports and exports). The public is invited to comment on this information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 26, 2026.

ADDRESSES: Comments should be submitted to: (1) the Office of Management and Budget's Office of Information and Regulatory Affairs through the portal at *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection at Reginfo.gov by selecting ''Currently under Review—Open for Public Comments'' or by using the search function, and (2) the Commission through the Federal eRulemaking Portal at *www.regulations.gov* (docket FMC–2026–0067). If your material cannot be submitted to the addresses above, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Michael Johnson, (202) 523–5796, *mrjohnson@fmc.gov.*

SUPPLEMENTARY INFORMATION: The Commission invites the general public and other Federal agencies to comment on any aspect of the continuing information collection listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We are particularly interested in receiving comments on: (1) The necessity and utility of the proposed information collection for the proper

performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Comments submitted in response to this notice will be included or summarized in our request for OMB approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

Previous Request for Comments

On January 26, 2026, the Commission published a notice and request for comment in the **Federal Register** (91 FR 3195) regarding the agency's request for approval from OMB for information collections as required by the Paperwork Reduction Act of 1995. During the 60-day period, the Commission received one comment from Gnosis Freight. The comment was relevant to the collection, but the FMC views the recommendations as a risk to ocean carrier proprietary information, an excessive burden on the maritime industry, and outside the scope of what the Ocean Shipping Reform Act of 2022 (OSRA 2022) mandate requires. The proposed mandatory master bill of lading number and container number fields would transform vessel-level aggregate reporting into container-level shipment tracking, substantially increasing compliance costs and exposing competitively sensitive operational data.

Information Collection Open for Comment

Title: Container vessel imports and exports.

OMB Approval Number: 3072–0074 (Expires October 31, 2026).

Abstract: The Ocean Shipping Reform Act of 2022 (OSRA 2022) mandates that: ''The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report.'' 46 U.S.C. 41110. To comply with this quarterly reporting requirement the Commission will request information on tonnage and 20-foot equivalent units from each identified common carrier on a monthly basis. The information will be used to compile and publish a quarterly report on total import and export tonnage and total loaded and empty 20-foot equivalent units per vessel operated by common carriers.

Current Actions: Revision of a currently approved collection.

Type of Review: Extension.

Needs and Uses: The Commission will use collected data to publish a quarterly report as directed by 46 U.S.C. 41110.

Frequency: Information will be collected monthly.

Type of Respondents: The thirty (30) largest vessel-operating common carriers by containerized cargo volume transporting 20-foot equivalent units (total across imports and exports, regardless of whether they are laden) in or out of the United States in ocean borne foreign commerce. (The Commission estimates that these thirty (30) largest carriers are responsible for transporting 98 percent of the market share of containerized freight moving in international commerce to and from the United States.).

Number of Annual Respondents: 30.

Estimated Time per Response: 6 hours and 40 minutes.

Total Annual Burden: 2,401 hours.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2026–10477 Filed 5–26–26; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than June 26, 2026.

A. Federal Reserve Bank of Dallas (Lindsey Wieck, Director, Mergers & Acquisitions) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to *Comments.applications@dal.frb.org:*

1. *Augustus International Inc., Dallas, Texas;* to become a bank holding company by acquiring Augustus National Bank, N.A., Dallas, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–10497 Filed 5–26–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–26–1431; Docket No. CDC–2026–0826]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of

its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Rape Prevention and Education (RPE) Program. This program is designed to collect data from RPE recipients to assess how recipients are improving prevention infrastructure, implementing and evaluating prevention strategies to expand efforts to prevent sexual assault, and using data to inform prevention action.

DATES: CDC must receive written comments on or before July 27, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–0826 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. 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 submissions of responses; and
5. Assess information collection costs.

Proposed Project

Rape Prevention and Education (RPE) Program (OMB Control No. 0920–1431, Exp. 4/30/2027)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) seeks OMB approval for a Revision to Rape Prevention and Education (RPE) Program (OMB Control No. 0920–1431). OMB approval is requested for three years. CDC will collect data from RPE recipients to assess how recipients are improving prevention infrastructure, implementing and evaluating prevention strategies to expand efforts to prevent sexual assault, and using data to inform prevention action. The RPE program is funded under the Violence Against Women Act (VAWA) and Section 393A(a) of the PHS Act (42 U.S.C. 280b–1b(a) and Section 392(a)(1) of the PHS Act (42 U.S.C. 280b–1(a)(1)). Eligible entities are based on the VAWA legislation. The legislative authority requires CDC to fund the RPE Program. The proposed information collection is authorized by the Public Health Services Act (PHS Act) which provides the legislative means for states to advance public health across the lifespan and reduce differences in health outcomes. Section 301(a) of the PHS Act 42 U.S.C. 241(a) authorizes funding grants and cooperative agreements to aid ''other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man.''

Sexual violence (SV) is a major public health problem: one in three women and one in four men experienced sexual violence involving physical contact during their lifetimes. Nearly one in five women and one in 38 men have experienced completed or attempted rape. Sexual violence starts early: one in three female and one in four male rape victims experienced it for the first time between 11–17 years old. CDC's Division of Violence Prevention (DVP) provides national leadership in prevention of SV perpetration and victimization before it begins (*i.e.,* primary prevention). DVP administers the RPE Program, which provides funding to health departments and sexual violence coalitions in all 50 states, the District of Columbia (DC), and U.S. territories as well as up to 10 tribal coalitions.

The NOFOs associated with the RPE Program encourage the expansion of strategies implemented and evaluated at the community- and societal-level using a comprehensive approach. Recipients will have an opportunity to: (1) continue to build program and partner capacity to facilitate and monitor the implementation of SV prevention programs, practices, and policies; (2) continue to support state and territorial health departments' implementation of community-and societal-level programs, practices, and policies to prevent SV; (3) continue to support the implementation of data-driven, comprehensive, evidence-based SV primary prevention strategies, and approaches focused mainly on centering and engaging communities; and to (4) continuously conduct data to action activities to inform changes or adaptations to existing SV strategies or on selected and implemented additional strategies.

The RPE Program is the principal federally funded program focused on SV primary prevention. Collecting information about the implementation and outcomes of funded recipient through the online data system, DVP Partners Portal, is crucial to informing SV prevention nationally; enhancing accountability of the use of federal funds; providing timely program reports and responses to information requests, such as Congressional requests mandated by the authorizing legislation; improving real-time communications

between CDC and RPE recipients; and strengthening CDC's capacity to provide responsive data-driven technical assistance and to monitor and evaluate recipients' progress and performance.

CDC requests OMB approval for an estimated 1,440 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
RPE-funded Health Departments (State, DC, and Territories), Sexual Assault Coalitions, Tribal Coalitions and their Designated Delegates.	Annual Performance Report.	144	1	10	1,440
Total					1,440

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–10514 Filed 5–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–26–1414; Docket No. CDC–2026–0827]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Advancing Violence Epidemiology in Real-Time (AVERT). The AVERT program provides funding to jurisdictions to conduct routine monitoring of Emergency Department visits related to violence-related injuries and mental health conditions, and to analyze these data in a timely manner.

DATES: CDC must receive written comments on or before July 27, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–0827 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. 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 submissions of responses; and
5. Assess information collection costs.

Proposed Project

Advancing Violence Epidemiology in Real-Time (AVERT) (OMB Control No. 0920–1414, Exp. 9/30/2026)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This Information Collection Request (ICR) for Advancing Violence Epidemiology in Real-Time (AVERT) is submitted as a renewal of previously approved information collection. This request is for continued approval to collect information for AVERT using the existing data collection approach, case definitions, and National Syndromic Surveillance Program (NSSP) infrastructure. The length of data collection requested for OMB approval is three years. AVERT supports data collection efforts that expand and enhance partnerships with public health departments initiated to share

emergency department (ED) visit data with CDC. The AVERT program provides funding to jurisdictions to conduct routine monitoring of ED visits related to violence-related injuries and mental health conditions, and to analyze these data in a timely manner and share these data with CDC to support public health surveillance and response. AVERT also ensures that participating jurisdictions use their data to track these violent injury outcomes by providing jurisdictions standardized definitions, which can facilitate rapid identification and tracking of violence and mental health related ED visits. AVERT leverages existing ED data collection efforts deployed across state health departments through CDC's National ED Syndromic Surveillance program. The Office of Public Health Data, Surveillance, and Technology (OPHDST) in CDC operates the National Syndromic Surveillance Program (NSSP) BioSense Platform (OMB Control No. 0920–0824) through which state and local health departments share preliminary ED visit data from approximately 85% of ED facilities in the US (≤7,500 participating EDs).

AVERT will continue to establish and maintain local and state information collection of violence-related injuries and mental health conditions and provide public health partners and the public with more timely and useful violence surveillance data than is currently available. Jurisdictions provide CDC access to their syndromic surveillance data from EDs in CDC's NSSP system. Health departments have used this data to populate state data dashboards and develop alerts for local communities. In addition, health departments have used this data in concert with other violence data sources, including the National Violent Death Reporting System, to gain a better overall picture of violence-related injuries in their communities.

Health departments sharing syndromic surveillance data with CDC will be required to complete the *ED Violence Data Form* on a bimonthly basis using data from existing state and local ED data collection efforts, described previously.

In Year 1, the AVERT program received funding to support a total of 12 jurisdictions. Additionally, through collaboration with NSSP, the AVERT program has developed advanced scripts and standardized data reports. As a result, participating jurisdictions will receive these reports directly and will no longer need to develop their own. This has reduced estimated burden hours. CDC requests OMB approval for an estimated 18 annual burden hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Total number of responses per respondent (annual No.)	Average burden per response (hours)	Total annual burden (hours)
Participating health departments sharing case-level ED data with CDC through the NSSP BioSense (OMB #0920–0824).	ED form (ED violence data form).	12	6	15/60	18
Total					18

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–10513 Filed 5–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–26–1282]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''The Performance Measures Project: Improving Performance Measurement and Monitoring by CDC Programs'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on February 24, 2026 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

The Performance Measures Project: Improving Performance Measurement and Monitoring by CDC Programs (OMB Control No. 0920–1282; Exp. 06/30/2026)—Revision—Office of the Policy, Performance, and Evaluation (OPPE), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Each year, approximately 75% of the CDC's congressionally appropriated funding goes to extramural organizations, including state and local partners, via contracts, grants, and, most commonly, cooperative agreements. The availability of funding for grants and cooperative agreements is announced through a Notice of Funding Opportunity (NOFO). CDC awards up to 100 new, non-research NOFOs each year (each funded for 1–5 years). These awards may have only a few funded recipients or more than 50, such as when a CDC program provides funding to all states and territories. Monitoring and reporting of program performance is required of any non-federal entity receiving federal funds under 45 CFR 75.342; ''The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved.''

CDC's Performance and Evaluation Office (PEO) provides technical assistance to CDC programs and funding recipients with the immediate goal of monitoring progress and the long-term goals of improving performance and maximizing public health impact. Greater public health impact can be achieved by the development of performance measures and monitoring plans that are customized to the goals outlined in each NOFO. PEO therefore provides consultations for the development of NOFO-specific performance measures and the development of each NOFO's logic model, *i.e.,* a graphic depiction of the relationship between the funded activities and the intended effects or outcomes of those activities in the short, medium, and/or long term. PEO has also developed templates that can be further customized by CDC/ATSDR programs participating in the Performance Measures Project (PMP). These templates include a sample ''Recipient Codebook Technical Specification'' and a sample ''Recipient Data Reporting Guide.'' After the templates are finalized by PEO and the CDC/ATSDR program, the templates are completed by the recipients of CDC/ATSDR funding.

CDC requests OMB approval to continue information collection for the PMP, with no changes except for the request for additional burden hours. Individual collection requests submitted under this Generic Clearance will continue to include the tailored forms and a supplementary template that provides a description of program purpose and the estimated burden of information collection. Through this Revision, CDC requests additional capacity to ensure seamless continuation of individual GenIC data collections that were previously approved (34,949 hours), but have not been completed. Combined with the estimated annualized burden hours for new GENICs (70,000 hours), CDC estimates 104,949 total annualized burden hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of responses	Number of responses per respondent per year	Average burden per response (in hours)
CDC/ATSDR Award Recipients (new GENICs)	Performance Measures Project Information Collection Tool.	1,750	1	40
CDC/ATSDR Award Recipients (continuation of previously approved GENICs).	Performance Measures Project Information Collection Tool.	3,236	1	10.8

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–10511 Filed 5–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–26–1397]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request ''CDC's Milestone Tracker App User Surveys'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on March 24, 2026 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570.

Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

CDC's Milestone Tracker App User Surveys (OMB Control No. 0920–1397, Exp. 5/31/2026)—Revision—National Center for Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) seeks a three-year Revision of a currently approved information collection to evaluate the Milestone Tracker mobile application. The Milestone Tracker app, developed under CDC's Learn the Signs. Act Early. program, supports family-engaged developmental monitoring and promotes early identification of developmental delays and disabilities. The purpose of this data collection is to assess user satisfaction, usage patterns, and actions taken after a missed developmental milestone or developmental concern is identified within the app. The information collected will help CDC understand how users engage with the app, whether follow-up actions are taken after concerns are identified, and how the app functions as a tool to support developmental monitoring. Findings will inform future improvements and ongoing program evaluation. Without this Revision, CDC would lose access to ongoing data necessary to monitor user experience, assess follow-up actions after identification of developmental concerns, and support continuous program improvement.

This request includes one minor, non-substantive clarification to Parent Survey 2. A brief explanatory note was added to Question 1 to clarify why the question is being asked, after some respondents indicated confusion during prior data collection. The question wording and response options remain unchanged. This clarification does not affect the methodology, data collected, or the estimated time per response, which remains five (5) minutes. This Revision also reflects an adjustment to previously approved burden estimates. The original 2023 burden projections were developed without historical response data and were based on anticipated participation levels derived from total app downloads. Actual data collected from 2023–2026 indicate substantially lower response levels. Accordingly, the number of respondents and total annual burden hours have been revised to align with observed participation trends.

CDC requests OMB approval for a revised annual burden estimate of 2,401 hours, a reduction of 39,266 hours from the previously approved 41,667 hours. There are no changes to the instruments, methodology, frequency of collection, or time per response. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Parents using the *Milestone Tracker* app who complete 65% or more of a checklist using the app.	Parent Survey 1	23,000	1	5/60
Parents using the *Milestone Tracker* App who complete 65% or more of a checklist using the app AND indicate a missed milestone or identify a developmental concern.	Parent Survey 2	5,000	1	5/60
Early childhood providers/professionals who use the *Milestone Tracker* app at least 3 times.	Provider	800	1	5/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–10510 Filed 5–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–26–1348]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''The National Firefighter Registry for Cancer'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on February 14, 2026, to obtain comments from the public and affected agencies. CDC received no comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, email *NFRegistry@cdc.gov.* Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Firefighter Registry for Cancer (OMB Control No. 0920–1348)—Reinstatement—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In order to accurately monitor trends in cancer incidence and evaluate control measures among the U.S. fire service, Congress passed the Firefighter Cancer Registry Act of 2018. Under this legislation, CDC/NIOSH was directed to create a registry of U.S. firefighters for the purpose of monitoring cancer incidence and risk factors among the current U.S. fire service. Funding for the project was authorized through this legislation for five years as of fiscal year 2019 and has been reauthorized through 2028.

According the Firefighter Cancer Registry Act of 2018, The main goal of the National Firefighter Registry for Cancer (NFR) is, ''to develop and maintain . . . a voluntary registry of firefighters to collect relevant health and occupational information of such firefighters for purposes of determining cancer incidence.'' Results from the NFR will provide information for decision makers within the fire service and medical or public health community to devise and implement policies and procedures to lessen cancer risk and/or improve early detection of cancer among firefighters. NIOSH seeks a three-year renewal to enroll at least 33,333 firefighters annually. The overall enrollment goal of the NFR remains 200,000. Prior annual enrollment data has led to a more accurate annual burden estimation than prior approvals.

There are three corresponding documents to be completed as part of the enrollment process: Informed Consent, User Profile, and Enrollment Questionnaire. Select fire departments may have an additional Records Request. The estimated time burden for the Informed Consent and User Profile are five minutes each, an estimated 20-minute burden for the NFR Enrollment Questionnaire, and 16 hours for the Records Request (applicable to an estimated 30 firefighters). CDC requests OMB approval for an estimated 17,157 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
U.S. Firefighters	Informed Consent	33,333	1	5/60
U.S. Firefighters	NFR User Profile (web-portal registration)	33,333	1	5/60
U.S. Firefighters	NFR Enrollment Questionnaire	33,333	1	20/60
U.S. Firefighters	Records request	30	1	16

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2026–10512 Filed 5–26–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1998–P–0083 (formerly 76N–0377); DESI 7661]

Drugs for Human Use; Drug Efficacy Study Implementation: Estrogen-Androgen Fixed-Combination Drug Products; Syntest D.S. and Syntest H.S. Tablets; Withdrawal of Hearing Requests; Final Resolution of Drug Efficacy Study Implementation 7661

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing that all outstanding hearing requests for estrogen-androgen fixed-combination drug products under Docket FDA–1998–P–0083 (formerly 76N–0377) (DESI 7661) have been withdrawn. Therefore, as proposed in the April 14, 2003, notice of opportunity for hearing (NOOH), FDA finds that the products subject to this proceeding have not been shown to be effective for use under the conditions of use prescribed, recommended, or suggested in the labeling. Shipment in interstate commerce of any product identified in this docket (DESI 7661), or any identical, related, or similar (IRS) product, that is not the subject of an approved new drug application (NDA) or abbreviated new drug application (ANDA) is unlawful as of the date of this notice.

DATES: This notice is effective June 26, 2026.

ADDRESSES: 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 between 9 a.m. and 4 p.m., Monday through Friday. Publicly available submissions may be seen in the docket.

The most relevant background documents regarding this matter are available in the docket. However, additional background documents are available upon request (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Amber McKinley, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5172, Silver Spring, MD 20993–0002, 301–

796–0061, email: *Amber.McKinley@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In 1962, Congress amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) to require that ''new drugs'' (21 U.S.C. 321(p)) be proven effective for their labeled indications, as well as safe, in order to obtain FDA approval (Drug Amendments of 1962 (Pub. L. 87–781)). These amendments also required FDA to conduct a retrospective evaluation of the effectiveness of the drug products that FDA had approved as safe between 1938 and 1962. FDA contracted with the National Academy of Sciences/National Research Council (NAS/NRC) to make an initial evaluation of the effectiveness of over 3,400 products that had been approved only for safety between 1938 and 1962. The NAS/NRC reports for these drug products were submitted to FDA in the late 1960s and early 1970s. The Agency reviewed and reevaluated the reports and published its findings in **Federal Register** notices. FDA's administrative implementation of the NAS/NRC reports was called the Drug Efficacy Study Implementation (DESI). DESI covered the approximately 3,400 products specifically reviewed by the NAS/NRC, as well as the even larger number of products that were IRS (see 21 CFR 310.6(b)(1)) to the approved drug products and that had entered the market without FDA approval. All drugs covered by the DESI review are ''new drugs'' under the FD&C Act.

II. Final Resolution of Hearing Request Regarding Estrogen-Androgen Fixed-Combination Drug Products Under Docket FDA–1998–P–0083 (Formerly 76N–0377); DESI 7661

In a **Federal Register** notice published on September 8, 1972 (37 FR 18225), FDA announced its evaluation of reports received from the NAS/NRC under DESI 7661 regarding five fixed-combination drug products containing an estrogen and an androgen. FDA stated in that notice that it found these drugs to be effective ''for the prevention of postpartum breast engorgement'' and ''for the menopausal syndrome in those patients not improved by estrogen alone.'' With respect to the first indication, on December 17, 1998, FDA withdrew approval of estrogen-containing drug products insofar as they were indicated for postpartum breast engorgement, because estrogens were not shown to be safe for this use (63 FR 69631).[1] Given FDA's findings in the December 17, 1998, **Federal Register** notice, the remainder of this notice focuses on the second indication in the September 1972 notice, *i.e.* ''for the menopausal syndrome in those patients not improved by estrogen alone.''

In the **Federal Register** of September 29, 1976 (41 FR 43112), FDA announced that the menopausal indication for fixed-combination drugs containing an estrogen and an androgen (including the five drug products identified in the September 8, 1972, notice) was revised to read:

Moderate to severe vasomotor symptoms associated with the menopause in those patients not improved by estrogen alone (There is no evidence that estrogens are effective for nervous symptoms or depression which might occur during menopause, and they should not be used to treat these conditions).

Id. at 43113.

In 1981, in response to requests from the sponsors, FDA determined that the effectiveness finding in the September 29, 1976, notice could be applied to two fixed-combination drug products that were not listed in the 1976 notice but were being marketed at the time: (1) conjugated estrogens and methyltestosterone, and (2) esterified estrogens and methyltestosterone. See 68 FR 17953, 17954 (April 14, 2003).

FDA took a renewed interest in both the safety and efficacy of estrogen-androgen products while reviewing potential new safety concerns about the products. As detailed in the **Federal Register** on April 14, 2003 (68 FR 17953), an Agency review of the literature led FDA to reclassify the September 1976 effectiveness finding for estrogen-androgen fixed combination drug products to lacking substantial evidence of effectiveness for the treatment of moderate to severe vasomotor symptoms associated with menopause in patients not improved by estrogen alone. At the same time, FDA also issued a Notice of Opportunity for a Hearing (NOOH) to manufacturers and distributors of drug products affected by the notice, regarding FDA's determination that such products lacked substantial evidence of effectiveness for the treatment of moderate to severe vasomotor symptoms associated with menopause in patients not improved by estrogen alone. In response to the April 14, 2003, NOOH, two companies requested hearings: Syntho Pharmaceutical, Inc. (Syntho), 230 Sherwood Ave, Farmingdale, NY 11735, and Solvay Pharmaceuticals, since acquired by Abbott Laboratories, 100 Abbott Park Rd., Abbott Park, IL 60064.

In response to the 2003 NOOH, Syntho filed a written notice of participation and request for a hearing on May 14, 2003, and submitted data in support of its hearing request on June 13, 2003. Syntho marketed Syntest D.S. (1.25 milligrams (mg) esterified estrogens/2.5 mg methyltestosterone) and Syntest H.S. (0.625 mg esterified estrogens/1.25 mg methyltestosterone), both labeled for use in treating moderate to severe vasomotor symptoms associated with the menopause in patients not improved by estrogen alone. In a letter dated January 31, 2011, FDA asked Syntho whether it was interested in pursuing its hearing request. Syntho affirmed its hearing request on March 1, 2011. By letter dated June 18, 2025, FDA again asked Syntho whether it wanted to pursue its hearing request regarding its Syntest D.S. and Syntest H.S. products. By letter dated August 1, 2025, Syntho stated that it had decided to withdraw its hearing request.

At the time of Solvay's 2003 hearing request, the firm marketed Estratest and Estratest HS. On January 31, 2011, FDA sent a letter to Abbott asking whether it wanted to pursue the hearing request regarding its Estratest and Estratest HS products. On June 21, 2011, Abbott responded by withdrawing the hearing request previously filed by Solvay Pharmaceuticals before its acquisition by Abbott.

III. Conclusions and Order

There are no outstanding hearing requests regarding estrogen-androgen fixed-combination drug products under Docket FDA–1998–P–0083, DESI 7661. As proposed in the April 14, 2003, NOOH, such products lack substantial evidence of effectiveness for the treatment of moderate to severe vasomotor symptoms associated with the menopause in patients not improved by estrogen alone. Shipment in interstate commerce of any drug product identified in this docket, or any IRS product, that is not the subject of an approved NDA or ANDA is unlawful as of the effective date of this notice (see EFFECTIVE DATE). Any person who wishes to determine whether this notice covers a specific product should write to Amber McKinley at the Center for Drug Evaluation and Research (see **FOR FURTHER INFORMATION CONTACT**). Firms should be aware that, after the applicable date of this notice (see EFFECTIVE DATE), FDA intends to take enforcement action without further

[1] For additional background information leading to the 1998 **Federal Register** notice, see 68 FR 17953 (April 14, 2003).

notice against any firm that manufactures or ships in interstate commerce any unapproved product covered by this notice.

IV. Discontinued Products

Firms must notify the Agency of certain product discontinuations in writing under section 506C(a) of the FD&C Act (21 U.S.C. 356c). Some firms may have previously discontinued manufacturing or distributing products covered by this notice without discontinuing the listing as required under section 510(j) of the FD&C Act (21 U.S.C. 360(j)). Other firms may discontinue manufacturing or distributing listed products in response to this notice. All firms are required to electronically update the listing of their products under 510(j) of the FD&C Act to reflect discontinuation of unapproved products covered by this notice (21 CFR 207.57(b)). Questions on electronic drug listing updates should be sent to *eDRLS@fda.hhs.gov*. In addition to the required update, firms can also notify the Agency of product discontinuation by sending a letter, signed by the firm's chief executive officer and fully identifying the discontinued product(s), including the product National Drug Code number(s), and stating that the manufacturing and/or distribution of the product(s) have been discontinued. The letter should be sent electronically to Amber McKinley (see **FOR FURTHER INFORMATION CONTACT**). FDA plans to rely on its existing records, including its drug listing records, the results of any future inspections, or other available information, when it identifies violative products for enforcement action.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10479 Filed 5–26–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Rural Communities Opioid Response Program Performance Measures, OMB No. 0906–XXXX—New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 27, 2026.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Rural Communities Opioid Response Program Performance Measures, OMB No. XXXX–XXX—New.

Abstract: HRSA administers the Rural Communities Opioid Response Program (RCORP), which is authorized by Section 711(b)(5) of the Social Security Act (42 U.S.C. 912(b)(5)) and is a multi-initiative program that aims to: (1) support treatment for and prevention of substance use disorder (SUD), including opioid use disorder (OUD); and (2) reduce morbidity and mortality associated with SUD, including OUD, by improving access to and delivering prevention, treatment, and recovery support services to high-risk rural communities. To support this purpose, RCORP grant initiatives include:

- RCORP—Northern Border Rural Workforce: This program aims to improve health care in rural areas within the Northern Border Regional Commission's service area by enhancing behavioral health workforce capacity.
- RCORP—Pathways: This program aims to create innovative new youth-focused behavioral health care support programs, while also offering behavioral health care career pathway opportunities in rural communities.
- RCORP—Overdose Response: This program addresses immediate needs in rural areas through improving access to, capacity for, and sustainability of prevention, treatment, and recovery services for SUD.

Need and Proposed Use of the Information: Due to the growth in the number of grant initiatives included within RCORP, as well as emerging SUD and other behavioral health trends in rural communities, HRSA is submitting a new ICR that includes performance measures for the new RCORP—Northern Border Rural Workforce, Pathways, and Overdose Response grant programs. HRSA developed performance measures to provide data on each RCORP initiative and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993. This collection supplements the approved RCORP grantee data collection, which covers all other RCORP grant initiatives (OMB Control No. 0906–0044; expires February 28, 2029).

These measures cover the principal topic areas of interest to HRSA, including: (a) provision of, and referral to, rural behavioral health care services, including SUD prevention, treatment and recovery support services; (b) behavioral health care, including SUD prevention, treatment, and recovery process and outcomes; (c) provider prevention, treatment, and recovery services; (d) sustainability; and (e) development of workforce/career pathway programs. Performance measures for the RCORP initiative include common elements about consortium/network activities, direct services provided and service access, workforce, and sustainability while also capturing tailored measures for each specific program.

Likely Respondents: The respondents will be recipients of RCORP—Northern Border Rural Workforce, Pathways, and Overdose Response grant programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. 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. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
RCORP—Northern Border Rural Workforce	8	1	8	1.21	9.68
RCORP—Pathways	12	1	12	2.72	32.64
RCORP—Overdose Response	37	1	37	0.70	25.90
Total	57		57		68.22

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–10472 Filed 5–26–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Health Professions Student Loan Program, Loans for Disadvantaged Students Program, Primary Care Loan Program, and Nursing Student Loan Program Administrative Requirements, OMB No. 0906–0088—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 27, 2026.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Health Professions Student Loan Program, Loans for Disadvantaged Students Program, Primary Care Loan Program, and Nursing Student Loan Program Administrative Requirements, OMB No. 0906–0088—Extension.

Abstract: This clearance request is for approval of the Health Professions Student Loan (HPSL) Program, Loans for Disadvantaged Students (LDS) Program, Primary Care Loan (PCL) Program, and Nursing Student Loan (NSL) Program Administrative Requirements.

The HPSL Program, authorized by Public Health Service (PHS) Act sections 721–722 and 725–735, is a grant program where recipients provide long-term, low-interest loans to students attending schools of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, and pharmacy. The LDS Program, authorized by PHS Act sections 721–722 and 724–735, is a grant program where recipients provide long-term, low interest loans to certain students attending schools of allopathic medicine, osteopathic medicine, podiatric medicine, dentistry, optometry, pharmacy, and veterinary medicine. The PCL Program, authorized by PHS Act sections 721–723 and 725–735, is a grant program where recipients provide long-term, low interest loans to students attending schools of allopathic medicine and osteopathic medicine to practice primary health care. The NSL Program, authorized by PHS Act sections 835–842, is a grant program where recipients provide long-term, low-interest loans to students who attend eligible schools of nursing in programs leading to a diploma degree, an associate degree, a baccalaureate degree, or a graduate degree in nursing. These programs have a number of recordkeeping and reporting requirements for academic institutions and loan applicants. The applicable program regulations are found in 42 CFR 57.201–218 and 57.301–318.

Need and Proposed Use of the Information: Participating HPSL, LDS, PCL, and NSL schools are responsible for determining the eligibility of applicants, making loans, and collecting monies owed by borrowers on their outstanding loans. Participating schools include schools that are no longer disbursing loans but are required to report and maintain program records, student records, and repayment records until all student loans are repaid in full, and all monies due to the federal government are returned.

Likely Respondents: Institutions who have received HPSL, LDS, PCL, and/or NSL Program awards.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. 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. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

TABLE 1—TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Instrument (HPSL, LDS, PCL, & NSL)	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Deferment—HRSA Form 519	2,060	1	2,060	0.500	1,030
AOR–HRSA–Form 501	726	1	726	12.000	8,712
Total	2,786	.....	2,786	.....	9,742

Table 2 shows the estimated burden for schools to maintain required records on the history and status for each loan account, which is necessary to complete the forms listed in Table 1 above.

TABLE 2—TOTAL ESTIMATED ANNUALIZED BURDEN HOURS FOR RECORDKEEPING REQUIREMENTS

Data required to be submitted	Number of record keepers	Hours per year	Total burden hours
HPSL, LDS, and PCL Program:			
Documentation of Cost of Attendance	432	1.050	454
Promissory Note	432	1.250	540
Documentation of Entrance Interview	432	1.250	540
Documentation of Exit Interview	*475	0.370	176
Program Records	*475	10.000	4,750
Student Records	*475	10.000	4,750
Repayment Records	*475	19.550	9,286
HPSL/LDS/PCL Subtotal	475	.....	20,496
NSL Program:			
Documentation of Cost of Attendance	304	0.250	76
Promissory Note	304	0.500	152
Documentation of Entrance Interview	304	0.500	152
Documentation of Exit Interview	*486	0.140	68
Program Records	*486	5.000	2,430
Student Records	*486	1.000	486
Repayment Records	*486	2.510	1,220
NSL Subtotal	486	.....	4,584

*Includes active and closing schools.

Table 3 shows the estimated burden for schools to complete reporting requirements for loan records, which is necessary to complete the forms listed in Table 1 above.

	Number of respondents	Responses per respondent	Total annual responses	Hours per response	Total burden hours
HPSL, LDS, and PCL Program:					
Student Financial Aid Transcript	4,600	1.0	4,600	0.250	1,150
Loan Information Disclosure	325	299.5	97,338	0.630	61,323
Entrance Interview	325	139.5	45,338	0.500	22,669
Exit Interview	*334	113.5	37,909	1.000	37,909
Notification of Repayment	*334	862.5	288,075	0.380	109,469
Notification During Deferment	*333	17.0	5,661	0.630	3,566
Notification of Delinquent Accounts	334	172.5	57,615	1.250	72,019
Credit Bureau Notification	334	6.0	2,004	0.500	1,002
Write-off of Uncollectable Loans	520	1.0	520	3.000	1,560
Disability Cancellation	3	1.0	3	1.000	3
Administrative Hearings record retention	0	0.0	0	0.000	0
Administrative Hearings reporting requirements	0	0.0	0	0.000	0
HPSL Subtotal	.....	.....	.....	.....	310,670
NSL Program:					
Student Financial Aid Transcript	4,100	1.0	4,100	0.250	1,025
Entrance Interview	282	17.5	4,935	0.420	2,073
Exit Interview	348	9.0	3,132	0.420	1,315
Notification of Repayment	348	9.0	3,132	0.270	846
Notification During Deferment	348	1.5	522	0.290	151
Notification of Delinquent Accounts	348	42.5	14,790	0.040	592

	Number of respondents	Responses per respondent	Total annual responses	Hours per response	Total burden hours
Credit Bureau Notification	348	709.0	246,732	0.006	1,480
Write-off of Uncollectable Loans	23	1.0	23	3.000	69
Disability Cancellation	16	1.0	16	1.000	16
Administrative Hearings	0	0.0	0	0.000	0
NSL Subtotal					7,567

* Includes active and closing schools.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–10469 Filed 5–26–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against Andes Virus

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of declaration.

SUMMARY: The Secretary is issuing a Declaration pursuant to section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d) to provide liability protection for activities related to medical countermeasures against Andes virus consistent with the terms of the Declaration.

DATES: This declaration is effective as of the date of signature.

FOR FURTHER INFORMATION CONTACT: L. Paige Ezernack, Administration for Strategic Preparedness and Response, U.S. Department of Health and Human Services, 400 7th St. SW, Washington, DC 20024; 202–260–0365, *paige.ezernack@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Public Readiness and Emergency Preparedness (PREP) Act authorizes the Secretary of Health and Human Services (the Secretary) to issue a Declaration to provide liability immunity to certain individuals and entities (Covered Persons) against any claim of loss caused by, arising out of, relating to, or resulting from the manufacture, distribution, administration, or use of medical countermeasures (Covered Countermeasures), except for claims involving ''willful misconduct'' as defined in the PREP Act. Under the PREP Act, a Declaration may be amended as circumstances warrant. The PREP Act also creates a compensation program. Liability immunity is addressed in section 319F–3 of the Public Health Service (PHS) Act, 42 U.S.C. 247d–6d, and the compensation program is addressed in section 319F–4 of the PHS Act, 42 U.S.C. 247d–6e.

Andes virus is a type of hantavirus spread by rodents in South America and, less commonly, by other infected people. The rodents that carry Andes virus have not been found in the United States. It can cause a severe respiratory disease in people, called Hantavirus Pulmonary Syndrome (HPS). Andes virus is the only type of hantavirus that is known to spread person-to-person. This spread is usually limited to people who have close contact with a sick person. This includes direct physical contact, prolonged time spent in close or enclosed spaces, and exposure to the sick person's body fluids.

HPS is a severe and potentially deadly disease that affects the lungs. HPS can be life-threatening. Among patients who have severe respiratory symptoms, the case fatality rate has been estimated at approximately 38%. Symptoms of HPS caused by Andes virus usually appear within 4–42 days after exposure. Early symptoms can include fever, fatigue, and muscle aches, especially in large muscle groups like the thighs, hips, back, or shoulders. Early symptoms such as fever, headache, muscle aches, nausea, and fatigue can be easily confused with influenza or other viral illnesses. About half of all HPS patients have experienced headaches, dizziness, chills, and gastrointestinal symptoms, including nausea, vomiting, diarrhea, and abdominal pain. Late symptoms of HPS appear approximately 4–10 days after the initial phase of illness and can include coughing, shortness of breath, and chest tightness. Individuals are generally only infectious while symptomatic.

Currently, there are no available antiviral treatments or vaccines for HPS that are FDA-approved, or authorized by FDA for investigational or emergency use.

On May 2, 2026, the World Health Organization (WHO) was notified of a cluster of severe acute respiratory illness (SARI) among passengers and crew of a cruise ship (the M/V Hondius) in the Atlantic Ocean. The cluster included two deaths and one critically ill passenger, whose laboratory tests confirmed hantavirus. On May 6, 2026, WHO confirmed that the type of hantavirus responsible for this outbreak is the Andes virus. As of May 8, 2026, WHO has reported eight cases (six confirmed and two suspected), including three deaths.

The cruise ship departed from Ushuaia, Argentina, on April 1, 2026, and traveled across the South Atlantic Ocean, stopping at several remote locations, including Antarctica, South Georgia Island, Tristan da Cunha, Saint Helena, and Ascension Island. It carried 147 people (86 passengers and 61 crew) from 23 different countries. The United States government repatriated 18 passengers from the cruise ship to the United States on May 10 and 11, 2026.

Section I, Determination of Public Health Emergency or Credible Risk of Future Public Health Emergency

Before issuing a Declaration under the PREP Act, the Secretary is required to determine that a disease or other health condition or threat to health constitutes a public health emergency or that there is a credible risk that the disease, condition, or threat may constitute such an emergency. Accordingly, in Section I, the Secretary determines that the spread of Andes virus and the resulting disease HPS constitutes a credible risk of a public health emergency for purposes of this Declaration.

Section II, Factors Considered

In deciding whether and under what circumstances to issue a Declaration

with respect to a Covered Countermeasure, the Secretary must consider the desirability of encouraging the design, development, clinical testing or investigation, manufacture, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of the countermeasure. In Section II, the Secretary states that he has considered these factors.

Section III, Recommended Activities

The Secretary must recommend the activities for which the PREP Act's liability immunity is in effect. These activities may include, under conditions as the Secretary may specify, the manufacture, testing, development, distribution, administration, or use of one or more Covered Countermeasures (Recommended Activities). In Section III, the Secretary recommends activities for which the immunity is in effect.

Section IV, Liability Immunity

The Secretary must also state that liability protections available under the PREP Act are in effect with respect to the Recommended Activities. These liability protections provide that, ''[s]ubject to other provisions of [the PREP Act], a covered person shall be immune from suit and liability under federal and state law with respect to all claims for loss caused by, arising out of, relating to, or resulting from the administration to or use by an individual of a covered countermeasure if a Declaration has been issued with respect to such countermeasure.'' In Section IV, the Secretary states that liability protections are in effect with respect to the Recommended Activities.

Section V, Covered Persons

The PREP Act's liability immunity applies to ''Covered Persons'' with respect to administration or use of a Covered Countermeasure. The term ''Covered Persons'' has a specific meaning and is defined in the PREP Act to include manufacturers, distributors, program planners, and qualified persons, and their officials, agents, and employees, and the United States. The PREP Act further defines the terms ''manufacturer,'' ''distributor,'' ''program planner,'' and ''qualified person'' as described below.

A manufacturer includes a contractor or subcontractor of a manufacturer; a supplier or licenser of any product, intellectual property, service, research tool or component or other article used in the design, development, clinical testing, investigation or manufacturing of a Covered Countermeasure; and any or all the parents, subsidiaries, affiliates, successors, and assigns of a manufacturer.

A distributor means a person or entity engaged in the distribution of drugs, biologics, or devices, including but not limited to: manufacturers; re-packers; common carriers; contract carriers; air carriers; own-label distributors; private-label distributors; jobbers; brokers; warehouses and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies.

A program planner means a state or local government, including an Indian tribe; a person employed by the state or local government; or other person who supervises or administers a program with respect to the administration, dispensing, distribution, provision, or use of a Covered Countermeasure, including a person who establishes requirements, provides policy guidance, or supplies technical or scientific advice or assistance or provides a facility to administer or use a Covered Countermeasure in accordance with the Secretary's Declaration. Under this definition, a private sector employer or community group or other ''person'' can be a program planner when it carries out the described activities.

A qualified person means a licensed health professional or other individual authorized to prescribe, administer, or dispense Covered Countermeasures under the law of the state in which the Covered Countermeasure was prescribed, administered, or dispensed; or a person within a category of persons identified as qualified in the Secretary's Declaration. Under this definition, the Secretary can describe in the Declaration other qualified persons, such as volunteers, who are Covered Persons. Section V describes other qualified persons covered by this Declaration.

The PREP Act also defines the word ''person'' as used in the Act: A person includes an individual, partnership, corporation, association, entity, or public or private corporation, including a federal, state, or local government agency or department.

Section V describes Covered Persons under the Declaration, including Qualified Persons.

Section VI, Covered Countermeasures

As noted above, Section III describes the Secretary's Recommended Activities for which liability immunity is in effect. This section identifies the Covered Countermeasures for which the Secretary has recommended such activities. The PREP Act states that a ''Covered Countermeasure'' must be: A ''qualified pandemic or epidemic product,'' or a ''security countermeasure,'' as described immediately below; or a drug, biological product or device authorized for emergency use in accordance with Sections 564, 564A, or 564B of the FD&C Act.

A qualified pandemic or epidemic product means a drug or device, as defined in the FD&C Act or a biological product, as defined in the PHS Act that is: (i) Manufactured, used, designed, developed, modified, licensed or procured to diagnose, mitigate, prevent, treat, or cure a pandemic or epidemic or limit the harm such a pandemic or epidemic might otherwise cause; (ii) manufactured, used, designed, developed, modified, licensed, or procured to diagnose, mitigate, prevent, treat, or cure a serious or life-threatening disease or condition caused by such a drug, biological product, or device; (iii) or a product or technology intended to enhance the use or effect of such a drug, biological product, or device.

A security countermeasure is a drug or device, as defined in the FD&C Act or a biological product, as defined in the PHS Act that: (i)(a) The Secretary determines to be a priority to diagnose, mitigate, prevent, or treat harm from any biological, chemical, radiological, or nuclear agent identified as a material threat by the Secretary of Homeland Security, or (b) to diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent; and (ii) is determined by the Secretary of Health and Human Services to be a necessary countermeasure to protect public health.

To be a Covered Countermeasure, qualified pandemic or epidemic products or security countermeasures also must be approved or cleared under the FD&C Act; licensed under the PHS Act; or authorized for emergency use under Sections 564, 564A, or 564B of the FD&C Act.

A qualified pandemic or epidemic product also may be a Covered Countermeasure when it is subject to an exemption (that is, it is permitted to be used under an Investigational New Drug (IND) Application or an Investigational Device Exemption (IDE)) under the FD&C Act and is the object of research for possible use for diagnosis, mitigation, prevention, treatment, or cure, or to limit harm of a pandemic or epidemic or serious or life-threatening condition caused by such a drug or device.

A security countermeasure also may be a Covered Countermeasure if it may reasonably be determined to qualify for approval or licensing within 10 years after the Department's determination that procurement of the countermeasure is appropriate.

Section VI lists medical countermeasures against Andes virus and HPS that are Covered Countermeasures under this declaration.

Section VI also refers to the statutory definitions of Covered Countermeasures to make clear that these statutory definitions limit the scope of Covered Countermeasures. Specifically, the Declaration notes that Covered Countermeasures must be ''qualified pandemic or epidemic products,'' or ''security countermeasures,'' or drugs, biological products, or devices authorized for investigational or emergency use, as those terms are defined in the PREP Act, the FD&C Act, and the Public Health Service Act.

Section VII, Limitations on Distribution

The Secretary may specify that liability immunity is in effect only to Covered Countermeasures obtained through a particular means of distribution. The Declaration states that liability immunity is afforded to Covered Persons for Recommended Activities related to Covered Countermeasures obtained for voluntary administration to individuals in accordance with an IND Application.

Section VIII, Category of Disease, Health Condition, or Threat

The Secretary must identify, for each Covered Countermeasure, the categories of diseases, health conditions, or threats to health for which the Secretary recommends the administration or use of the countermeasure. In Section VIII, the Secretary states that the disease threat for which he recommends administration or use of the Covered Countermeasures is HPS caused by Andes virus.

Section IX, Administration of Covered Countermeasures

The PREP Act does not explicitly define the term ''administration'' but does assign the Secretary the responsibility to provide relevant conditions in the Declaration. In Section IX, the Secretary defines ''Administration of a Covered Countermeasure:''

Administration of a Covered Countermeasure means physical provision of the countermeasures to recipients, or activities and decisions directly relating to public and private delivery, distribution, and dispensing of the countermeasures to recipients; management and operation of countermeasure programs; or management and operation of locations for purpose of distributing and dispensing countermeasures.

The definition of ''administration'' extends only to physical provision of a countermeasure to a recipient, such as vaccination or handing drugs to patients, and to activities related to management and operation of programs and locations for providing countermeasures to recipients, such as decisions and actions involving security and queuing, but only insofar as those activities directly relate to the countermeasure activities. Claims for which Covered Persons are provided immunity under the Act are losses caused by, arising out of, relating to, or resulting from the administration to or use by an individual of a Covered Countermeasure consistent with the terms of a Declaration issued under the Act. Under the definition, these liability claims are precluded if they allege an injury caused by physical provision of a countermeasure to a recipient, or if the claims are directly due to conditions of delivery, distribution, dispensing, or management and operation of countermeasure programs at distribution and dispensing sites.

Thus, it is the Secretary's interpretation that, when a Declaration is in effect, the Act precludes, for example, liability claims alleging negligence by a manufacturer in creating a vaccine, or negligence by a health care provider in prescribing the wrong dose, absent willful misconduct.

Section X, Population

The Secretary must identify, for each Covered Countermeasure specified in a Declaration, the population or populations of individuals for which liability immunity is in effect with respect to administration or use of the countermeasure. This section explains which individuals should use the countermeasure or to whom the countermeasure should be administered—in short, those who should take a drug or other countermeasure. Section X provides that the population includes ''any individual who uses or who is administered a Covered Countermeasure in accordance with the Declaration.''

In addition, the PREP Act specifies that liability immunity is afforded: (1) To manufacturers and distributors without regard to whether the countermeasure is used by or administered to this population; and (2) to program planners and qualified persons when the countermeasure is either used by or administered to this population or the program planner or qualified person reasonably could have believed the recipient was in this population. Section X includes these statutory conditions in the Declaration for clarity.

Section XI, Geographic Area

The Secretary must identify, for each Covered Countermeasure specified in the Declaration, the geographic area or areas for which liability immunity is in effect with respect to administration or use of the countermeasure, including, as appropriate, whether the Declaration applies only to individuals physically present in the area or, in addition, applies to individuals who have a described connection to the area. Section XI provides that liability immunity is afforded for the administration or use of a Covered Countermeasure without geographic limitation. This could include claims related to administration or use in countries outside the U.S. It is possible that claims may arise in regard to administration or use of the Covered Countermeasures outside the U.S. that may be resolved under U.S. law.

In addition, the PREP Act specifies that liability immunity is afforded: (1) To manufacturers and distributors without regard to whether the countermeasure is used by or administered in the geographic areas; and (2) to program planners and qualified persons when the countermeasure is either used or administered in the geographic areas or the program planner or qualified person reasonably could have believed the countermeasure was used or administered in the areas. Section XI includes these statutory conditions in the Declaration for clarity.

Section XII, Effective Time Period

The Secretary must identify, for each Covered Countermeasure, the period or periods during which liability immunity is in effect, designated by dates, milestones, or other description of events, including factors specified in the PREP Act. Section XII extends the effective period through July 18, 2026.

Section XIII, Additional Time Period of Coverage

The Secretary must specify a date after the ending date of the effective time period of the Declaration that is reasonable for manufacturers to arrange for disposition of the Covered Countermeasure, including return of the product to the manufacturer, and for other Covered Persons to take appropriate actions to limit

administration or use of the Covered Countermeasure. In addition, the PREP Act specifies that for Covered Countermeasures that are subject to a Declaration at the time they are obtained for the Strategic National Stockpile (SNS) under 42 U.S.C. 247d–6b(a), the effective period of the Declaration extends through the time the countermeasure is used or administered pursuant to a distribution or release from the stockpile. Liability immunity under the provisions of the PREP Act and the conditions of the Declaration continues during these additional time periods. Thus, liability immunity is afforded during the ''Effective Time Period,'' described under XII of the Declaration, plus the ''Additional Time Period'' described under Section XIII of the Declaration.

Section XIII provides for one month as the additional time period of coverage after expiration of the Declaration. Section XIII also explains the extended coverage that applies to any products obtained for the SNS during the effective period of the Declaration.

Section XIV, Countermeasures Injury Compensation Program

Section 319F–4 of the PHS Act, 42 U.S.C. 247d–6e, authorizes the Countermeasures Injury Compensation Program (CICP) to provide benefits to eligible individuals who sustain a serious physical injury or die as a direct result of the administration or use of a Covered Countermeasure. Compensation under the CICP for an injury directly caused by a Covered Countermeasure is based on the requirements set forth in this Declaration, the administrative rules for the Program, and the statute. To show direct causation between a Covered Countermeasure and a serious physical injury, the statute requires ''compelling, reliable, valid, medical and scientific evidence.'' The administrative rules for the Program further explain the necessary requirements for eligibility under the CICP.

Further, the administrative rules for the CICP specify that if countermeasures are administered or used outside the United States, only otherwise eligible individuals at United States embassies, military installations abroad (such as military bases, ships, and camps) or at North Atlantic Treaty Organization (NATO) installations (subject to the NATO Status of Forces Agreement) where American servicemen and servicewomen are stationed may be considered for CICP benefits. Other individuals outside the United States may not be eligible for CICP benefits.

Section XV, Amendments

The Secretary may amend any portion of this Declaration through publication in the **Federal Register**.

Declaration by the Secretary of Health and Human Services

I. Determination of Public Health Emergency or Credible Risk of Future Public Health Emergency

42 U.S.C. 247d–6d(b)(1)

I have determined that the spread of Andes virus and the resulting disease, hantavirus pulmonary syndrome (HPS), constitutes a credible risk of a future public health emergency.

II. Factors Considered

42 U.S.C. 247d–6d(b)(6)

I have considered the desirability of encouraging the design, development, clinical testing, or investigation, manufacture, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of the Covered Countermeasures.

III. Recommended Activities

42 U.S.C. 247d–6d(b)(1)

I recommend, under the conditions stated in this Declaration, the manufacture, testing, development, distribution, and voluntary administration and use of the Covered Countermeasures in individuals possibly exposed to Andes virus on the M/V Hondius and in individuals who have had close contact with individuals possibly exposed to Andes virus on the M/V Hondius.

IV. Liability Protections

42 U.S.C. 247d–6d(a), 247d–6d(b)(1)

Liability protections as prescribed in the PREP Act and conditions stated in this Declaration are in effect for the Recommended Activities described in Section III.

V. Covered Persons

42 U.S.C. 247d–6d(i)(2), (3), (4), (6), (8)(A) and (B)

Covered Persons who are afforded liability immunity under this Declaration are ''manufacturers,'' ''distributors,'' ''program planners,'' ''qualified persons,'' and their officials, agents, and employees, as those terms are defined in the PREP Act, and the United States.

''Qualified person'' includes (A) a licensed health professional or other individual who is authorized to prescribe, administer, or dispense such countermeasures under the law of the State in which the countermeasure was prescribed, administered, or dispensed; or (B) ''a person within a category of persons so identified in a Declaration by the Secretary'' under subsection (b) of the PREP Act. 42 U.S.C. 247d–6d(i)(8)

VI. Covered Countermeasures

42 U.S.C. 247d–6b(c)(1)(B), 247d–6d(i)(1) and (7)

Covered Countermeasures are favipiravir.

Covered Countermeasures must be ''qualified pandemic or epidemic products,'' or ''security countermeasures,'' or drugs, biological products, or devices authorized for investigational or emergency use, as those terms are defined in the PREP Act, the FD&C Act, and the PHS Act.

VII. Limitations on Distribution

42 U.S.C. 247d–6d(a)(5), 247d–6d(b)(2)(E)

I have determined that liability protections are afforded to Covered Persons only for Recommended Activities involving: Covered Countermeasures that are obtained for voluntary administration to individuals in accordance with an approved IND application.

I have also determined that, for governmental program planners only, liability protections are afforded only to the extent such program planners obtain Covered Countermeasures through voluntary means, such as (a) donation; (b) commercial sale; (c) deployment of Covered Countermeasures from federal stockpiles; or (d) deployment of donated, purchased, or otherwise voluntarily obtained Covered Countermeasures from state, local, or private stockpiles and perform emergency response functions in accordance with the PREP Act and this Declaration.

VIII. Category of Disease, Health Condition, or Threat

42 U.S.C. 247d–6d(b)(2)(A)

The category of disease, health condition, or threat for which I recommend the administration or use of the Covered Countermeasures is HPS caused by the Andes virus.

IX. Administration of Covered Countermeasures

42 U.S.C. 247d–6d(a)(2)(B)

Administration of the Covered Countermeasure means physical provision of the countermeasures to recipients, or activities and decisions directly relating to public and private

delivery, distribution and dispensing of the countermeasures to recipients, management and operation of countermeasure programs, or management and operation of locations for the purpose of distributing and dispensing countermeasures.

X. Population

42 U.S.C. 247d–6d(a)(4), 247d–6d(b)(2)(C)

The populations of individuals to whom the liability protections of this Declaration extend include any individual (regardless of age) who uses or is administered the Covered Countermeasures in accordance with this Declaration.

Liability protections are afforded to manufacturers and distributors without regard to whether the countermeasure is used by or administered to this population; liability protections are afforded to program planners and qualified persons when the countermeasure is used by or administered to this population, or the program planner or qualified person reasonably could have believed the recipient was in this population.

XI. Geographic Area

42 U.S.C. 247d–6d(a)(4), 247d–6d(b)(2)(D)

Liability protections are afforded for the administration or use of a Covered Countermeasure without geographic limitation.

Liability protections are afforded to manufacturers and distributors without regard to whether the Covered Countermeasure is used by or administered in any designated geographic area; liability protections are afforded to program planners and qualified persons when the countermeasure is used by or administered in any designated geographic area, or the program planner or qualified person reasonably could have believed the recipient was in that geographic area.

XII. Effective Period

42 U.S.C. 247d–6d(b)(2)(B)

Liability immunity for Covered Countermeasures extends through July 18, 2026.

XIII. Additional Period of Coverage

42 U.S.C. 247d–6d(b)(3)(B), 247d–6d(b)(3)(C)

I have determined that an additional one month of liability protection is reasonable to allow for the manufacturer(s) to arrange for disposition of the Covered Countermeasure, including return of the Covered Countermeasures to the manufacturer, and for Covered Persons to take such other actions as are appropriate to limit the administration or use of the Covered Countermeasures.

Covered Countermeasures obtained for the SNS during the effective period of this Declaration are covered through the date of administration or use pursuant to a distribution or release from the SNS.

XIV. Countermeasures Injury Compensation Program

42 U.S.C. 247d–6e

The PREP Act authorizes the Countermeasures Injury Compensation Program (CICP) to provide benefits to certain individuals or estates of individuals who sustain a covered serious physical injury as a direct result of the administration or use of the Covered Countermeasures, and benefits to certain survivors of individuals who die as a direct result of the administration or use of the Covered Countermeasures. The causal connection between the countermeasure and the serious physical injury must be supported by compelling, reliable, valid, medical, and scientific evidence in order for the individual to be considered for compensation. The CICP is administered by the Health Resources and Services Administration, within the U.S. Department of Health and Human Services. Information about the CICP is available at the toll-free number 1–855–266–2427 or *http://www.hrsa.gov/cicp/.*

XV. Amendments

42 U.S.C. 247d–6d(b)(4)

Amendments to this Declaration will be published in the **Federal Register**, as needed.

Authority: 42 U.S.C. 247d–6d.

Robert F. Kennedy Jr.,

Secretary of Health and Human Services.

[FR Doc. 2026–10539 Filed 5–22–26; 4:15 pm]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Data and Specimen Hub (DASH) (Eunice Kennedy Shriver National Institute of Child Health and Human Development)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), the National Institutes of Health will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received by July 27, 2026.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Rebecca F. Rosen, Ph.D., Director of the Office of Data Science and Sharing, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), National Institutes of Health, 6710B Rockledge Drive, Bethesda, MD 20817, or Email your request, including your address to: *SupportDASH@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Data and Specimen Hub (DASH), 0925–0744 expiration date 07/31/2027, REVISION, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: The NICHD Data and

Specimen Hub (DASH) is in the process of moving its existing data repository to the Biomedical Research Informatics Computing System (BRICS) data repository platform operated by the NIH Center for Information Technology (CIT). This requires changes to the existing OMB approved DASH forms to meet the CIT BRICS platform structure and also to incorporate NIH Requirements for Controlled-Access Data Repositories (CADRs) from the Required Security and Operational Standards for NIH Controlled-Access Data Repositories (NOT–OD–25–159) Guidebook. Specifically, we will revise the Data and Biospecimen Catalog Submission form to add items required for study milestone tracking and remove outdated policy compliance items. In addition, we will add new data collection, submission, and sharing assurances to the Institutional Certification Template and reduce the number of items on the User Registration form. The Data Request, Biospecimen Request, and Data Request Annual Progress Report forms will have minor revisions to add field options and update language that does not impact the nature of information being collected or its associated burden. Finally, we are removing three forms that are no longer in use by DASH: the Data Request Renewal Form, External Resource Catalog Submission form, and Study Catalog Submission form.

DASH was established by NICHD as a data and biospecimen sharing mechanism for biomedical research investigators. It serves as a centralized resource for investigators to share and access de-identified clinical and population health data from studies funded by NICHD. DASH also serves as a portal for requesting biospecimens from select DASH studies. NICHD researchers may generate other types of scientific data that cannot be shared in DASH. Investigators submitting data to DASH can indicate in their submissions if related study data are shared in other NIH data repositories and where those data are shared, for investigators to find and request access as needed.

The potential for public benefit to be achieved through sharing study data and/or biospecimen inventories through DASH for secondary analysis is significant. Additionally, the ability to centralize information regarding where to find study data shared across other public archives further helps to promote information discovery and reuse of data. NICHD DASH supports NICHD's mission to lead research and training to understand human development, improve reproductive health, enhance the lives of children and adolescents, and optimize abilities for all. Study data and biospecimen sharing and reuse will promote testing of new hypotheses from data and biospecimens already collected, facilitate trans-disciplinary collaboration, accelerate scientific findings, and enable NICHD to maximize the return on its investments in research.

Anyone can access NICHD DASH to browse and view descriptive information about the studies and data collections without creating an account. Users who wish to submit studies or request data (stored in DASH) and/or biospecimens (stored in NICHD contracted Biorepository) must register for an account.

Information will be collected from those wishing to create an account, sufficient to identify them as unique Users. Those submitting or requesting data and/or biospecimens will be required to provide additional supporting information to ensure proper use and security of NICHD DASH study data and biospecimens and to comply with NIH Requirements for CADRs. For data and/or biospecimen requests, information is collected both for initial data and/or biospecimen access and then throughout the request duration to maintain access. This includes research objectives and analysis plans, research teams, and institution information, as well as significant findings details for annual progress reports or extension justification for data request renewals. The information collected throughout these processes is limited to the essential data required to ensure the management of Users in NICHD DASH is efficient and the sharing of data and biospecimens among investigators is effective and aligns with DASH data sharing policies. The primary uses of the information collected by NICHD will be to:

- Communicate with the Users regarding data and biospecimen catalog submission, data requests, and biospecimen requests;
- Monitor data and biospecimen catalog submissions, data requests, and biospecimen requests;
- Notify interested Users of updates to data and biospecimens available through NICHD DASH; and
- Help NICHD understand the use of NICHD DASH study data and biospecimens by the research community.

All the data collected from use of NICHD DASH are for the purposes of internal administrative management of NICHD DASH, with the exception of the Recipient's approved use of DASH data and/or biospecimens, Recipient name and institution, and significant findings reporting in the Data Request Annual Progress Report, which may be shared on the DASH website or in publications describing the performance and value of the DASH system for the broader scientific community.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours is 1,010. The proposed difference is a 6-hour reduction in the annualized burden.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total annual burden (in hours)
1. User Registration	1,482	1	5/60	124
2. Institutional Certification Template	37	1	10/60	6
3. Data Request Annual Progress Report	313	1	30/60	157
4. Data Request	637	1	1	637
5. Data and Biospecimen Catalog Submission	37	1	2	74
6. Biospecimen Request	12	1	1	12
Total	2,518	2,518		1,010

Dated: May 21, 2026.

Jennifer M. Guimond,

Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2026–10517 Filed 5–26–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0150]

Agency Information Collection Activities; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: Petition for a Nonimmigrant Worker: H–2A Classification

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until June 26, 2026.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2025–0469. All submissions received must include the OMB Control Number 1615–0150 in the body of the letter, the agency name and Docket ID USCIS–2025–0469.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, John R. Pfirrmann-Powell, Acting Deputy Chief, telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on January 29, 2026, at 91 FR 3912, allowing for a 60-day public comment period. USCIS received two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2025–0469 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Reinstatement, With Change, of a Previously Approved Collection For Which Approval Has Expired.

(2) *Title of the Form/Collection:* Petition for a Nonimmigrant Worker: H–2A Classification.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129H2A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit; Not-for-profit institutions. This form is used by an employer to petition USCIS for an alien to come temporarily to the United States as a nonimmigrant to perform agricultural services or labor in the H–2A classification. The period of stay that may be granted is up to the period specified in the temporary labor certification that supports the requested employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of annual respondents for the information collection I–129H2A (PDFi) is 23,873 and the estimated hour burden per response is 4.59 hours; the estimated total number of annual respondents for the information collection I–129H2A (paper) is 2,652 and the estimated hour burden per response is 4.85 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection is 122,440 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $13,660,375.

Dated: May 21, 2026.

John R. Pfirrmann-Powell,

Acting Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2026–10442 Filed 5–26–26; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7103–N–07; OMB Control No.: 2528–NEW]

60-Day Notice of Proposed Information Collection: Evaluation of the Indian Housing Block Grant Competitive Program

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 27, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should refer to the proposal by name and/or OMB Control Number. Comments may be submitted within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal to Elizabeth Rudd, Department of Housing and Urban Development, 909 1st Avenue, Room 320–11, Seattle, WA 98104. Comments may also be submitted via email to *PDRPublicComments@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Rudd, Department of Housing and Urban Development, 909 1st Avenue, Room 320–11, Seattle, WA 98104; email Elizabeth Rudd at *PDRPublicComments@hud.gov,* or call her at 202–402–7607. 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 or 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.* Copies of available documents submitted to OMB may be obtained from Elizabeth Rudd.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the Indian Housing Block Grant Competitive Program.

OMB Approval Number: 2528–NEW.

Type of Request: New collection.

Form Number: N/A.

Description of the need for the information and proposed use: The U.S. Department of Housing and Urban Development (HUD) seeks to collect information to evaluate the Indian Housing Block Grant (IHBG) Competitive Program. The IHBG program is authorized under Title I of the Native American Housing Assistance and Self-Determination Act of 1996, as amended (25 U.S.C. 4101 *et seq.*) (NAHASDA). The program funds eligible Indian tribes and tribally designated housing entities (TDHEs) to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and other Indian areas, and for other affordable housing activities. Grant funds must primarily benefit low-income Indian families. HUD's Office of Native American Programs (ONAP) administers the IHBG funds. Most IHBG funds are allocated by formula, but since 2018 Congress has required that some funds be allocated by competition. In response to the Congressional mandate, ONAP created the IHBG competitive grant program.

This **Federal Register** Notice provides an opportunity to comment on the information collection for the Evaluation of the Indian Housing Block Grant Competitive Program. To evaluate the IHBG competitive program, after OMB approval of the proposed information collection, HUD and its contractor will administer a web-based survey to the 593 Tribes or TDHEs eligible to apply for IHBG competitive grants to collect data on: (1) why they apply for, or do not apply for, IHBG competitive grants, (2) the differences between projects funded by IHBG competitive grants and IHBG formula grants, (3) major housing needs and challenges in each respondent's area, and (4) factors that inhibit or facilitate building, rehabilitating, or acquiring housing on Tribal lands or for Tribal members.

HUD and its contractor will also conduct qualitative interviews with up to 30 Tribal staff and contractors drawn from applicants and non-applicants for IHBG competitive grants. The interviews will focus on experiences with the IHBG competitive grant program and ideas for improving the program.

The purpose of this study is to assess how well the IHBG competitive program meets its intended purposes of spurring new construction of affordable housing and enabling smaller tribes to build sooner than would be possible with formula funding, and to identify opportunities to improve the program.

Respondents: Tribal staff, TDHE staff, and contractors for Tribes and TDHEs eligible to apply for IHBG competitive grants.

Estimated Number of Respondents: This information collection will affect approximately 623 respondents. This includes: (1) a survey of 593 Tribes and TDHEs, and (2) qualitative interviews of 30 Tribal staff and contractors.

Estimated Number of Responses: 623.

Frequency of Response: Once. Because this collection will be administered only once during the three year approval period, the ''responses per annum'' field has been annualized by dividing the total number of responses by three.

Average Hours per Response: The survey is expected to take 30 minutes. Qualitative interviews will take approximately 60 minutes to complete.

Total Estimated Burdens: 326.5 hours, $14,702.30.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Tribe/TDHE Survey	593	0.33	195.69	0.5	97.85	$45.03	$4,406.19
Qualitative Interviews	30	0.33	10	1.0	10	45.03	450.30
Total	623				107.75		4,856.26

Note: Burden hours are annualized over a three year period, but in fact the information collection will happen only once.

Source: Table B–3. Average hourly and weekly earnings of all employees on private nonfarm payrolls by industry sector, seasonally adjusted. U.S. Bureau of Labor Statistics. January 2026 for all professional and business services. https://www.bls.gov/news.release/empsit.t19.htm.

The dollar cost of the estimated response burden is based on estimates from the U.S. Bureau of Labor Statistics on average hourly earnings in January 2026. For Tribal staff, TDHE staff, and contractors, the estimate is based on the average hourly earnings for professional and business services ($45.03).

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Todd M. Richardson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2026–10464 Filed 5–26–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Inflation Reduction Act Wage Rates and Wage Determinations

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Wage and Hour Division (WHD)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: On August 16, 2022, President Biden signed H.R. 5376 (Pub. L. 117–169), a budget reconciliation measure commonly referred to as the ''Inflation Reduction Act of 2022'' (IRA). The IRA allows taxpayers to claim enhanced tax credit and deduction amounts in situations in which Davis-Bacon Act (DBA) prevailing wage rates are not required but are voluntarily paid as a condition of claiming the enhanced amount. Taxpayers will generally be able to find the applicable prevailing wage rates for the various classifications of laborers and mechanics for the construction of their facility in wage determinations published on *www.sam.gov.* However, if no applicable wage determination is available on *www.sam.gov,* or if the wage determination that applies to the taxpayer's project does not include wage rates for all of the labor classifications that will be needed for the construction, alteration, or repair of the facility, guidance from the U.S. Department of the Treasury specifies a process by which a taxpayer may request an additional classification or supplemental wage determination from the Wage and Hour Division (WHD). *See 89 FR 53184;* and 26 CFR 1.45–7. The purpose of this ICR is to obtain approval to collect the data needed to issue additional classifications and supplemental wage determinations for the universe of respondents who are not already included in the collection approved under 1235–0023 (those who are subject to the DBA and the Davis-Bacon Related Acts (DBRA)). This collection applies to those outside the scope of DBA/DBRA who will need an applicable additional classification or supplemental wage determination that are not in an existing wage determination to satisfy prevailing wage requirements and thereby take the enhanced tax credit and deduction amounts under the IRA. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 25, 2026 (91 FR 14597).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the DOL, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) 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. To help ensure appropriate consideration, comments should reference OMB Control Number 1235–0034.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review. DOL seeks approval for the revision of this information collection to ensure effective administration of the laws administered by the WHD.

Agency: DOL–WHD.

Title of Collection: Inflation Reduction Act Wage Rates and Wage Determinations.

OMB Control Number: 1235–0034.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 2,090.

Total Estimated Number of Responses: 2,090.

Total Estimated Annual Time Burden: 523 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

PRA Department Clearance Officer.

[FR Doc. 2026–10455 Filed 5–26–26; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–030]

Name of Aerospace Safety Advisory Panel; Meeting.

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Monday, June 22, 2026, 2:00 p.m. to 3:30 p.m., Eastern time.

ADDRESSES: Public attendance will be virtual only. See dial in information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia Guignard, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4717 or *marcia.guinard@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Second Quarterly Meeting for 2026. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the Commercial Crew Program
—Update on Commercial LEO Development Programs
—Updates on Advanced Exploration Systems Development Program
—Updates on Health and Human Exploration

This meeting is only available telephonically. Any interested person may call the USA toll free conference call number 800–369–3107; passcode 3116192 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Marcia Guignard, at *marcia.guignard@nasa.gov,* or at (202) 358–4717 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Guignard at the email address previously noted. Verbal presentations and written statements should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Jamie M. Krauk,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2026–10445 Filed 5–26–26; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Subject 60-Day Notice for the ''Arts Basic Survey'' Proposed Collection; Comment Request

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection on arts participation in the U.S. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**.

ADDRESSES: Send comments to Sunil Iyengar, National Endowment for the Arts, via email (*research@arts.gov*).

SUPPLEMENTARY INFORMATION: The NEA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Dated: May 21, 2026.

RaShaunda Thomas,

Administrative Officer (Deputy), Office of Administrative Services & Contracts, National Endowment for the Arts.

[FR Doc. 2026–10462 Filed 5–26–26; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–08968; NRC–2026–1882]

NuFuels Inc.; Crownpoint Uranium Project In-Situ Recovery Facility; License Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to request a hearing and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the renewal of Source and Byproduct Materials License Number SUA–1580, which authorizes NuFuels, Inc. to operate the Crownpoint Uranium Project (CUP) *In-Situ* Recovery Facility—a facility that has not been constructed. The applicant requests a renewed license that, if granted, would authorize it to operate the CUP *In-Situ* Recovery Facility for 20 years beyond the date of such approval.

DATES: A request for a hearing or petition for leave to intervene must be filed by July 27, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–1882 when contacting the NRC about the availability of information regarding this document.

You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1882. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: James Smith, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6103; email: *James.Smith@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received a license renewal application (LRA) from NuFuels, Inc., dated January 22, 2025, (ADAMS Package Accession No. ML25022A289) requesting renewal of Source and Byproduct Materials License Number SUA–1580. NuFuels, Inc., a subsidiary of Laramide Resources, Ltd., proposes to develop in-situ recovery (ISR) operations in McKinley County, New Mexico. NuFuels, Inc. submitted the application, pursuant to part 2 and part 40 of title 10 of the *Code of Federal Regulations* (10 CFR). The CUP *In-Situ* Recovery Facility will consist of three separate satellite facilities at the Crownpoint, Unit 1, and Church Rock Section 8 project areas. Uranium recovered from Church Rock Section 17 will be processed at the adjacent Section 8 satellite facility. In addition to the satellite facilities, NuFuels will construct the currently licensed Crownpoint Central Plant (CCP) within the Crownpoint project area.

NuFuels proposes to construct and operate wellfields and associated infrastructure within the project areas to extract uranium from the Westwater Canyon Member of the Morrison Formation. Recovered uranium-bearing solutions will be processed at satellite facilities located at the Crownpoint, Unit 1, and Church Rock Section 8 project areas.

These satellite facilities will recover uranium using pressurized down-flow ion exchange (IX) columns. The loaded resin from the IX columns will then be transported to the CCP for further processing and drying. Each satellite facility is designed for a production capacity of up to 1 million pounds of triuranium octoxide(U_3O_8) per year.

The current license authorizes NuFuels, Inc., to operate the CCP, which is a uranium recovery facility that has not been constructed. The project involves building and operating an ISR uranium facility near Church Rock and Crownpoint, New Mexico. ISR (formerly referred to as in-situ leach or ISL) is a mining method that removes uranium from underground by circulating a solution through the rock.

The NRC staff has determined that NuFuels, Inc., has submitted sufficient information to enable the staff to undertake a technical review of the application and that the application is, therefore, acceptable for docketing. The current docket number, 040–08968, for license SUA–1580, will be retained. The determination to accept the LRA for docketing does not constitute a determination that a renewed license should be issued and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before making a licensing decision on the request for a renewed license, the NRC will make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The NRC may issue a renewed license based on its review if it finds there is reasonable assurance that the activities authorized by the renewed license will continue to meet the requirements for the issuance of a license under the Act and the Commission's regulations. The license SUA–1580 will not be deemed to have expired until the status of the application has been finally determined.

Additionally, in accordance with part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC will prepare a National Environmental Policy Act (NEPA) environmental document for the proposed license renewal in accordance with the NRC's NEPA-implementing regulations in 10 CFR part 51.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and on the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate.*

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR

2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056), and on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to: (1) request a digital identification (ID) certificate which allows the participant (or their counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or their counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals/getting-started.html*). After a digital ID certificate is obtained and a docket is created, the participant must submit adjudicatory documents in the Portable Document Format. Guidance on submissions is available on the NRC's public website (*https://www.nrc.gov/site-help/electronic-sub-ref-mat.html*). A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website (*https://www.nrc.gov/site-help/e-submittals.html*), by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available on the NRC's public website (*https://adams.nrc.gov/ehd*), unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Copies of the application to renew NuFuels' license for the CUP *In-Situ* Recovery Facility are available for public inspection at the NRC's PDR, and on the NRC's public website at *https://www.nrc.gov/materials/uranium-recovery/license-apps,* while the application is under review. The application may be accessed in ADAMS through the NRC Library on the internet at *https://www.nrc.gov/reading-rm/adams.html* under ADAMS Package Accession No. ML25022A289. As previously stated in this document, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC's PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *PDR.Resources@nrc.gov.*

(Authority: 42 U.S.C. 2011 *et seq.*)

Dated: May 21, 2026.

For the Nuclear Regulatory Commission.

Candace Spore,

Acting Chief, Uranium Recovery and Materials Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–10440 Filed 5–26–26; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

[Docket ID: OPM–2026–0100]

Confidential Government Information Nondisclosure Agreement

AGENCY: Office of Personnel Management.

ACTION: Notice with request for comment.

SUMMARY: The Office of Personnel Management (OPM) requests comment on a draft nondisclosure agreement (NDA) for use by Federal agencies for both new and existing employees. The form is intended to document Federal employees' acknowledgment of, and agreement to comply with, current legal obligations to safeguard non-public, confidential, or proprietary information, created or obtained through their official duties, while expressly preserving the right to make disclosures authorized by law. OPM believes that a governmentwide NDA form will promote consistency across Government, better protect confidential information, and better inform Federal employees of their rights and obligations regarding confidential information.

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

ADDRESSES: You may submit comments using the Federal eRulemaking Portal at *https://www.regulations.gov*. Follow the instructions for sending comments.

The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *https://www.regulations.gov* without change, and including any personal identifiers or contact information. Before finalizing the NDA, OPM will consider all comments received on or before the closing date for comments. OPM may make changes to the NDA after considering the comments received.

FOR FURTHER INFORMATION CONTACT: Joe Knouff, Suitability Director, (202) 599–0090. Email: *SuitEA@opm.gov,* with Attn: NDA Information in the subject line.

SUPPLEMENTARY INFORMATION:

Background and Authority

Congress has long authorized the President to ensure that individuals employed in the Federal civil service are suitable for Federal employment. Since 1871, Congress has empowered the President to prescribe regulations governing admission into the civil service, to ascertain the fitness and character of applicants, and to establish standards for the conduct of Federal employees in order to promote the efficiency of the service. Today, these authorities are reflected in 5 U.S.C. 3301 and 7301, which authorize the President to prescribe regulations for admission to the civil service, to assess applicant fitness and character, and to regulate employee conduct in the executive branch.

Historically, the President has delegated this authority to the Office of Personnel Management (OPM) and its predecessor, the Civil Service Commission, including responsibility for establishing suitability standards and for conducting suitability investigations related to appointment and continued Federal employment. OPM exercises this authority through regulations governing suitability and fitness determinations, which are intended to identify character or conduct that may adversely affect the integrity or efficiency of the service.

In addition to suitability standards, Federal employees are subject to longstanding legal requirements to safeguard nonpublic information obtained through their official duties. These obligations arise under multiple authorities, including the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), which prohibit the unauthorized disclosure of nonpublic information, implementing regulations of the Federal Records Act at 36 CFR 1222.24(a)(6), as well as statutes such as the Privacy Act of 1974.[1] Together, these requirements reflect the expectation that Federal employees will handle Federal records and other non-public, confidential, or proprietary information responsibly and refrain from disclosing such information without authorization or through unauthorized channels. OPM is defining ''Confidential Government Information'' for purposes of the NDA as all non-public, confidential, or proprietary information, to include, but not be limited to, information relating to internal agency operations, personnel matters, procurement processes, or any sensitive, pre-decisional or deliberative material that is not currently publicly available and should not be disclosed under applicable law.

Federal employees do not have discretion to disclose Confidential Government Information outside of narrow circumstances prescribed by relevant authorities and implemented by procedures which may differ by agency.[2] Unauthorized disclosures of Confidential Government Information disrupt agency operations and erode public trust. In recent months, unauthorized disclosures have included internal government materials not intended for public release, such as pre-decisional documents and interagency comments exchanged during internal coordination processes.[3] There have been several recent instances in which internal agency communications related to rulemaking and policy development were disclosed without authorization.[4] Such disclosures risk chilling candid interagency feedback, disrupting orderly decision-making, and weakening trust within and among Federal agencies.

These are not the only types of recent incidents underscoring the need for an NDA. In 2025, several Federal employees in the Federal Bureau of Investigation and Department of Homeland Security (DHS) engaged in unauthorized disclosure on planned immigration enforcement actions—disclosures that impeded enforcement of Federal law and put the lives of Federal agents in danger.[5] In early 2026, the New York Times and Washington Post received unauthorized disclosures from Federal employees divulging the secret U.S. raid on Venezuela prior to it occurring.[6] These leaks put the lives of members of the armed forces at risk, leading news organizations to delay ''publishing what they knew to avoid endangering US troops.'' [7] Also this year, the personal information of approximately 4,500 ICE employees—including nearly 2,000 employees working in frontline enforcement—was disclosed by a Federal employee, including names, addresses, email addresses, phone numbers, and job titles.[8] This leak jeopardized the safety of the agents.[9]

The problem is so widespread that the Supreme Court itself has instituted the use of nondisclosure agreements to attempt to dissuade staff from the harmful practice of disclosing Confidential Government Information and as a means to hold individuals

[1] These obligations include prohibitions against using nonpublic information to further one's own private interests, as well as governing the collection, maintenance, use, and dissemination of information about individuals maintained in systems of record by federal agencies. See 5 CFR 2635 and the Privacy Act of 1974 (5 U.S.C. 552a).

[2] Such circumstances would include disclosures to Congress, an Inspector General, or other designated individuals that are protected under the Whistleblower Protection Act, 5 U.S.C. 2302(b) (*i.e.,* a violation of any law, rule, or regulation; mismanagement, a gross waste of funds, or an abuse of authority; or a substantial and specific danger to public health or safety).

[3] Wagner, Erich and Eric Katz, ''Agencies internally pan OPM's bid to overhaul federal performance management,'' Government Executive (Jan. 29, 2026), *https://www.govexec.com/workforce/2026/01/agencies-internally-pan-opms-bid-overhaul-federal-performance-management/411051/.*

[4] Friedman, Drew, ''OPM seeks broader authority to fire federal employees, draft regulations show,'' Federal News Network (Mar. 26, 2025), *https://federalnewsnetwork.com/workforce/2025/03/opm-seeks-broader-authority-to-fire-federal-employees-draft-regulations-show/.*

[5] Pritchett, Elizabeth, ''DHS says it 'can, should and will' administer polygraph exams amid ICE raid location leaks,'' Fox News (Feb. 19, 2025), *https://www.foxnews.com/us/dhs-says-can-should-will-administer-polygraph-exams-amid-ice-raid-location-leaks;* Ainsley, Julia, and Jonathan Allen, ''DHS has begun performing polygraph tests on employees to find leakers,'' NBC News (Mar. 8, 2025), *https://www.nbcnews.com/politics/national-security/dhs-begun-performing-polygraph-tests-employees-find-leakers-rcna195485.*

[6] Tani, Max, and Shelby Talcott, ''News organizations held off on reporting Venezuela raid,'' Semafor (Jan. 3, 2026), *https://www.semafor.com/article/01/03/2026/new-york-times-washington-post-held-off-on-reporting-venezuela-raid.*

[7] Id.

[8] Putnam, Joanna, '' 'ICE List' doxxing site alleges DHS whistleblower leaked identities of 4,500 agents'' Police1 (Jan. 14, 2026), *https://www.police1.com/officer-safety/ice-list-doxxing-site-alleges-dhs-whistleblower-leaked-identities-of-4-500-agents.*

[9] U.S. Department of Homeland Security, ICE Officers Face an 8,000% Increase in Death Threats Against Them and Their Families (press release) (Jan. 26, 2026), *https://www.dhs.gov/news/2026/01/26/ice-officers-face-8000-increase-death-threats-against-them-and-their-families;* Carnahan, Ashley, ''Self-identified Antifa member arrested after allegedly threatening ICE agents, DOJ says'' Fox News (Feb. 5, 2026), *https://www.foxnews.com/us/self-identified-antifa-member-arrested-after-allegedly-threatening-ice-agents-doj-says.*

accountable for such behavior.[10] The Supreme Court took this step after a shocking incident where an individual, likely a law clerk, disclosed (without authorization) a copy of a draft decision in a controversial abortion case to a reporter.[11] In the weeks and months that followed, Supreme Court justices were subject to threats and harassment as a result of the leak,[12] and one was subject to an assassination plot. A would-be assassin traveled to the house of Justice Brett Kavanaugh, armed with a gun and burglary tools, with the intention of breaking into the Justice's house and killing him.[13] The would-be assassin was specifically motivated by the release of the leaked draft decision.[14]

On February 11, 2025, the President issued Executive Order 14210, *Implementing the President's ''Department of Government Efficiency'' Workforce Optimization Initiative.* Among other actions, the Executive Order directed OPM to revise its suitability regulations to address integrity-related conduct, including refusal to certify compliance with nondisclosure obligations. Consistent with that directive, OPM published a proposed rule titled *Suitability and Fitness* on June 3, 2025 (90 FR 23467). The proposed rule would amend 5 CFR part 731 to emphasize the impact of noncompliance with nondisclosure obligations in suitability and fitness determinations.

In parallel with this regulatory effort, OPM has developed a proposed NDA for use by Federal agencies that elect to document employees' acknowledgment of, and agreement to comply with, existing non-disclosure obligations. The proposed NDA does not create new substantive restrictions on employee speech or disclosure rights. Rather, it is designed to provide agencies with a standardized mechanism for employees to acknowledge and agree to comply with obligations that already exist under law and regulation, while expressly preserving rights to make disclosures authorized by law, including protected whistleblower disclosures. The NDA also does not replace or nullify any other nondisclosure agreements an individual may be required to sign in connection with his or her position.

OPM believes that a standard NDA form will promote consistency across Government, better protect confidential information, and better inform Federal employees of their rights and obligations regarding confidential information. OPM expects that the proposed NDA will be an Optional Form, meaning that Federal agencies would have discretion whether to use the NDA.

Should agencies elect to use the NDA, it would be administered to newly hired employees as part of the onboarding process and to current Federal employees. In addition, for new hires, a requirement to sign the NDA would be advertised as part of a job opening announcement for the vacancy. OPM expects that a new agreement would be executed if there is an agency change or the employee has a break in service; however, OPM would not expect an employee to sign a new agreement for every position change within an agency. The form would serve as a certification that the employee understands and agrees to comply with applicable nondisclosure requirements associated with Federal service.

This form would also become part of an employee's Electronic Official Personnel Folder (eOPF) which contains records and documents related to Federal civilian employment and follows an employee throughout service with any federal agency. It is maintained in the eOPF as required by updates to OPM's Operating Manual, ''The Guide to Personnel Recordkeeping.'' [15] OPM's Govt-1 system of records notice currently lists, among other things, the ''contents of the OPF as specified in OPM's Operating Manual, ''The Guide to Personnel Recordkeeping'' (GPR) as a category of record that is covered in the system. Thus Govt-1 is intended to cover everything in the OPF that is required by the GPR, and OPM does not plan to modify it to accommodate the NDA.

OPM is publishing the proposed form to provide public notice and allow for public comment to promote transparency, encourage consistency across agencies, and provide interested parties an opportunity to comment on the form's content, clarity, and potential implementation considerations.

The NDA is not subject to the Paperwork Reduction Act, as amended (44 U.S.C. chapter 35). *See* 5 CFR 1320.3(c)(4), which excludes from the definition of a regulated ''collection of information'' a collection from current employees of the Federal government when acting within the scope of their employment.

Request for Comment

OPM welcomes public comments on all aspects of the draft NDA, including whether the Privacy Act statement's description of the authority, principal purposes, routine uses, and effects provide sufficient notice to employees. The draft NDA is available in the docket for this notice on regulations.gov. See *https://www.regulations.gov/document/OPM-2026-0100-0003.* OPM specifically requests comment on the following issues.

1. What scope of information should be covered by the NDA? Should it cover only unclassified information? How do you understand the terms *confidential* and *confidentiality* in the context of this NDA? What customization of the NDA, if any, may be necessary for agencies to ensure it covers the appropriate information?

2. Does the NDA clearly communicate the types of information that would be subject to non-disclosure requirements? If not, how could OPM better describe what information can or cannot be disclosed to ensure employees have appropriate notice of their responsibilities?

3. Are there other statutes to which OPM should cite in Appendix A of the NDA when describing the nondisclosure requirements applicable to individuals working for or on behalf of the Federal government?

4. Do you have suggestions regarding the layout or formatting of the NDA?

5. Does the Privacy Act statement in the NDA provide sufficient notice to employees of the authorities, principal

[10] Kantor, Jodi, ''How the Supreme Court Secretly Made Itself Even More Secretive,'' The New York Times, (Feb. 2, 2026), *https://www.nytimes.com/2026/02/02/us/supreme-court-nondisclosure-agreements.html.*

[11] Gerstein, Josh and Alexander Ward, ''Supreme Court has Voted to Overturn Abortion Rights, Draft Opinion Shows,'' Politico (May 3, 2022), *https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473.* OPM notes that while the identity of the individual who leaked the information is unknown, the only individuals who had access to the draft were justices and their clerks, and it is most unlikely that a justice leaked the document.

[12] Letter from State Attorneys General to Merrick Garland, Recent Efforts To Intimidate Supreme Court Justices (May 11, 2022), available at *https://content.govdelivery.com/attachments/OKAG/2022/05/12/file_attachments/2157362/Letter%20re%20SCT%20Protests.pdf;* Carolyn Vakil, GOP governors, state AGs urge Garland to enforce federal law to protect Supreme Court justices (May 12, 2022), available at *https://thehill.com/regulation/court-battles/3486441-gop-governors-state-ags-urge-garland-to-enforce-federal-law-to-protect-supreme-court-justices/*

[13] McFarlane, Scott and Melissa Quinn, ''Man who tried to assassinate Kavanaugh in 2022 wanted to kill 3 justices, prosecutors say,'' CBS News (Sept. 19, 2025), *https://www.cbsnews.com/news/nicholas-roske-brett-kavanaugh-sentencing/.*

[14] U.S. Department of Justice, Nicholas Roske Sentenced to Over Eight Years in Prison for Attempted Murder of Supreme Court Justice in Maryland (press release) (Oct. 3, 2025), *https://www.justice.gov/opa/pr/nicholas-roske-sentenced-over-eight-years-prison-attempted-murder-supreme-court-justice.*

[15] OPM's ''Guide to Personnel Recordkeeping'' is available at *https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Personnel-Recordkeeping.*

purposes, routine uses, and effects of the form?

6. Does the OPM/GOVT–1 system of records notice provide sufficient notice that the government-wide system of records would maintain records related to the signing of, or failure to sign, the NDA?

7. What are the appropriate actions, if any, for agencies to consider taking if existing employees choose not to sign the NDA?

8. What are the appropriate actions, if any, for agencies to consider taking if new employees choose not to sign the NDA?

9. Does the NDA clearly communicate the potential consequences of refusal to sign the form for both existing and new employees, along with whether signing the form is voluntary or mandatory?

10. What else should OPM consider with regard to the NDA??

OPM will consider comments received before finalizing the NDA. OPM plans to submit the form to the General Services Administration (GSA) for designation as a GSA Form.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

[FR Doc. 2026–10471 Filed 5–26–26; 8:45 am]

BILLING CODE 6325–38–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 27, 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.
05/18/26	PM–GA 992	MC2026–248	K2026–246
05/19/26	PM–GA 993	MC2026–249	K2026–247
05/19/26	PM–GA 994	MC2026–250	K2026–248
05/19/26	PM–GA 995	MC2026–251	K2026–249
05/20/26	PM–GA 996	MC2026–252	K2026–250

Documents are available at *www.prc.gov.*

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2026–10531 Filed 5–26–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105533; File No. SR–ICC–2026–003]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the Clearance of Additional Credit Default Swap Contracts

May 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4,[2] notice is hereby given that on May 12, 2026, ICE Clear Credit LLC (''ICC'' or ''ICE Clear Credit'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been primarily prepared by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to revise the ICC Credit Default Swap (''CDS'') Rulebook (the ''Rules'')[3] to provide for the clearance of additional Standard Emerging Market Sovereign Single Name CDS contracts and for the clearance of an additional Asia/Pacific Sovereign Single Name CDS contract (collectively, the ''Sovereign Contracts'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The purpose of the proposed rule change is to adopt rules that will provide the basis for ICC to clear additional CDS contracts. ICC believes the addition of these Sovereign Contracts will benefit the market for CDS by providing market participants the benefits of clearing, including reduction in counterparty risk, and safeguarding of margin assets pursuant to clearing house rules. Clearing of the additional Sovereign Contracts will not require any changes to ICC's Risk Management Framework or other policies and procedures. ICC believes the proposed revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. ICC proposes to expand its product offering to include the additional

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used but not defined herein have the meanings specified in the Rules.

Sovereign Contracts following Commission approval of the proposed rule change. The proposed revisions are discussed in detail as follows.

ICC proposes amending Subchapter 26D and Subchapter 26L of its Rules to provide for the clearance of additional Sovereign Contracts, specifically the Republic of Ecuador, the Republic of Guatemala, the Republic of El Salvador, the Oriental Republic of Uruguay, the Republic of Costa Rica, the Republic of Kenya, and the Republic of Angola in Subchapter 26D, and the Islamic Republic of Pakistan in Subchapter 26L. The additional Sovereign Contracts have terms consistent with the other Sovereign contracts approved for clearing at ICC and governed by Subchapter 26D and Subchapter 26L of the Rules. Minor revisions to Subchapter 26D (Standard Emerging Market Sovereign (''SES'') Single Name) and to Subchapter 26L (Asia/Pacific Sovereign (''SAS'') Single Name) are made to provide for clearing the additional Sovereign Contracts. Specifically, in Rule 26D–102 (Definitions), ''Eligible SES Reference Entities'' is modified to include the Republic of Ecuador, the Republic of Guatemala, the Republic of El Salvador, the Oriental Republic of Uruguay, the Republic of Costa Rica, the Republic of Kenya, and the Republic of Angola in the list of specific Eligible SES Reference Entities to be cleared by ICC. Also, specifically, in Rule 26L–102 (Definitions), ''Eligible SAS Reference Entities'' is modified to include the Islamic Republic of Pakistan in the list of specific Eligible SAS Reference Entities to be cleared by ICC.

(b) Statutory Basis

Section 17A(b)(3)(F) of the Act [4] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions; to assure the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible; and to comply with the provisions of the Act and the rules and regulations thereunder. The additional Sovereign Contracts proposed for clearing are similar to the Sovereign contracts currently cleared by ICC and will be cleared pursuant to ICC's existing clearing arrangements and related financial safeguards, protections, and risk management procedures. Clearing of the additional Sovereign Contracts will allow market participants an increased ability to manage risk and ensure the safeguarding of margin assets pursuant to clearing house rules. ICC believes that acceptance of the new Sovereign Contracts, on the terms and conditions set out in the Rules, are consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[5]

Clearing of the additional Sovereign Contracts will also satisfy the relevant requirements of Rule 17Ad–22,[6] as set forth in the following discussion.

Rule 17Ad–22(e)(6)(i) [7] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market. In terms of financial resources, ICC will apply its existing margin methodology to the new Sovereign Contracts, which is similar to the Sovereign contracts currently cleared by ICC. ICC believes that this model will provide sufficient margin requirements to cover its credit exposure to its clearing members from clearing such contracts, consistent with the requirements of Rule 17Ad–22(e)(6)(i).[8]

Rule 17Ad–22(e)(4)(ii) [9] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions. ICC believes its Guaranty Fund, under its existing methodology, will, together with the required initial margin, provide sufficient financial resources to support the clearing of the additional Sovereign Contracts, consistent with the requirements of Rule 17Ad–22(e)(4)(ii).[10]

Rule 17Ad–22(e)(17) [11] requires, in relevant part, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage its operational risks by (i) identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls; and (ii) ensuring that systems have a high degree of security, resiliency, operational reliability, and adequate, scalable capacity. ICC believes that its existing operational and managerial resources will be sufficient for clearing of the additional Sovereign Contracts, consistent with the requirements of Rule 17Ad–22(e)(17),[12] as the new contracts are substantially the same from an operational perspective as existing contracts.

Rule 17Ad–22(e)(8), (9) and (10) [13] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to define the point at which settlement is final to be no later than the end of the day on which payment or obligation is due and, where necessary or appropriate, intraday or in real time; conduct its money settlements in central bank money, where available and determined to be practical by the Board, and minimize and manage credit and liquidity risk arising from conducting its money settlements in commercial bank money if central bank money is not used; and establish and maintain transparent written standards that state its obligations with respect to the delivery of physical instruments, and establish and maintain operational practices that identify, monitor, and manage the risks associated with such physical deliveries. ICC will use its existing rules, settlement procedures and account structures for the new Sovereign Contracts, which are similar to the SES and SAS contracts currently cleared by ICC, consistent with the requirements of Rule 17Ad–22(e)(8),(9) and (10) [14] as to the finality and accuracy of its daily settlement process

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] *Id.*

[6] 17 CFR 240.17ad–22.

[7] 17 CFR 240.17ad–22(e)(6)(i).

[8] *Id.*

[9] 17 CFR 240.17ad–22(e)(4)(ii).

[10] *Id.*

[11] 17 CFR 240.17ad–22(e)(17)(i) and (ii).

[12] *Id.*

[13] 17 CFR 240.17ad–22(e)(8), (9) and (10).

[14] *Id.*

and addressing the risks associated with physical deliveries.

Rule 17Ad–22(e)(2)(i) and (v) [15] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. ICC determined to accept the additional Sovereign Contracts for clearing in accordance with its governance process, which included review of the contracts and related risk management considerations by the Risk Committee and Board Risk Committee and approval by the Board. These governance arrangements continue to be clear and transparent, such that information relating to the assignment of responsibilities and the requisite involvement of the Board and committees is clearly detailed in the Rules and policies and procedures, consistent with the requirements of Rule 17Ad–22(e)(2)(i) and (v).[16]

Rule 17Ad–22(e)(13) [17] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to ensure it has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations by, at a minimum, requiring its participants and, when practicable, other stakeholders to participate in the testing and review of its default procedures, including any close-out procedures, at least annually and following material changes thereto. ICC will apply its existing default management policies and procedures for the additional Sovereign Contracts. ICC believes that these procedures allow for it to take timely action to contain losses and liquidity demands and to continue meeting its obligations in the event of clearing member insolvencies or defaults in respect of the additional single name, in accordance with Rule 17Ad–22(e)(13).[18]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed amendments will have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, the purpose of the proposed rule change is to adopt rules that will provide the basis for ICC to clear additional credit default swap contracts. The additional Sovereign Contracts will be available to all ICC participants for clearing. The clearing of the additional Sovereign Contracts by ICC does not preclude the offering of the additional Sovereign Contracts for clearing by other market participants. Accordingly, ICC does not believe that clearance of the additional Sovereign Contracts will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Credit. ICE Clear Credit will notify the Commission of any comments received with respect to the proposed rule change.

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 up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICC–2026–003 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–ICC–2026–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of such filings will be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.ice.com/clearcredit/regulation.*

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–ICC–2026–003 and should be submitted on or before June 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10451 Filed 5–26–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[16] *Id.*

[17] 17 CFR 240.17ad–22(e)(13).

[18] *Id.*

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105538; File No. SR–NYSEAMER–2026–41]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NYSE American Options Fee Schedule To Adopt Fees Applicable to Trading Options on MXWLD, MXACW, and MXUSA

May 21, 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 May 13, 2026, NYSE American LLC (''NYSE American'' 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (''Fee Schedule'') to adopt fees applicable to trading in options that overlie each of the MSCI World Index (1/100), the full value of the MSCI ACWI Index, and a reduced value of the MSCI USA Index (1/100). 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 purpose of this filing is to amend the Fee Schedule to establish fees in connection with the launch of trading in options that overlie the MSCI World Index (1/100) (''WORLD 1/100 options'' or ''MXWLD''), the full value of the MSCI ACWI Index (''ACWI options'' or ''MXACW''), and a reduced value of the MSCI USA Index (1/100) (''USA 1/100 options'' or ''MXUSA'').[4] The Exchange recently filed a proposed rule change to adopt rules to facilitate the transfer and trading of WORLD 1/100 options, ACWI options and USA 1/100 options, which currently trade on Cboe Exchange, Inc. (''Cboe Options'').[5] The Exchange proposes that the fees set forth in this filing will take effect on May 1, 2026, the day that trading in WORLD 1/100 options, ACWI options and USA 1/100 options begins on the Exchange.[6]

The MSCI World Index (1/100) (''WORLD Index (1/100)''), the MSCI ACWI Index (''ACWI Index'') and the MSCI USA Index (1/100) (''USA Index (1/100)'') are free float-adjusted market capitalization indexes calculated by MSCI Inc. (''MSCI''). Specifically,

- The MSCI World Index (1/100) consists of component stocks from 23 developed markets.[7] The MSCI World Index (1/100) consists of large- and mid-cap components across these markets, has 1,311 constituents, and covers approximately 85% of the free float-adjusted market capitalization in each country.[8]
- The MSCI ACWI Index consists of component stocks from 23 developed markets [9] and 24 emerging markets.[10] The MSCI ACWI Index consists of large- and mid-cap components across these markets, has 2,515 constituents, and covers approximately 85% of the global investable equity opportunity set.[11]
- The MSCI USA Index (1/100) consists of large- and mid-cap components from the United States, has 538 constituents, and covers approximately 85% of the free float-adjusted market capitalization in the United States.[12]

The Exchange proposes to adopt the following per contract transaction fees for manual executions in MXWLD, MXACW and MXUSA, which are largely based on the fees currently assessed by Cboe Options: [13]

Participant	Penny/ Non-Penny	Rate Per Contract MXUSA, MXWLD, MXACW Manual Transactions
Broker-Dealer	Penny ..	$0.20
	Non-Penny.	0.20
Customer	Penny ..	0.05
	Non-Penny.	0.05
DOMM	Penny ..	N/A
	Non-Penny.	N/A
e-Specialist	Penny ..	0.10
	Non-Penny.	0.10
Firm	Penny ..	0.20
	Non-Penny.	0.20
Firm Facilitation ..	Penny ..	N/A
	Non-Penny.	N/A
NYSE American Options Market Maker.	Penny ..	0.10
	Non-Penny.	0.10
Non-NYSE American Options Market Maker.	Penny ..	0.20
	Non-Penny.	0.20
Professional Customer.	Penny ..	0.05
	Non-Penny.	0.05
Specialist	Penny ..	0.10
	Non-Penny.	0.10

Similar to the exclusion of the options overlying the MSCI EAFE Index (''MXEA'') and the MSCI Emerging Markets Index (''MXEF''), the Exchange .proposes to amend Footnotes 3 of Fee Schedule Section I.A. ''Rates for Options transactions'' to exclude MXWLD, MXACW and MXUSA from Marketing Charges applicable to Market Makers who are counterparties to an electronic trade with a customer. The Exchange further proposes to amend Fee Schedule Sections I.I and I.J to exclude transactions in MXWLD, MXACW and MXUSA from the Firm Monthly Fee Cap and Strategy Execution Fee Cap, respectively. Also, the Exchange proposes to amend Fee Schedule Section III.E.1 to exclude MXWLD, MXACW, and MXUSA from rebates achieved via the FB Prepay Program (more specifically, the Manual Billable Rebate Program).

In addition, the Exchange proposes to add Footnote 7 (previously Reserved) to provide for a monthly rebate of $6,667 per symbol ($20,000 for all three) for each appointed Specialist or e-Specialist (collectively, ''Specialists'') that satisfies

[4] The Exchange originally filed to amend the Fee Schedule on May 1, 2026 (SR–NYSEAMER–2026–37). was withdrawn on May 13, 2026, and replaced by this filing. [sic]

[5] *See* Securities Exchange Act Release No. 105195 (April 10, 2026) 91 FR 20208 (April 15, 2026) (SR–NYSEAMER–2026–28) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Facilitate the Transfer and Trading of Options That Overlie a Reduced Value of the MSCI World Index (1/100), the Full Value of the MSCI ACWI Index and a Reduced Value of the MSCI USA Index (1/100)).

[6] *See https://www.nyse.com/trader-update/history#110000956142.*

[7] These developed markets include Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Hong Kong, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, the United Kingdom, and the United States.

[8] See MSCI World Index (1/100) fact sheet (dated March 31, 2026), available at MSCI World Index.

[9] These developed markets include Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Hong Kong, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, the United Kingdom, and the United States.

[10] These emerging markets include Brazil, Chile, China, Colombia, Czech Republic, Egypt, Greece, Hungary, India, Indonesia, Korea, Kuwait, Malaysia, Mexico, Peru, Philippines, Poland, Qatar, Saudi Arabia, South Africa, Taiwan, Thailand, Turkey, and the United Arab Emirates.

[11] See MSCI ACWI Index fact sheet (dated March 31, 2026), available at MSCI ACWI Index.

[12] *See* MSCI USA Index (1/100) fact sheet (dated March 31, 2026), available at MSCI USA Index.

[13] *See* Cboe Options Fee Schedule, available at *Cboe_FeeSchedule.pdf* (providing for $0.10 per contract rate for Cboe Options Market-Maker/DPM/LMM manual transactions in index products; $0.20 per contract rate for Broker-Dealer manual transaction in index products; $0.05 per contract rate for Customer manual transactions in MXWLD, MXACW and MXUSA).

their quoting standards. Such rebate will be pro-rated if an appointment begins after the first day of trading of the month or ends prior to the last trading day of the month. The rebate is fashioned after the rebate applied by Cboe as part of its LMM Incentive Program for LLMs that met certain quoting standards in MXWLD, MXACW and MXUSA in a month when they were listed there. As with the Exchange's proposed rebate, if an LMM met certain quoting standards in a given month, the LMM would receive a payment for that month in the amount of $10,000 (or prorated amount if an appointment begins after the first trading day of the month or ends prior to the last trading day of the month).[14]

The Exchange believes that the rebate will encourage Specialists to provide significant liquidity in MXWLD, MXACW and MXUSA. The Exchange notes the crucial role that Specialists serve in providing quotes and the opportunity for market participants to trade MXWLD, MXACW and MXUSA, which can lead to increased volume and robust markets. Moreover, the rebate further takes into account that Specialists, unlike other market participants, take on a number of obligations. For instance, like Cboe LMMs, Specialists must fulfill the general obligations of Market Makers and meet heightened quoting requirements.[15]

Finally, as with MXEA and MXEF, the Exchange proposes to adopt an Index License Surcharge of $0.20 per contract for all participant transactions (other than Customers and Professional Customers) in MXWLD, MXACW and MXUSA, which were, likewise, based on the index license surcharge fee assessed by Cboe Options for transactions in MXWLD, MXACW and MXUSA [16] and reflects costs incurred by the Exchange related to licensing for purposes of listing and trading WORLD 1/100 options, ACWI options and USA 1/100 options.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[18] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [19]

There are currently 18 registered options exchanges competing for order flow. Based on publicly available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[20] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in March 2026, the Exchange had 9.86% market share of executed volume of multiply-listed equity and ETF options trades.[21] In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of options order flow. Within this environment, market participants can freely, and often do, shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees.

The Exchange believes the proposed fees for trading in MXWLD, MXACW and MXUSA are reasonable, equitable, and not unfairly discriminatory. As noted above, the proposed fees are generally based on fees currently assessed by Cboe Options for trading in WORLD 1/100 options, ACWI options and USA 1/100 options.[22] The Exchange believes that it is reasonable for the Exchange to adopt fees largely based on the existing pricing structure for WORLD 1/100 options, ACWI options and USA 1/100 options, which would provide continuity to market participants trading in these options. The Exchange also believes that the proposed fees are reasonable because the proposed fees for manual transactions in MXWLD, MXACW and MXUSA are within the range of fees currently applicable to manual transactions and the exclusion of MXWLD, MXACW and MXUSA from certain pricing programs is consistent with the exclusion of fees related to other index products traded on the Exchange, most notably MXEA and MXEF.[23]

The Exchange further believes that the proposed Specialist and e-Specialist rebate is reasonable, equitable and not unfairly discriminatory. The rebate is reasonably designed to incentivize Specialists to satisfy their quoting standards and, therefore, provide liquid and active markets which, in turn, will facilitate tighter spreads, increased trading opportunities, and overall enhanced market quality to the benefit of all market participants.

In addition, the rebate, which is fashioned after Cboe's LMM rebate related to quoting in MXWLD, MXACW and MXUSA, reflects the crucial role that Specialists serve in providing quotes and the opportunity for market participants to trade in those products. It also takes into account the additional obligations Specialists have that other market participants do not. As noted above, like Cboe LMMs, Specialists carry heightened quoting requirements,

[14] *See* Securities Exchange Act Release No. 99839 (March 22, 2024), 89 FR 21640 (March 28, 2024) (SR–CBOE–2024–014) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Its Fees Schedule in Connection With the Exchange's Plans To List and Trade Options That Overlie a Reduced Value of the MSCI World Index, the Full Value of the MSCI ACWI Index, and a Reduced Value of the MSCI USA Index).

[15] See Rule 972NY(c).

[16] *See* Cboe Options Fee Schedule, Surcharge Fee Index License (applying $0.15 surcharge on transactions in MXWLD, MXACW and MXUSA).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4) and (5).

[19] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[20] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[21] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.,* the Exchange's market share in multiply-listed equity and ETF options was 6.83% for the month of March 2025 and 9.86% for the month of March 2026.

[22] *See* notes 13 & 16 supra.

[23] *See* also Fee Schedule, FIRM MONTHLY FEE CAP (excluding Royalty Fees for KBW Bank Index options from fees that count towards the Firm and Broker Dealer Monthly Fee Cap); STRATEGY EXECUTION FEE CAP (excluding Royalty Fees for KBW Bank Index options from calculation of cap on transaction fees for strategy executions).

in addition to fulfilling the general obligations of Market Makers.

All appointed Specialists are eligible for the rebate, which is designed to incentivize Specialists in these newly listed products to provide liquid and active markets to encourage their growth. The rebate will benefit all market participants trading in MXWLD, MXACW, and MXUSA by encouraging the appointed Specialists to maintain their quoting standards, which incentivizes continuous increased liquidity and, therefore, may provide more trading opportunities and tighter spreads.

The Exchange also believes that the proposed Index License Surcharge is reasonable because it is intended to help recoup some of the costs associated with the license required to make MXWLD, MXACW and MXUSA options available for trading on the Exchange. The Exchange further believes that the proposed change is reasonably designed to encourage market participants to continue trading in MXWLD, MXACW and MXUSA once trading in these options begins on the Exchange and believes that maintaining consistency with the current Cboe Options pricing structure would facilitate the transition for all market participants to trading these options on the Exchange. To the extent the proposed change is effective in encouraging market participants to maintain or increase their trading activity in MXWLD, MXACW and MXUSA, the Exchange believes the proposed change would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants.

Finally, the Exchange believes the proposed rule change is an equitable allocation of its fees and rebates and is not unfairly discriminatory because the proposed fees are based on the amount and type of business transacted on the Exchange. Trading in WORLD 1/100 options, ACWI options and USA 1/100 options is voluntary, and all similarly situated market participants would be subject to the same fee structure, on an equal and non-discriminatory basis, as proposed. To the extent that the proposed change attracts increased order flow to the Exchange, it would continue to make the Exchange a more competitive venue for, among other things, order execution, thereby improving market quality for all market participants on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that it is subject to significant competitive forces and, in accordance with Section 6(b)(8) of the Act, does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [24]

Intramarket Competition. The proposed change is designed to facilitate trading in WORLD 1/100 options, ACWI options and USA 1/100 options on the Exchange and to promote continuity for market participants by maintaining general consistency with the existing fee structure on Cboe Options for trading in MXWLD, MXACW and MXUSA. The proposed fees would apply to all similarly situated market participants that trade WORLD 1/100 options, ACWI options and USA 1/100 options, and, accordingly, the proposed changes would not impose a disparate burden on competition among market participants on the Exchange.

The Exchange also does not believe that the proposed rebate would impose any burden on intramarket competition because it applies to all Specialists appointed to MXWLD, MXACW and MXUSA uniformly. To the extent appointed Specialists or e-Specialists receive a benefit that other market participants do not, these Specialists, have different obligations and are held to different standards. The rebate reflects the crucial role that Specialists serve in providing quotes and the opportunity for market participants to trade in MXWLD, MXACW and MXUSA. It also takes into account the additional obligations Specialists have that other market participants do not. As noted above, like Cboe LMMs, Specialists carry heightened quoting requirements, in addition to fulfilling the general obligations of Market Makers.

Finally, the Exchange notes that the rebate is designed to attract additional order flow to the Exchange, which benefits all market participants by providing more trading opportunities, tighter spreads, market transparency and price discovery, and signals to other market participants to direct their order flow to those markets, thereby contributing to robust levels of liquidity.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 17 competing options exchanges if they deem the Exchange's fee levels to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[25] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in March 2026, the Exchange had 9.86% market share of executed volume of multiply-listed equity and ETF options trades.[26]

The Exchange believes that the proposed rule change reflects this competitive environment because it adopts fees for trading in WORLD 1/100 options, ACWI options and USA 1/100 options generally based on Cboe Options' fees, thereby modifying the Exchange's fees in a manner designed to encourage market participants to maintain or increase trading activity in such options once they transition to list and trade on the Exchange. To the extent that market participants continue to trade in MXWLD, MXACW and MXUSA on the Exchange, all Exchange market participants stand to benefit from increased order flow and additional trading opportunities on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed

[24] *See* Reg NMS Adopting Release, *supra* note 12, at 37499.

[25] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[26] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.,* the Exchange's market share in multiply-listed equity and ETF options was 6.83% for the month of March 2025 and 9.86% for the month of March 2026.

rule change reflects this competitive environment.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [27] of the Act and subparagraph (f)(2) of Rule 19b–4 [28] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [29] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2026–41 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2026–41 and should be submitted on or before June 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10448 Filed 5–26–26; 8:45 am]

BILLING CODE 8011–01–P

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(2).

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105539; File No. SR–CboeEDGX–2026–035]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule by Introducing a New RPI Add Tier and Amending Its Fee Code Table Applicable to Securities Priced Below $1.00

May 21, 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 May 11, 2026, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend its Fee Schedule by introducing a new RPI Add Tier and amending its fee code table applicable to securities priced below $1.00. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''EDGX Equities'') by introducing a new RPI Add Tier. The Exchange proposes to implement these changes effective May 1, 2026.[3]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 17 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[4] no single registered equities exchange has more than 14% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially submitted the proposed rule change on May 1, 2026 (SR–CboeEDGX–2026–033). On May 11, 2026, the Exchange withdrew that filing and submitted this proposal.

[4] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (April 29, 2026), available at *https://www.cboe.com/us/equities/market_statistics/.*

power in the execution of order flow. The Exchange in particular operates a ''maker-taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity.

The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity.[5] For orders in securities priced below $1.00, the Exchange provides a standard rebate of 0.00003 per share for orders that add liquidity and assesses a fee of 0.30% of the dollar value for orders that remove liquidity.[6] The Exchange offers various fee codes applicable to orders that add or remove liquidity on EDGX.

On March 19, 2026, the Commission approved the Exchange's proposed adoption of the EDGX RPI Program.[7] The EDGX RPI Program launched on the Exchange on April 10, 2026. The EDGX RPI Program seeks to enable Members to offer price improvement to eligible Retail Orders through use of Retail Price Improvement Orders (''RPI Orders'') [8] in securities priced at or above $1.00. In anticipation of the EDGX RPI Program's launch, the Exchange introduced fee code ZP to its Fee Schedule on April 1, 2026.[9] Rather than providing the standard rebate, fee code ZP assesses a fee of $0.0002 to RPI Orders in securities priced at or above $1.00 that add liquidity to the Exchange.[10]

The Exchange now proposes to introduce an RPI Add Tier under new footnote 6. The proposed RPI Add Tier would provide a reduced fee for orders yielding fee code ZP where a Member reaches certain criteria. The proposed criteria for the RPI Add Tier is as follows:

- RPI Add Tier 1 provides a reduced fee of $0.00000 per share in securities priced at or above $1.00 to qualifying orders (*i.e.,* orders yielding fee code ZP) where a Member has an RPI Add ADV ≥ 2,000,000.

The Exchange notes that in addition to introducing RPI Add Tier 1 it also proposes to introduce language that will specify that for May 2026, RPI Add Tier 1 will utilize quoting and trading activity from May 2026 for its volume calculations and the tier payment would not begin until June 2026 for those Members that satisfy the criteria during May 2026. The Exchange believes it is necessary to include this language as the General Notes section of the Fee Schedule currently states: ''[I]n compliance with Regulation NMS Rule 610(d), effective February 2, 2026, unless otherwise indicated, all volume figures will be derived from quoting or trading activity in the prior month.'' By introducing the proposed language described above, the Exchange is providing notice to Members that the proposed RPI Add Tier 1 is utilizing quoting and trading activity from May 2026 so that Members may begin to attempt to satisfy the proposed criteria ahead of the first month that the tier would become payable, which would be June 2026. Given that the EDGX RPI Program did not launch until April 10, 2026, the Exchange believes it is appropriate to provide Members the full month of May 2026 to qualify for RPI Add Tier 1 before the tier becomes payable in June 2026.

The proposed RPI Add Tier 1 is intended to provide an opportunity to incentivize Members to receive a reduced fee in qualifying orders. Increased liquidity in RPI Orders may contribute to a deeper, more liquid market and provide increased execution opportunities to the benefit of retail market participants. Incentivizing an increase in RPI Orders encourages Retail Member Organizations to increase transactions and take execution opportunities provided by such increased liquidity, providing for enhanced price improvement opportunities on the Exchange. As such, increased overall order flow benefits all Members by contributing towards a robust and well-balanced market ecosystem.

Fee Codes

The Exchange currently offers various fee codes applicable to orders on the Exchange. The table denoting the fees applicable to each fee code is currently divided into rates for securities priced at or above $1.00 and rates for securities priced below $1.00.[11] For securities priced below $1.00, a rate of 0.00000 is shown for each fee code that does not assess a fee or provide a rebate to orders appended with the relevant fee code. However, for securities priced at or above $1.00 the table reflects ''Free'' for any fee code where the Exchange does not assess a fee or provide a rebate. The Exchange now proposes to replace 0.00000 with the word ''Free'' to match the structure of the table for securities priced at or above $1.00.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4) [15] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

[5] *See* EDGX Equities Fee Schedule, Standard Rates.

[6] *Id.*

[7] *See* Securities Exchange Act Release No. 105052 (March 19, 2026), 91 FR 14052 (March 24, 2026) (SR–CboeEDGX–2025–072).

[8] *See* Rule 11.21(a)(3). A ''Retail Price Improvement Order'' or ''RPI Order'' consists of nondisplayed interest on the Exchange that is eligible to interact with incoming Retail Orders and that is identified by the Retail Liquidity Identifier described in Rule 11.21(e). To be executable, an RPI Order for a security priced at or above $1.00 must be priced at least $0.001 better than the Protected NBB or Protected NBO and may be priced in $0.001 increments (*e.g.,* $10.001). An RPI Order may not be entered in securities priced below $1.00. An RPI Order is ineligible to execute at prices equal to or inferior to the Protected NBB (for buy orders) or Protected NBO (for sell orders). An RPI Order that is ineligible to execute because it is priced equal to or inferior to the Protected NBB or Protected NBO will not be canceled and will become eligible to execute against incoming Retail Orders should the RPI Order become priced better than the Protected NBB (for buy orders) or Protected NBO (for sell orders) at a later time. An incoming RPI Order will not be eligible to interact with a resting Retail Order on the EDGX Book and upon entry will post to the EDGX Book to execute against later-arriving Retail Orders.

[9] *See* Securities Exchange Act Release No. 105321 (April 28, 2026), SR–CboeEDGX–2026–026.

[10] *See* Rule 11.21(a)(3). Securities with executions priced below $1.00 are not eligible to be appended with fee code ZP, as an RPI Order may not be entered in securities priced below $1.00.

[11] *See* EDGX Equities Fee Schedule, Fee Codes and Associated Fees.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] 15 U.S.C. 78f(b)(4).

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to introduce RPI Add Tier 1 reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. Specifically, the Exchange's proposed RPI Add Tier 1 is not a significant departure from existing criteria, is reasonably correlated to the reduced fee offered by the Exchange and other competing exchanges,[16] and will continue to incentivize Members to submit order flow to the Exchange. Additionally, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[17] including the Exchange,[18] and are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Competing equity exchanges offer similar tiered pricing structures, including schedules or rebates and fees that apply based upon members achieving certain volume and/or growth thresholds, as well as assess similar fees or rebates for similar types of orders, to that of the Exchange.

In particular, the Exchange believes its proposed RPI Add Tier 1 is reasonable because the proposed tier will be available to all Members and provide all Members with an opportunity to be assessed a reduced fee. The Exchange further believes its proposed RPI Add Tier 1 will provide a reasonable means to encourage liquidity adding RPI Orders in Members' order flow to the Exchange and to incentivize Members to continue to provide liquidity adding volume to the Exchange by offering them an opportunity to receive a reduced fee on qualifying orders. An overall increase in activity would deepen the Exchange's liquidity pool, offer additional cost savings, offer additional price improvement for Retail Orders, and improve market quality, for all investors.

The Exchange believes that its proposed RPI Add Tier 1 is reasonable as the proposed criteria does not represent a significant departure from the criteria currently offered in the Fee Schedule. The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members will be eligible for proposed RPI Add Tier 1 and have the opportunity to meet the tier's criteria and receive the corresponding reduced fee if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for proposed RPI Add Tier 1. While the Exchange has no way of predicting with certainty how the proposed changes will impact Member activity, based on the prior month's volume, the Exchange anticipates that no Member will be able to satisfy the proposed RPI Add Tier. The Exchange also notes that proposed changes will not adversely impact any Member's ability to qualify for reduced fees offered under other tiers. Should a Member not meet the proposed new criteria, the Member will merely not receive that corresponding reduced fee.

Additionally, the Exchange believes the text accompanying RPI Add Tier 1 promotes just and equitable principles of trade and is not unfairly discriminatory because it applies to all Members equally, in that any Member seeking to achieve the criteria of proposed RPI Add Tier 1 will be utilizing quoting and trading activity from May 2026 and shall not receive payment for the proposed RPI Add Tier 1 until June 2026. Providing this additional clarity on the Exchange's Fee Schedule ensures that all market participants have information regarding the quoting and trading activity being utilized to determine qualification for the proposed RPI Add Tier 1.

Lastly, the Exchange believes that amending the fee code table to reflect a rate of ''Free'' as opposed to 0.00000 for securities priced below $1.00 promotes just and equitable principles of trade and is not unfairly discriminatory because it applies to all Members equally, in that all Members will be aware that the rate applicable to the relevant fee code is ''Free.'' Providing this additional clarity on the Exchange's Fee Schedule ensures that all market participants have accurate information regarding the rate applicable to each fee code in both securities priced at or above $1.00 and securities priced below $1.00.

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. Rather, as discussed above, the Exchange believes that the proposed changes will encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed introduction of RPI Add Tier 1 does not impose an unnecessary burden as all Members will be eligible to achieve the reduced fee under the proposed tier. The Exchange does not believe the proposed introduction of the RPI Add Tier 1 burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of EDGX by amending existing pricing incentives to attract order flow and incentivize participants to increase their participation on the Exchange. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Additionally, the Exchange does not believe that the change to the fee code section of the Fee Schedule imposes any burden on intramarket competition that is not necessary or appropriate in furtherance of the Act because the change is not being made for competitive reasons, but rather to align

[16] *See* NYSE Arca Equities Fees and Charges, Retail Tiers, available at: *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*. While the retail tiers offered by NYSE Arca offer discounted fees to removers of retail liquidity as opposed to the Exchange's proposed discounted fees for liquidity adders, the Exchange believes the comparison is useful in that it shows that exchanges, including the Exchange, seek to provide pricing incentives to encourage growth in retail liquidity generally.

[17] *See e.g.,* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

[18] *See e.g.,* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

the text of the table applicable to securities priced below $1.00 with that of the table applicable to securities priced at or above $1.00.

Next, the Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 14% of the market share.[19] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [20] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''.[21] Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [22] and paragraph (f) of Rule 19b–4 [23] 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–CboeEDGX–2026–035 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–CboeEDGX–2026–035. 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–CboeEDGX–2026–035 and should be submitted on or before June 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10449 Filed 5–26–26; 8:45 am]

BILLING CODE 8011–01–P

[19] *Supra* note 2.

[20] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[21] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105535; File No. SR–PEARL–2026–24]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Exchange Fee Schedule To Amend Non-Transaction Fees

May 21, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 14, 2026, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule (the ''Fee Schedule'') applicable to the Exchange's options trading platform (''MIAX Pearl Options'') to update various non-transaction fees that have not been changed in a number of years to be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

comparable to fees charged by other like exchanges for similar products.[3]

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings* and at MIAX Pearl's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange first launched operations in February 2017 to attract order flow and encourage market participants to experience the high determinism and resiliency of the Exchange's trading Systems.[4] To do so, the Exchange took a pragmatic and thoughtful approach to each fee proposal to encourage and increase participation in its marketplace while being mindful of fee levels charged by other exchanges for similar products and services. The Exchange now proposes to amend various fees for non-transaction related services to be in line with those of other options exchanges and enable it to continue to effectively compete with other exchanges who charge higher non-transaction fees and generate greater revenue. This proposal simply seeks to increase certain fees to reflect current market rates. The Exchange notes that significant portion of the fees for non-transaction related services that are the subject of this filing have not been increased since 2018.

Specifically, the Exchange proposes to amend the Fee Schedule to amend the following non-transaction fees: (1) monthly Trading Permit[5] fees applicable to Electronic Exchange Members (''EEMs'')[6] and Market Makers;[7] (2) connectivity fees to the primary/secondary facility and disaster recovery facility for Members[8] and non-Members; and (3) FIX,[9] MEO,[10] MEO Purge,[11] CTD[12] and FXD[13] Port fees.[14]

Monthly Trading Permit Fees

The Exchange proposes to amend the Fee Schedule to amend the amount of the monthly Trading Permit fees assessed to EEMs and Market Makers.

EEMs and EEM Clearing Firms

The Exchange notes that Trading Permit fees for EEMs and EEM Clearing Firms[15] have not been amended since they were first adopted in May 2018.[16] The Exchange assesses EEMs a Trading Permit fee based upon the type of interface that the EEM (except EEM Clearing Firms) uses to access the Exchange—either FIX or MEO—and the Non-Transaction Fees Volume-Based Tier achieved by the EEM in the relevant month.[17] The monthly volume thresholds associated with each Tier are calculated as the total volume executed by a Member and its Affiliates[18] on the

[3] All references to the ''Exchange'' in this filing refer to MIAX Pearl Options. Any references to the equities trading facility of MIAX PEARL, LLC will specifically be referred to as ''MIAX Pearl Equities.''

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] The term ''Trading Permit'' means a permit issued by the Exchange that confers the ability to transact on the Exchange. *See* Exchange Rule 100.

[6] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] The term ''Market Maker'' or ''MM'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the Exchange's Rules. *See* Exchange Rule 100.

[8] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[9] The term ''FIX Port'' means a FIX port that allows Members to send orders and other messages using the FIX protocol. *See* the Definitions Section of the Fee Schedule. ''FIX Interface'' means the Financial Information Exchange interface for certain order types as set forth in Exchange Rule 516. *See id.* and Exchange Rule 100.

[10] ''MEO Interface'' or ''MEO'' means a binary order interface for certain order types as set forth in Rule 516 into the MIAX Pearl System. *See id.* and Exchange Rule 100.

[11] The term ''MEO Purge Ports'' provide Members with the ability to send quote purge messages to the MIAX Pearl System. MEO Purge Ports are not capable of sending or receiving any other type of messages or information. *See* the Definitions Section of the Fee Schedule.

[12] The term ''CTD Port'' or ''Clearing Trade Drop Port'' provides an Exchange Member with real-time clearing trade updates. The updates include the Member's clearing trade messages on a low latency, real-time basis. The trade messages are routed to a Member's connection containing certain information. The information includes, among other things, the following: (i) trade date and time; (ii) symbol information; (iii) trade price/size information; (iv) Member type (for example, and without limitation, Market Maker, Electronic Exchange Member, Broker-Dealer); and (v) Exchange MPID for each side of the transaction, including Clearing Member MPID. *See* the Definitions Section of the Fee Schedule.

[13] The term ''FXD'' or ''FIX Drop Copy Port'' means a messaging interface that provides a copy of real-time trade execution, trade correction and trade cancellation information to FIX Drop Copy Port users who subscribe to the service. FXD Port users are those users who are designated by an EEM to receive the information and the information is restricted for use by the EEM only. *See* the Definitions Section of the Fee Schedule.

[14] The Exchange initially filed this proposal on December 31, 2025. *See* Securities Exchange Act Release No. 104591 (January 13, 2026), 91 FR 2227 (January 16, 2026) (SR–PEARL–2025–51). On January 30, 2026, the Exchange withdrew SR–PEARL–2025–51 and refiled this proposal. *See* Securities Exchange Act Release No. 104837 (February 12, 2026), 91 FR 7583 (February 18, 2026) (SR–PEARL–2026–06). On March 25, 2026, the Exchange withdrew SR–PEARL–2026–06 and refiled this proposal. *See* Securities Exchange Act Release No. 105178 (April 8, 2026), 91 FR 18909 (April 13, 2026) (SR–PEARL–2026–14). On May 14, 2026, the Exchange withdrew SR–PEARL–2026–14 and refiled this proposal.

[15] The term ''EEM Clearing Firm'' means an EEM that solely clears transactions on the Exchange and does not connect to the Exchange via either the FIX Interface or MEO Interface. *See* the Definitions Section of the Fee Schedule.

[16] *See* Securities Exchange Act Release Nos. 82867 (March 13, 2018), 83 FR 12044 (March 19, 2018) (SR–PEARL–2018–07) *and* 83188 (May 8, 2018), 83 FR 22300 (May 14, 2018) (SR–PEARL–2018–12).

[17] In general, the term ''Non-Transaction Fees Volume-Based Tiers'' means the tier structure that is applicable to certain non-transaction fees, as specifically set forth in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

[18] The term ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX Pearl Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Pearl Market Maker) that has been appointed by a MIAX Pearl Market Maker, pursuant to the following process. A MIAX Pearl Market Maker appoints an EEM and an EEM appoints a MIAX Pearl Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to *membership@miaxglobal.com* no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange

Continued

Exchange across all origin types, not including Excluded Contracts,[19] as compared to the TCV [20] in all MIAX Pearl-listed options. In particular, EEMs that connect via the FIX or MEO Interface are assessed the following Trading Permit fees based upon total volume executed on the Exchange across all origin types, not including Excluded Contracts, as compared to the TCV in all MIAX Pearl-listed options: 0.00% to 0.30% in Tier 1; above 0.30% to 0.60% in Tier 2; and above 0.60% in Tier 3.

For EEMs that connect via the FIX Interface, the Exchange currently assesses the following monthly Trading Permit fees:

- $250 per Trading Permit for EEMs in Tier 1;
- $350 per Trading Permit for EEMs in Tier 2; and
- $450 per Trading Permit for EEMs in Tier 3.

For EEMs that connect via the MEO Interface, the Exchange assesses the following monthly Trading Permit fees:

- $300 per Trading Permit for EEMs in Tier 1;
- $400 per Trading Permit for EEMs in Tier 2; and
- $500 per Trading Permit for EEMs in Tier 3.[21]

The Exchange assesses a flat monthly fee of $250 per Trading Permit to each EEM Clearing Firm.

The Exchange now proposes to increase the Trading Permit fees assessed to EEMs and EEM Clearing Firms, which again, have not been increased since they were first adopted in 2018. In particular, for EEMs that connect via the FIX Interface, the Exchange proposes to assess the following monthly Trading Permit fees:

- $300 per Trading Permit for EEMs in Tier 1;
- $425 per Trading Permit for EEMs in Tier 2; and
- $550 per Trading Permit for EEMs in Tier 3.

For EEMs that connect via the MEO Interface, the Exchange proposes to assess the following monthly Trading Permit fees:

- $375 per Trading Permit for EEMs in Tier 1;
- $500 per Trading Permit for EEMs in Tier 2; and
- $625 per Trading Permit for EEMs in Tier 3.

The Exchange also proposes to assess EEM Clearing Firms $300 per month per Trading Permit.

Market Makers

The Exchange notes that Trading Permit fees for Market Makers have not been amended since September 2022.[22] Currently, the Exchange assesses monthly Trading Permit fees to Market Makers based on the lesser of either the per class traded or percentage of total national average daily volume (''ADV'') measurement based on classes traded by volume. The amount of monthly Market Maker Trading Permit fee is based upon the number of classes in which the Market Maker was registered to quote on any given day within the calendar month, or upon the class volume percentages. A Market Maker is determined to be registered in a class if that Market Maker has been registered in one or more series in that class.[23] Newly listed option classes are excluded from the calculation of the monthly Market Maker Trading Permit fee until the calendar quarter following their listing, at which time the newly listed option classes will be included in both the per class count and the percentage of total national ADV.

Currently, the Exchange assess the following Trading Permit fees to Market Makers:

- $3,000 for Market Maker registrations in up to 10 option classes or up to 20% of option classes by national ADV;
- $5,000 for Market Maker registrations in up to 40 option classes or up to 35% of option classes by ADV;
- $7,000 for Market Maker registrations in up to 100 option classes or up to 50% of option classes by ADV; and
- $9,000 for Market Maker registrations in over 100 option classes or over 50% of option classes by ADV up to all option classes listed on MIAX Pearl.

The Exchange also assesses an alternative lower Trading Permit fee to Market Makers who fall within the 2nd, 3rd and 4th levels of the Market Maker Trading Permit fee table, which levels are described immediately above, if certain volume thresholds are met. This alternative lower Trading Permit fee for Market Makers is set forth in footnote ''**'' that is included in the Market Maker Trading Permit fee table and provides that if the Market Maker's total monthly executed volume during the relevant month is less than 0.040% of the total monthly TCV for MIAX Pearl–listed option classes for that month, then the monthly fee will be $3,500 instead of the fee otherwise applicable to such level.

The Exchange now proposes to increase the Trading Permit fees assessed to Market Makers, which, as described above, were last amended over three years ago in September 2022. In particular, the Exchange proposes to assess the following Trading Permit fees to Market Makers:

- $3,500 for Market Maker registrations in up to 10 option classes or up to 20% of option classes by national ADV;
- $5,500 for Market Maker registrations in up to 40 option classes or up to 35% of option classes by ADV;
- $8,000 for Market Maker registrations in up to 100 option classes or up to 50% of option classes by ADV; and
- $10,000 for Market Maker registrations in over 100 option classes or over 50% of option classes by ADV up to all option classes listed on MIAX Pearl.

The Exchange also proposes to increase the alternative lower Trading Permit fee to Market Makers who fall within the 3rd and 4th levels of the Market Maker Trading Permit fee table from $3,500 to $5,500 per month by amending the footnote ''**'' following the Market Maker Trading Permit fee table for these Monthly Trading Permit tier levels.

System Connectivity Fees

1Gb and 10Gb Network Connectivity Fees

Next, the Exchange proposes to amend the Fee Schedule to increase connectivity fees to the primary/secondary and disaster recovery facilities for Members and non-Members. Currently, the Exchange assesses the same amount of connectivity fees to Members and non-Members that connect to the Exchange's

receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. *See* the Definitions Section of the Fee Schedule.

[19] ''Excluded Contracts'' means any contracts routed to an away market for execution. *See* the Definitions Section of the Fee Schedule.

[20] ''TCV'' means total consolidated volume calculated as the total national volume in those classes listed on MIAX Pearl for the month for which the fees apply, excluding consolidated volume executed during the period of time in which the Exchange experiences an Exchange System Disruption (solely in the option classes of the affected Matching Engine). *See* the Definitions Section of the Fee Schedule.

[21] The Exchange also provides a $100 credit towards the monthly Trading Permit fees for EEMs that connect to the Exchange via both the FIX and MEO Interfaces. *See* Fee Schedule, Section 3)b), footnote ''*''. The Exchange does not propose to amend this credit at this time.

[22] *See* Securities Exchange Act Release No. 96338 (November 17, 2022), 87 FR 71704 (November 23, 2022) (SR–PEARL–2022–51).

[23] Pursuant to Exchange Rule 602(a), a Member that has qualified as a Market Maker may register to make markets in individual series of options.

primary/secondary facility and disaster recovery facility. In particular, the Exchange assesses the following connectivity fees to Members and non-Members:

- $1,400 per 1 gigabit (''Gb'') connection to the primary/secondary facility;
- $550 per 1Gb connection to the disaster recovery facility;
- $2,750 per 10Gb connection to the disaster recovery facility; and
- $13,500 per 10Gb ultra-low latency (''ULL'') connection to the primary/secondary facility.

The Exchange notes that the above fees for 1Gb connectivity and 10Gb to the disaster recovery facility, and 1Gb connectivity to the primary/secondary facilities, have not been increased since December 2019.[24] The fee for 10Gb ULL connectivity was last increased in January 2023.[25] The Exchange now propose to amend Sections 5)a)–b) of the Fee Schedule to increase connectivity fees for Members and non-Members. In particular, the Exchange proposes to assess the following connectivity fees to Members and non-Members:

- $1,500 per 1Gb connection to the primary/secondary facility;
- $650 per 1Gb connection to the disaster recovery facility;
- $3,500 per 10Gb connection to the disaster recovery facility; and
- $15,000 per 10Gb ULL connection to the primary/secondary facility.

Port Fees

The Exchange proposes to amend the fees for FIX Ports, Full Service MEO Ports (Single), Full Service MEO Ports (Bulk), Limited Service MEO Ports, MEO Purge Ports, CTD Ports, and FXD Ports. Some of these fees have not been increased since they were first adopted in March or August of 2018. Each port provides access to the Exchange's primary and secondary data centers as well as its disaster recovery center for a single fee.

FIX Ports

The Exchange proposes to amend the fees for FIX Ports, which have not been increased since they were first adopted in March 2018. A FIX Port allows Members to send orders and other messages using the FIX protocol.[26] The Exchange currently assesses the following monthly FIX Port fees:

- $275 for the first FIX Port;
- $175 per port for the second to fifth FIX Ports; and
- $75 per port for the sixth or more FIX Ports.[27]

The Exchange proposes to increase monthly FIX Port fees as follows:

- $350 for the first FIX Port;
- $225 per port for the second to fifth FIX Ports; and
- $100 per port for the sixth or more FIX Ports.

Full Service MEO Ports (Single)

The Exchange proposes to amend the fees for Full Service MEO Ports (Single).[28] In general, a Full Service MEO Port allows Members to enter orders via the MEO Interface, which is a binary order interface for certain order types. A Full Service MEO Port (Single) is a type of MEO port that supports all MEO input message types and binary order entry on a single order-by-order basis, but not bulk orders.[29] The Exchange proposes to increase the monthly fee of $4,000 per Full Service MEO Port (Single) to $4,500.[30]

Full Service MEO Ports (Bulk)

The Exchange proposes to amend the Full Service MEO Port (Bulk) fees for EEMs and Market Makers,[31] which support all MEO input message types and bulk binary order entry.

The Exchange assesses the amount of the monthly Full Service MEO Port (Bulk) fees for Market Makers based on the lesser of either the per class traded or percentage of total national ADV measurement based on classes traded by volume. The amount of monthly Market Maker Full Service MEO Port (Bulk) fees is based upon the number of classes in which the Market Maker was registered to quote on any given day within the calendar month, or upon the class volume percentages. Specifically, the Exchange assesses the following Full Service MEO Port (Bulk) fees to Market Makers:

- $5,000 for Market Maker registrations in up to 10 option classes or up to 20% of option classes by national ADV;
- $7,500 for Market Maker registrations in up to 40 option classes or up to 35% of option classes by ADV;
- $10,000 for Market Maker registrations in up to 100 option classes or up to 50% of option classes by ADV; and
- $12,000 for Market Maker registrations in over 100 option classes or over 50% of option classes by ADV up to all option classes listed on MIAX Pearl.

The Exchange also provides an alternative lower Full Service MEO Port (Bulk) fee for Market Makers who fall within the 2nd, 3rd and 4th levels of the Market Maker Full Service MEO Port (Bulk) fee table, which levels are described directly above, if certain volume thresholds are met. This alternative lower Full Service MEO Port (Bulk) fee for Market Makers is set forth in footnote ''**'' in the Market Maker Full Service MEO Port (Bulk) fee table and provides that if the Market Maker's total monthly executed volume during the relevant month is less than 0.040% of the total monthly TCV for MIAX Pearl–listed option classes for that month, then the fee will be $6,000 instead of the fee otherwise applicable to such level.

The Exchange now proposes to increase the Full Service MEO Port (Bulk) fees assessed to Market Makers as follows:

- $5,500 for Market Maker registrations in up to 10 option classes or up to 20% of option classes by national ADV;
- $8,000 for Market Maker registrations in up to 40 option classes or up to 35% of option classes by ADV;
- $11,000 for Market Maker registrations in up to 100 option classes or up to 50% of option classes by ADV; and
- $13,000 for Market Maker registrations in over 100 option classes or over 50% of option classes by ADV up to all option classes listed on MIAX Pearl.

The Exchange also proposes to increase the alternative lower Full Service MEO Port (Bulk) fee for Market Makers who fall within the 3rd and 4th levels of the proposed Market Maker Full Service MEO Port (Bulk) fee table from $6,000 to $8,000 per month by amending footnote ''**'' following the Market Maker Full Service MEO Port (Bulk) fee table.

The Exchange also proposes to amend the Full Service MEO Port (Bulk) fee assessed to EEMs, which entitles EEMs to two (2) Full Service MEO Ports (Bulk) for each matching engine for the single

[24] *See* Securities Exchange Act Release No. 87876 (December 31, 2019), 85 FR 757 (January 7, 2020) (SR–PEARL–2019–36).

[25] *See* Securities Exchange Act Release Nos. 96632 (January 10, 2023), 88 FR 2707 (January 17, 2023) (SR–PEARL–2022–62) *and* 99823 (March 21, 2024), 89 FR 21312 (March 27, 2024) (SR–PEARL–2024–14) (noting that while the proposed fee changes subject to this filing were immediately effective, the proposed fee changes had been effective since January 1, 2023 pursuant to the Exchange's initially filed proposal on December 30, 2022 (*i.e.,* SR–PEARL–2022–62)).

[26] *See supra* note 9.

[27] Each FIX Port provides access to all matching engines. *See* Fee Schedule, Section 5)d), note ''^''.

[28] These fees were last amended in January 2023. *See supra* note 25.

[29] *See supra* note 10.

[30] Each Full Service MEO Port—Single entitles a Member to two (2) such ports for each matching engine for a single port fee. *See* Fee Schedule, Section 5)d), note ''*''.

[31] These fees were last amended in January 2023. *See supra* note 25.

monthly fee. The Exchange proposes to increase the fee accesses to EEMs that utilize Full Service MEO Ports (Bulk) from $7,500 to $8,000 per month.

Limited Service MEO Ports

The Exchange proposes to amend the fees for Limited Service MEO Ports. Limited Service MEO Ports support all MEO input message types, but do not support bulk order entry and support the use of Immediate-or-Cancel Orders (''IOC'') [32] or Intermarket Sweep Orders (''ISO'') [33] only.[34] The Exchange currently assesses the following monthly Limited Service MEO Ports fees, which were last amended in April 2021: [35]

- $0.00 for the first and second Limited Service MEO Ports;
- $200 per port for the third and fourth Limited Service MEO Ports;
- $300 per port for fifth and sixth Limited Service MEO Ports; and
- $400 per port for the seventh or more Limited Service MEO Ports.[36]

The Exchange proposes to increase the monthly Limited Service MEO Port fees as follows:

- $0.00 for the first and second Limited Service MEO Ports;
- $225 per port for the third and fourth Limited Service MEO Ports;
- $350 per port for fifth and sixth Limited Service MEO Ports; and
- $475 per port for the seventh or more Limited Service MEO Ports.

MEO Purge Ports

The Exchange proposes to amend the fees for MEO Purge Ports, which provide Members with the ability to send quote purge messages to the MIAX Pearl System. MEO Purge Ports are not capable of sending or receiving any other type of messages or information.[37] The Exchange proposes to increase the monthly MEO Purge Port fee from $600 per matching engine to $700 per matching engine.[38]

CTD Ports

The Exchange proposes to amend the fees for CTD Ports, which provide a Member with real-time clearing trade updates that include the Member's clearing trade messages on a low latency, real-time basis. The trade messages include, among other things, the following: (i) trade date and time; (ii) symbol information; (iii) trade price/size information; (iv) Member type (for example, and without limitation, Market Maker, Electronic Exchange Member, Broker-Dealer); and (v) Exchange MPID [39] for each side of the transaction, including Clearing Member [40] MPID.[41] Fees for CTD Ports have not been increased since they were first adopted in March 2018.[42] The Exchange now proposes to increase the monthly fee per CTD Port from $450 to $575.[43]

FXD Ports

The Exchange proposes to amend the fees for FXD Ports, which means a messaging interface that provides a copy of real-time trade execution, trade correction and trade cancellation information to FIX Drop Copy Port users who subscribe to the service. FXD Port users are those users who are designated by an EEM to receive the information and the information is restricted for use by the EEM only.[44] Fees for FXD Ports have not been increased since they were first adopted in March 2018.[45] The Exchange now proposes to increase the monthly fee per FXD Port from $250 to $325.[46]

Cleanup Change

The Exchange proposes to make a minor, non-substantive cleanup edit to footnote ''*'' following the table of port fees in Section 5)d) of the Fee Schedule. Currently, footnote ''*'' below the table of port fees in Section 5)d) of the Fee Schedule provides as follows:

The rates set forth above (and below) for Full Service MEO Ports, both Bulk and/or Single, entitle a Member to two (2) such Ports for each Matching Engine for a single port fee. If a Member selects at least one Full Service MEO Port—Bulk as part of their two (2) Ports, *i.e.,* option (c) described below, the rates applicable to Full Service MEO Port—Bulk set forth above apply.

The Exchange now proposes to replace the word ''above'' in the last sentence of footnote ''*'' with the word ''below'' to accurately describe the reference location to Full Service MEO Ports (Bulk). The fees for Full Service MEO Ports (Bulk) are described below that footnote,[47] not above; accordingly, the Exchange proposes to amend footnote ''*'' to accurately reflect where such fees are located in the Fee Schedule.

Implementation

The Exchange issued an alert publicly announcing the proposed fees on October 14, 2025 and a reminder alert on December 19, 2025.[48] The fees subject to this proposal are immediately effective.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) [49] of the Act in general, and furthers the objectives of Section 6(b)(4) [50] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes that the proposed fees are consistent with the objectives of Section 6(b)(5) [51] of the Act in that they are designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to a free and open market and national market system, and, in general, to

[32] *See* Exchange Rule 516(e) for a description of IOC orders.

[33] *See* Exchange Rule 516(f) for a description of ISOs.

[34] *See* MIAX Pearl Options User Manual, Version 1.13, Section 5.01 (revision date September 2, 2025), *available at https://www.miaxglobal.com/miax_pearl_user_manual.pdf* (last visited October 17, 2025).

[35] *See* Securities Exchange Act Release No. 91858 (May 12, 2021), 86 FR 26967 (May 18, 2021) (SR–PEARL–2021–23).

[36] Each Limited Service MEO Port fee entitles a Member to one (1) such port for each matching engine. For example, the purchase of 4 Limited Service MEO Ports will allow the Member to access 4 ports per matching engine. *See* Fee Schedule, Section 5)d), note ''**''.

[37] *See supra* note 11.

[38] Members may request and be allocated two (2) MEO Purge Ports for each matching engine to which it connects and will be charged the monthly fee per matching engine. *See* Fee Schedule, Section 5)d), note ''***''.

[39] The term ''MPID'' means unique market participant identifier. *See* Exchange Rule 100.

[40] The term ''Clearing Member'' means a Member that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the Rules of the Clearing Corporation. *See* Exchange Rule 100.

[41] *See supra* note 12.

[42] *See supra* note 16.

[43] Each CTD Port provides access to all matching engines. *See* Fee Schedule, Section 5)d), note ''–''.

[44] *See supra* note 13.

[45] *See supra* note 16.

[46] Each FXD Port provides access to all matching engines. *See* Fee Schedule, Section 5)d), note ''^''.

[47] *See* Securities Exchange Act Release No. 99823 (March 21, 2024), 89 FR 21312 (March 27, 2024) (SR–PEARL–2024–14) (amending the fees for, among other things, Full Service MEO Ports (Bulk) and moving such fees to a lower location in the Fee Schedule).

[48] *See* Fee Change Alert, MIAX Options, Pearl Options and Emerald Options—January 1, 2026 Non-Transaction Fee Changes (dated October 14, 2025), *available at https://www.miaxglobal.com/alert/2025/10/14/miax-options-pearl-options-and-emerald-options-exchanges-january-1-2026-non-1?nav=all and* Fee Change Alert, MIAX Options, Pearl Options and Emerald Options Exchanges—Reminder: January 1, 2026 Non-Transaction Fee Changes (dated December 19, 2025), *available at https://www.miaxglobal.com/alert/2025/12/19/miax-options-pearl-options-and-emerald-options-exchanges-reminder-january-1-1?nav=all.*

[49] 15 U.S.C. 78f.

[50] 15 U.S.C. 78f(b)(4).

[51] 15 U.S.C. 78f(b)(5).

protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Fees Are Reasonable and Comparable to the Fees Charged by Other Exchanges for Similar Products and Services

Overall. The proposed fees are comparable to those of other options exchanges. The Exchange compared the fees proposed herein to the fees charged by other options exchanges for similar products or services. A more detailed discussion of the comparison follows.[52]

EEM and EEM Clearing Firm Trading Permit Fees

The proposed Trading Permit fees for EEMs and EEM Clearing Firms are comparable to, or lower than, the trading permit fees charged by Cboe Exchange, Inc. (''Cboe''), as summarized in the table below.

Exchange	Type of product/service	Monthly fee
MIAX Pearl Options	EEM Trading Permit—connects via FIX Interface	Tier 1: $300. Tier 2: $425. Tier 3: $550.
	EEM Trading Permit—connects via MEO Interface	Tier 1: $375. Tier 2: $500. Tier 3: $625.
	EEM Clearing Firm Trading Permit	$300.
Cboe [a]	Electronic Access Permit	$3,000.

[a] *See* Cboe Fee Schedule, Electronic Trading Permit Fees section, page 6, *available at https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf.*

Cboe. Cboe charges higher trading permit fees than the Trading Permit fees proposed by the Exchange for EEMs and EEM Clearing Firms. Cboe's Electronic Access Permit is analogous to the Exchange's Trading Permits for EEMs and EEM Clearing Firms. In general, a Trading Permit is a permit issued by the Exchange that confers the ability to transact on the Exchange.[53] EEMs are assessed the monthly Trading Permit fee in order to transact on the Exchange on behalf of their customers or to conduct proprietary trading. EEM Clearing Firms are assessed the monthly Trading Permit fee in order to clear transactions conducted on the Exchange. Likewise, Cboe's Electronic Access Permits entitle the holder to access Cboe.[54] Like Trading Permit holders on the Exchange, Electronic Access Permit holders must be broker-dealers registered with Cboe and are allowed transact on Cboe.[55] Cboe charges a higher trading permit fee than the Trading Permit fees proposed by the Exchange. Cboe charges a flat $3,000 per Electronic Access Permit per month, while the Exchange provides tiered Trading Permit fees based on (1) the type of interface the EEM uses to connect to the Exchange and (2) certain monthly volume thresholds. Notably, the highest Trading Permit fee the Exchange proposes to assess to an EEM is $625 per Trading Permit per month, lower than Cboe's flat $3,000 monthly fee.

Market Maker Trading Permit Fees

The proposed Trading Permit fees for Market Makers are lower than the Trading Permit fees charged by NYSE American LLC (''NYSE American''), as summarized in the table below.

Exchange	Type of product/service	Monthly fee		
MIAX Pearl Options	Market Maker Trading Permit.	$3,500	Up to 10 Classes	Up to 20% of Classes by volume (as a % of national ADV).
		5,500	Up to 40 Classes	Up to 35% of Classes by volume (as a % of national ADV).
		8,000	Up to 100 Classes	Up to 50% of Classes by volume (as a % of national ADV).
		10,000	Over 100 Classes	Over 50% of Classes by volume up to all Classes on MIAX Pearl Options (as a % of national ADV).
NYSE American [a]	Options Market Maker ATPs.	8,000	1st ATP: 60 issues plus bottom 45%.	
		6,000	2nd ATP: 150 issues plus bottom 45%.	
		5,000	3rd ATP: 500 issues plus bottom 45%.	
		4,000	4th ATP: 1,100 issues plus bottom 45%.	
		3,000	5th ATP: all issues traded.	
		2,000	6th to 9th ATP: all issues traded.	
		500	10th or more ATPs: all issues traded.	

[a] *See* NYSE American Options Fee Schedule, Section III.A., *available at https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf.*

[52] The fee amounts listed in each table provided in the Statutory Basis section of this filing that pertain to the Exchange are the proposed new rates for each product or service.

[53] *See* the Definitions section of the Fee Schedule.

[54] *See* Cboe Fee Schedule, Electronic Trading Permit Fees section, page 6, *available at https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf.* The Exchange notes that Cboe differentiates between electronic access permits for clearing firms and electronic exchange member firms and charges a trading permit fee of $2,000 per month for Clearing TPH Permits, which is the same rate for a Trading Permit as proposed by the Exchange for EEMs that act as Clearing Members. *See id.* The term ''Clearing Member'' means a Member that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the rules of the Clearing Corporation. *See* Exchange Rule 100. The term ''Clearing Corporation'' means The Options Clearing Corporation (''OCC''). *Id.*

[55] *See id.*

NYSE American. NYSE American charges higher trading permit fees for its market makers as the Trading Permit fees proposed by the Exchange for its Market Makers. In general, a Trading Permit is a permit issued by the Exchange that confers the ability to transact on the Exchange.[56] Each registered Market Maker is assessed a monthly Trading Permit fee in order to appoint a qualified person (or persons) to act as a Market Maker Authorized Trader (''MMAT'') [57] pursuant to the Exchange's Rules and fulfill the Market Maker's obligations to act as a specialist on the Exchange.[58] The Exchange assesses Trading Permit fees based on the lesser of either the per class basis or percentage of total national average daily volume measurement. A ''class'' of options means all option contracts covering the same underlying security.[59] NYSE American's market maker ATP [60] fee is analogous to the Exchange's Trading Permit fees for Market Makers, which is a monthly fee in order to transact on NYSE American for the purpose of making markets in options contracts.[61] NYSE American assesses its ATP fees based on the number of issues [62] in their appointment. The Exchange and NYSE American provide for different numbers of option classes included in each tier of their respective trading permit fee structures due to their own business and competitive reasons. The Exchange provides fewer options class assignments for each Trading Permit tier because it believes this structure best represents the Market Makers that trade on the Exchange. NYSE American, on the other hand, provides significantly more ''issues'' or options classes in each ATP tier in order to ''properly [incentivize] Market Makers to quote in a broad range of options, including less liquid and active names. . .'' [63]

NYSE American charges higher trading permit fees to its ATPs as proposed by the Exchange herein for the Exchange's Market Makers. NYSE American charges all Options Market Makers [64] tiered trading permit fees based on the number of issues permitted in an Options Market Maker's quoting assignment.[65] NYSE American provides tiered ATP fees ranging from $8,000 to $26,000 due to the cumulative nature of the fee,[66] which amount could be significantly higher if a market maker purchases six or more ATPs, while the Exchange provides tiered Trading Permit fees ranging from $3,500 to $10,000 (as proposed), based on the lesser of either the per class basis or percentage of total national ADV measurements. The Exchange offers even greater savings to Market Makers as it provides a reduced Trading Permit fee of $5,500 (as proposed) for Market Makers if their total monthly executed volume during the relevant month is less than 0.040% of the total monthly TCV for MIAX-Pearl listed option classes for that month, which still allows these Market Makers to quote the entire market (or close to the entire market). NYSE American does not offer reduced fees for its Options Market Makers that only quote in certain classes compared to those that quote the entire market. NYSE American actually charges higher fees for Options Market Makers that transacts in certain options classes, which fees add to the ATP fees described above.[67]

Network Connectivity Fees (Disaster Recovery Facility)

The proposed network connectivity fees to the Exchange's disaster recovery facility for Members and non-Members are lower than the connectivity fees charged by Cboe C2 Exchange, Inc. (''Cboe C2''), as summarized in the table below.

Exchange	Type of product/service	Monthly fee (per connection)
MIAX Pearl Options	1Gb Connectivity (disaster recovery)	$650
	10Gb Connectivity (disaster recovery)	3,500
Cboe C2 [a]	Physical Port 1Gb (disaster recovery)	2,000
	Physical Port 10Gb (disaster recovery)	6,000

[a] *See* Cboe C2 Fee Schedule, Physical Connectivity Fees section, *available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/.*

Cboe C2. Cboe C2 charges higher 1Gb and 10Gb connectivity fees to connect to its disaster recovery facility than the Exchange proposes to connect to its disaster recovery facility. Cboe C2's connectivity fees to connect to its disaster recovery facility are analogous to the Exchange's connectivity fees to its disaster recovery facility. In general, the disaster recovery facility is a secondary data center in a separate, geographically diverse location that Exchange participants are able to connect to in order to have redundancy for their trading and market data connections in the event that the Exchange's primary data center operations are disabled. Cboe C2's 1Gb and 10Gb connections to its disaster recovery center allow its members to connect to that data center

[56] *See* Exchange Rule 100.

[57] A Market Maker Authorized Trader is permitted to enter orders only for the account of the Market Maker for which they are registered. *See* Exchange Rules 601(a)–(b).

[58] *See, generally,* Chapter VI of the Exchange's Rules.

[59] *See* Exchange Rule 100.

[60] An ''ATP'' or ''ATP Holder'' is a registered Broker-Dealer who is a permit holder on NYSE American, per NYSE American Rule 900.2NY(4),(5). *See* NYSE American Options Fee Schedule, Key Terms and Definitions section, *available at https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf.*

[61] *See, generally,* NYSE American Rule 923NY.

[62] An ''issue'' means an options class. *See* Securities Exchange Act Release No. 67764 (August 31, 2012), 77 FR 55254 (September 7, 2012) (SR–NYSEMKT–2012–44) (changing the calculation of trading permit fees to be based on the ''number of option classes in [a NYSE Amex Options Market Maker's] electronic trading appointment. . .'' and then using the term ''issue'' in the tiers of ATP fees).

[63] *See id.*

[64] A ''Market Maker'' refers to an ATP Holder that acts as a Market Maker pursuant to NYSE American Rule 920NY and is referred to as an ''NYSE AMERICAN Options Market Maker'' in the NYSE American Fee Schedule. *See* NYSE American Options Fee Schedule, Preface, *available at https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf.*

[65] NYSE American charges ATP fees based on the maximum number of ATPs held during the month. The ''bottom 45%'' refers to the least actively traded issues on NYSE American, ranked by industry volume, as reported by the OCC for each issue during the calendar quarter. *See* NYSE American Options Fee Schedule, Section III.A., *available at https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf.*

[66] This was calculated by adding the monthly fees for the first five ATPs that a market maker would be required to purchase in order to quote the entire NYSE American market (*i.e.,* $8,000 + $6,000 + $5,000 + $4,000 + $3,000).

[67] *See* NYSE American Options Fee Schedule, Section III.D. Premium Product fees (assessing an additional monthly fee of $1,000 per product to NYSE American Options Market Makers that transact in premium products, such SPY, APPL, etc., capped at $7,000 per month).

in the event that Cboe C2's primary data center is no longer operational.[68]

Cboe C2 charges higher 1Gb and 10Gb connectivity fees to its disaster recovery facility than the fees proposed by the Exchange herein for connectivity to the Exchange's disaster recovery facility. Cboe C2 charges monthly fees of $2,000 per 1Gb connection and $6,000 per 10Gb connection to its disaster recovery facility. Meanwhile, the Exchange proposes to charge monthly fees of $650 per 1Gb connection and $3,500 per 10Gb connection to its disaster recovery facility.

Network Connectivity Fees (Primary/Secondary Facility)

The proposed network connectivity fees to the Exchange's primary and secondary facility for Members and non-Members are lower than the connectivity fees charged by Nasdaq BX, Inc. (''Nasdaq BX'') and NYSE American for connectivity to its primary data center, as summarized in the table below.

Exchange	Type of product/service	Monthly fee (per connection)
MIAX Pearl Options	1Gb Connectivity	$1,500
	10Gb Connectivity	15,000
Nasdaq BX [a]	1Gb Connection	2,750
	10Gb Ultra Connection	18,500
NYSE American [b]	10Gb LX LCN Circuit	22,000

[a] *See* Securities Exchange Act Release No. 104261 (November 25, 2025), 90 FR 55209 (December 1, 2025) (SR–BX–2025–027).
[b] *See* NYSE American Connectivity Fee Schedule, page 12, *available at https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf.*

The Exchange notes that Nasdaq BX and NYSE American operate on shared infrastructure with their affiliates. As such, one network connection to one exchange provides access to the affiliated exchanges on their shared network. Meanwhile, the Exchange operates on a dedicated 10Gb ULL network that is not shared with its affiliates and therefore, each 10Gb ULL connection only provides connectivity to a single exchange. In the Exchange's experience, however, market participants that wish to experience certain latency may elect to purchase multiple connections rather than using one 10Gb connection to access multiple markets or, in some cases, purchase a more expensive 40Gb line if available. In addition, those that purchase connections to receive market data need a dedicated connection to each exchange because they are unable to receive market data from multiple markets over a single connection. Also, market participants may choose to not use the single connection to access other markets within an exchange family to avoid incurring other ancillary costs, such as membership, transaction, or other network fees.

Nasdaq BX. Nasdaq BX charges higher connectivity fees to its primary data center. Nasdaq BX's 1Gb and 10Gb Ultra fiber connection fees are analogous to the Exchange's 1Gb and 10Gb ULL connectivity fees. In general, the Exchange's 1Gb and 10Gb ULL connectivity fees provide Members and non-Members with access to the Exchange's primary and secondary facilities (*i.e.,* the live trading platforms and market data systems). Nasdaq BX's 1Gb and 10Gb Ultra fiber connections provide Nasdaq BX participants with the ability to connect directly to Nasdaq BX's trading platforms and market data feeds.[69]

Nasdaq BX charges higher connectivity fees than the connectivity fees to the primary and secondary facilities proposed by the Exchange herein. Nasdaq BX charges all participants monthly fees of $2,750 per 1Gb connection and $18,500 per 10Gb connection to access its primary data center. Meanwhile, the Exchange proposes to charge Members and non-Members monthly fees of $1,500 per 1Gb connection and $15,000 per 10Gb ULL connection to the Exchange's primary and secondary facilities. Nasdaq BX charges an additional installation fee for each 1Gb or 10Gb connection of $1,650.[70]

NYSE American. NYSE American charges higher 10Gb connectivity fees to its primary data center. NYSE American's 10Gb LX LCN Circuit connection fee is analogous to the Exchange's 10Gb ULL connectivity fee. In general, the Exchange's 10Gb ULL connectivity fee provides Members and non-Members with access to the Exchange's primary and secondary facilities (*i.e.,* the live trading platforms and market data systems). NYSE American's 10Gb LX LCN Circuit connection provides NYSE American participants with the ability to connect directly to NYSE American trading platforms and market data feeds.[71]

NYSE American charges higher connectivity fees as proposed by the Exchange herein. NYSE American charges all participants a monthly fee of $22,000 per 10Gb LX LCN Circuit connection to access its primary data center. Meanwhile, the Exchange proposes to charge Members and non-Members a monthly fee of $15,000 per 10Gb ULL connection to the Exchange's primary and secondary facilities. NYSE American charges an additional installation fee for each 10Gb LX LCN Circuit connection of $15,000.[72]

FIX Port Fees

The proposed FIX Port fees are lower than the similar port fees charged by Cboe BZX Exchange, Inc. (''Cboe BZX''), Cboe C2 and options trading facility of The Nasdaq Stock Market LLC (''Nasdaq''), as summarized in the table below.

Exchange	Type of product/service	Monthly fee (per port)
MIAX Pearl Options	1st FIX Port	$350

[68] *See* Cboe BCP/DR Plan Highlights, v1.3, page 2, *available at https://cdn.cboe.com/resources/membership/Cboe_Corporate_BCP-DR.pdf.*

[69] *See, generally,* Nasdaq Market Connectivity Options web page, *available at https://www.nasdaq.com/solutions/nasdaq-co-location* (last visited March 22, 2026).

[70] *See* Nasdaq BX, General 8: Connectivity, Section 1(b), Connectivity to the Exchange, *available at https://listingcenter.nasdaq.com/rulebook/bx/rules/BX%20General%208.*

[71] *See, generally,* NYSE American Connectivity Fee Schedule, *available at https://www.nyse.com/publicdocs/nyse/Wireless_Connectivity_Fees_and_Charges.pdf.*

[72] *See id.*

Exchange	Type of product/service	Monthly fee (per port)
	2nd to 5th FIX Ports	225
	6th or more FIX Ports	100
Cboe BZX [a]	Logical Ports	750
Cboe C2 [b]	FIX Logical Ports	650
Nasdaq [c]	FIX Ports	650

[a] *See* Cboe BZX Fee Schedule, Options Logical Port Fees section, *available at https://www.cboe.com/us/options/membership/fee_schedule/bzx/.*

[b] *See* Cboe C2 Fee Schedule, Logical Connectivity Fees section, *available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/.*

[c] *See* Nasdaq Options 7 Pricing Schedule, Section 3(i)(1), *available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207.*

Cboe BZX. Cboe BZX charges higher Logical Port fees than the FIX Port fees proposed by the Exchange. Cboe BZX's Logical Ports are analogous to the Exchange's FIX Ports. In general, a FIX Port allows an Exchange Member to send simple and complex orders, as well as other messages, to the Exchange using the FIX protocol.[73] Cboe BZX's Logical Ports allow for order entry and other messages to be sent to Cboe BZX by participants.[74] Cboe BZX charges higher Logical Port fees than the FIX Port fees proposed by the Exchange herein. Cboe BZX charges a monthly fee of $750 per Logical

Cboe C2. Cboe C2 charges higher FIX Logical Port fees than the FIX Port fees proposed by the Exchange. Cboe C2's FIX Logical Ports are analogous to the Exchange's FIX Ports. In general, a FIX Port allows an Exchange Member to send orders and other messages to the Exchange using the FIX protocol.[75] Cboe C2's FIX Logical Ports allow for order entry and other messages to be sent to Cboe C2 by participants.[76]

Cboe C2 charges higher FIX Logical Port fees than the FIX Port fees proposed by the Exchange herein. Cboe C2 charges a monthly fee of $650 per FIX Logical Port, while the Exchange's highest proposed tier is only $350 per FIX Port per month, with the Exchange's fees for subsequent FIX Ports decreasing to $225 per port (FIX Ports 2–5) and then $100 per port (FIX Ports greater than 5). Cboe C2 FIX Logical Port users may incur an additional monthly fee of $650 per port. Cboe C2 provides that for the standard monthly fee of $650 per FIX Logical Port, a user may enter up to 70,000 orders per trading day per port as measured on average in a single month. However, each incremental usage of up to 70,000 per day per FIX Logical Port will incur an additional $650 fee per month.[77]

Nasdaq. Nasdaq charges higher FIX Port fees than the FIX Port fees proposed by the Exchange. Nasdaq's FIX Ports are analogous to the Exchange's FIX Ports in that they that allow Nasdaq participants to connect, send, and receive messages related to orders to and from Nasdaq, which include the following: (1) execution messages; (2) order messages; and (3) risk protection triggers and cancel notifications.[78] Nasdaq charges participants $650 per FIX Port per month, while the Exchange's highest proposed tier is only $350 per FIX Port per month, with the Exchange's fees for subsequent FIX Ports decreasing to $225 per port (FIX Ports 2–5) and then $100 per port (FIX Ports greater than 5). Nasdaq charges higher FIX Port fees than the FIX Port fees proposed by the Exchange herein.

Limited Service MEO Port Fees

The proposed Limited Service MEO Port (''LSPs'') fees are lower than the similar port fees charged by Nasdaq and Nasdaq MRX, LLC (''Nasdaq MRX''), as summarized in the table below.

Exchange	Type of product/service	Monthly fee (per port)
MIAX Pearl Options	1st to 2nd LSP	$0.00
	3rd to 4th LSP	225
	5th to 6th LSP	350
	7 or more LSPs	475
Nasdaq [a]	QUO Ports	750
Nasdaq MRX [b]	OTTO Ports	650

[a] *See* Nasdaq, Options 7: Pricing Schedule, Section 3(i)(4), *available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207.*

[b] *See* Nasdaq MRX, Options 7: Pricing Schedule, Section 6(i)(4), *available at https://listingcenter.nasdaq.com/rulebook/mrx/rules/MRX%20Options%207.*

[73] *See* the Definitions section of the Fee Schedule.

[74] *See, generally,* Cboe Titanium U.S. Options FIX Specification, Version 2.7.97 (dated October 20, 2025), *available at https://cdn.cboe.com/resources/membership/US_Options_FIX_Specification.pdf.*

[75] *See* the Definitions section of the Fee Schedule.

[76] *See, generally,* Cboe Titanium U.S. Options FIX Specification, Version 2.7.97 (dated October 20, 2025), *available at https://cdn.cboe.com/resources/membership/US_Options_FIX_Specification.pdf.*

[77] *See* Cboe C2 Fee Schedule, Logical Connectivity Fees section, *available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/.* Incremental usage is determined on a monthly basis based on the average orders per day entered in a single month across all of a market participant's subscribed FIX Ports. *See id.*

[78] *See* Nasdaq Options 3 Options Trading Rules, Section 7(e)(1)(A).

Nasdaq. Nasdaq charges higher Quote Using Order (''QUO'') Port fees than the Limited Service MEO Port fees proposed by the Exchange. The Exchange acknowledges differences between the functionality of its LSPs and that of Nasdaq's QUO Ports; however, the Exchange believes that the fee comparison between LSPs and QUO Ports is relevant as both ports provide a limited subset of functionality as provided by other ports offered by both the Exchange and Nasdaq. In general, Limited Service MEO Ports support all MEO Interface [79] input message types [80] and the entry of orders marked IOC [81] and ISO,[82] but do not support bulk order entry.[83] Notifications sent over LSPs between market participants and the Exchange may include the following information: (1) execution notifications, cancel notifications, order notifications, and Done for Day notifications; (2) administrative messages (*i.e.,* series updates); (3) risk protection settings and notification updates; and (4) trading status notifications (*i.e.,* halted).[84] Nasdaq's QUO Ports allow Nasdaq market makers to connect, send, and receive messages related to single-sided orders to and from Nasdaq.[85] Messages sent over QUO Ports may include the following: (1) options symbol directory messages (*e.g.,* underlying); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) order messages; and (6) risk protection triggers and cancel notifications.[86]

Nasdaq charges a monthly fee of $750 per QUO Port, per account number, while the Exchange provides the first two LSPs for free and the Exchange's highest proposed tier is $475 per LSP per month. Nasdaq charges higher QUO Port fees than the LSP fees proposed by the Exchange herein.

Nasdaq MRX. Nasdaq charges higher Ouch to Trade Options (''OTTO'') Port fees than the Limited Service MEO Port fees proposed by the Exchange. The Exchange acknowledges differences between the functionality of its LSPs and that of Nasdaq MRX's OTTO Ports; however, the Exchange believes that the fee comparison between LSPs and OTTO Ports is relevant as both ports provide a limited subset of functionality as provided by other ports offered by both the Exchange and Nasdaq MRX. Nasdaq MRX's OTTO Ports allow Nasdaq MRX members to connect, send, and receive messages related to orders, auction orders, and auction responses to Nasdaq MRX.[87] Messages sent over OTTO Ports include the following: (1) options symbol directory messages (*e.g.,* underlying and complex instruments); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) order messages; (6) risk protection triggers and cancel notifications; (7) auction notifications; (8) auction responses; and (9) post trade allocation messages.[88]

Nasdaq MRX charges a monthly fee of $650 per OTTO Port, per account number (with fees for all OTTO Ports, CTI Ports, FIX Ports, FIX Drop Ports and disaster recovery ports subject to a monthly cap of $7,500), while the Exchange provides the first two LSPs for free and the Exchange's highest proposed tier is $475 per LSP per month. Nasdaq MRX charges higher OTTO Port fees than the LSP fees proposed by the Exchange herein.

MEO Purge Port Fees

The proposed MEO Purge Port fees are comparable to, or lower than, the similar port fees charged by Nasdaq MRX, Cboe C2 and Nasdaq, as summarized in the table below.

Exchange	Type of product/service	Monthly fee
MIAX Pearl Options	MEO Purge Ports	$700 per matching engine.
Nasdaq MRX [a]	First 5 SQF Purge Ports	1,620 per port.
	Next 15 SQF Purge Ports	1,080 per port.
	All SQF Purge Ports over 20	540 per port.
Cboe C2 [b]	Purge Ports	850 per port.
Nasdaq [c]	First 5 SQF Purge Ports	1,620 per port.
	Next 15 SQF Purge Ports	1,080 per port.
	All SQF Purge Ports over 20	540 per port.

[a] *See* Securities Exchange Act Release No. 104005 (September 18, 2025), 90 FR 45855 (September 23, 2025) (SR–MRX–2025–20) (new fees effective January 1, 2026).

[b] *See* Cboe C2 Fee Schedule, Logical Connectivity Fees section, *available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/.*

[c] *See* Nasdaq Options 7: Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services, *available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207.*

[79] ''MEO Interface'' or ''MEO'' means a binary order interface for certain order types as set forth in Rule 516 into the MIAX Pearl System. *See* the Definitions section of the Fee Schedule.

[80] *See* MIAX Pearl Options MEO Interface Specification, Version 2.2a (revision date July 25, 2025), *available at https://www.miaxglobal.com/miax_express_orders_meo_v2.2a.pdf* (providing full description of messages supported by the MEO Interface).

[81] *See* Exchange Rule 516(e) for a description of IOC orders.

[82] *See* Exchange Rule 516(f) for a description of ISOs.

[83] *See* MIAX Pearl Options Exchange User Manual, Version 1.13, Section 5.01 (revision date September 2, 2025), *available at https://www.miaxglobal.com/miax_pearl_user_manual.pdf.*

[84] *See* MIAX Pearl Options MEO Interface Specification, Version 2.2a (revision date July 25, 2025), *available at https://www.miaxglobal.com/miax_express_orders_meo_v2.2a.pdf* (providing full description of messages supported by the MEO Interface).

[85] *See* Nasdaq Options 3: Options Trading Rules, Section 7(e)(1)(D).

[86] *See* Nasdaq Options 3: Options Trading Rules, Section 7(e)(1)(D).

[87] *See* Nasdaq MRX, Options 3: Options Trading Rules, Supplementary Material to Options 3, Section 7, .03(b).

[88] *See* Nasdaq MRX, Options 3: Options Trading Rules, Supplementary Material to Options 3, Section 7, .03(b).

The Exchange's comparison to fees charged by other exchanges for similar ports is limited because a thorough comparison would require the Exchange to obtain competitively sensitive information about other exchanges' architecture and how their members connect. However, in a practical sense, the Exchange can surmise that a market participant would require multiple purge ports to access an exchange's entire market as a single port might not connect to all matching engines or provide the latency benefits that the market participant's trading behavior requires. The Exchange does not know the actual number of purge ports needed because it does not have insight into the technical architecture of other exchanges so it is difficult to ascertain the number of purge ports a firm would need to connect to another exchange's entire market. Therefore, the Exchange is limited to comparing its proposed fee to other exchanges' purge port fees as listed in their fee schedules.

Nasdaq MRX. Nasdaq MRX charges higher Specialized Quote Feed (''SQF'') Purge Port fees than the MEO Purge Port fees proposed by the Exchange. Nasdaq MRX's SQF Purge Ports are analogous to the Exchange's MEO Purge Ports. In general, MEO Purge Ports provide Members with the ability to send quote purge messages to the Exchange, but are not capable of sending or receiving any other type of messages or information.[89] Nasdaq MRX's SQF Purge Ports allow Nasdaq MRX market makers to send purge requests to the Nasdaq MRX trading system.[90]

Nasdaq MRX charges higher SQF Purge Port fees than the MEO Purge Port fees proposed by the Exchange herein. Nasdaq MRX will charge (beginning January 1, 2026) SQF Purge Port fees as follows: (a) $1,620 per SQF Purge Port per month for the first 5 ports; (b) $1,080 per SQF Purge Port per month for the next 15 ports; and (c) $540 per SQF Purge Port for all ports over 20 ports. The Exchange proposes to charge $700 per MEO Purge Port per matching engine per month. The Exchange chose to charge Purge ports on a per matching engine basis instead of a per port basis due to its System architecture, which provides two (2) MEO Purge Ports per matching engine for redundancy purposes. Members are able to select the matching engines that they want to connect to based on the business needs of each Market Maker, and pay the applicable fee based on the number of matching engines and pair of ports utilized.[91] This architecture provides Members with flexibility to control their MEO Purge Port costs based on the number of matching engines each Marker Maker elects to connect to based on each Market Maker's business needs. Further, the Exchange's monthly MEO Purge Port fee provides access to the Exchange's primary, secondary, and disaster recovery data centers for the single monthly fee. Nasdaq MRX, on the other hand, assesses an additional fee $50 per SQF Purge Port per month, per account number, to access its disaster recovery facility (albeit, Nasdaq MRX currently waives the fee for one SQF Purge Port to the disaster recovery facility per market maker per month).

Cboe C2. Cboe C2 charges higher Purge Port fees than the MEO Purge Port fees proposed by the Exchange. Cboe C2's Purge Ports are analogous to the Exchange's MEO Purge Ports. In general, Cboe C2's Purge Ports allow its members the ability to cancel a subset (or all) of open orders across the executing firm's ID, underlying symbol(s), or custom group ID, across multiple logical ports/sessions.[92] Cboe C2 charges $850 per Purge Port per month, while the Exchange proposes to charge $700 per pair of MEO Purge Ports per matching engine per month. Cboe C2 charges higher Purge Port fees than the MEO Purge Port fees proposed by the Exchange herein.

Nasdaq. Nasdaq charges higher SQF Purge Port fees than the MEO Purge Port fees proposed by the Exchange. Nasdaq's SQF Purge Ports are analogous to the Exchange's MEO Purge Ports, which allow Nasdaq market makers to send purge requests to the Nasdaq trading system.[93] Nasdaq charges higher Purge Port fees than the MEO Purge Port fees proposed by the Exchange herein. Nasdaq charges tiered SQF Purge Port fees as follows: (a) $1,620 per SQF Purge Port per month for the first 5 ports; (b) $1,080 per SQF Purge Port per month for the next 15 ports; and (c) $540 per SQF Purge Port for all ports over 20 ports. The Exchange proposes to charge a flat $700 per set of MEO Purge Ports per matching engine per month.

CTD Port Fees

The proposed CTD Port fees are lower than the similar port fees charged by Nasdaq, as summarized in the table below.

Exchange	Type of product/ service	Monthly fee (per port)
MIAX Pearl Options.	CTD Ports	$575
Nasdaq[a]	CTI Ports	650

[a] *See* Nasdaq Options 7: Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services, *available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207*.

Nasdaq. Nasdaq charges higher Clearing Trade Interface (''CTI'') Port fees than the CTD Port fees proposed by the Exchange. Nasdaq's CTI Ports are analogous to the Exchange's CTD Ports. In general, CTD Ports provide an Exchange Member with real-time clearing trade updates, including, among other things, the following: (i) trade date and time; (ii) symbol information; (iii) trade price/size information; (iv) Member type (for example, and without limitation, Market Maker, Electronic Exchange Member, Broker-Dealer); and (v) Exchange MPID for each side of the transaction, including Clearing Member MPID.[94]

[89] *See* the Definitions section of the Fee Schedule.

[90] *See* Nasdaq MRX Options 3: Trading Rules, Supplementary Material to Options 3, Section 7, .03(c).

[91] The Exchange notes that each matching engine corresponds to a specified group of symbols. Certain Market Makers choose to only quote in certain symbols while other Market Makers choose to quote the entire market.

[92] *See* Cboe Purge Ports, Frequently Asked Questions, U.S. Options, Version 1.3, *available at https://cdn.cboe.com/resources/features/Cboe_USO_PurgePortsFAQs.pdf* (last visited November 5, 2025).

[93] *See* Nasdaq Options 3: Trading Rules, Section 7(e)(1)(B).

[94] *See* the Definitions section of the Fee Schedule.

Nasdaq's CTI Ports provide real-time clearing trade updates regarding trade details specific to the Nasdaq participant, which include, among other things, the following: (i) The Clearing Member Trade Agreement or ''CMTA'' or The Options Clearing Corporation or ''OCC'' number; (ii) Nasdaq badge or house number; (iii) Nasdaq internal firm identifier; (iv) an indicator which will distinguish electronic and non-electronically delivered orders; (v) liquidity indicators and transaction type for billing purposes; and (vi) capacity.[95]

Nasdaq charges $650 per CTI Port per month, while the Exchange proposes to charge $575 per CTD Port per month. Nasdaq charges higher CTI Port fees than the CTD Port fees proposed by the Exchange herein.

FXD Port Fees

The proposed FXD Port fees are lower than the similar port fees charged by Cboe C2 and Nasdaq BX, as summarized in the table below.

Exchange	Type of product/service	Monthly fee (per port)
MIAX Pearl Options	FXD Ports	$325
Cboe C2 [a]	Drop Logical Ports	650
Nasdaq [b]	FIX Drop Ports	650

[a] *See* Cboe C2 Fee Schedule, Logical Connectivity Fees section, *available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/.*
[b] *See* Nasdaq Options 7: Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services, *available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207.*

Cboe C2. Cboe C2 charges higher logical Drop Port fees than the FXD Port fees proposed by the Exchange. Cboe C2's Drop Logical Ports are analogous to the Exchange's FXD Ports. In general, FXD Ports allow the Exchange's market participants to connect their systems with a messaging interface that provides a copy of real-time trade execution, trade correction and trade cancellation information.[96] Cboe C2's Drop Logical Ports allow its members to receive real-time information about order flow, including execution information (*i.e.,* filled or partially filled) and cancellation information.[97] Like the Exchange's FXD Ports, Cboe C2's Drop Logical Ports do not allow the user to submit orders to the exchange. Cboe C2 charges $650 per Drop Logical Port per month, while the Exchange proposes to charge $325 per FXD Port per month. Cboe C2 charges higher Drop Logical Port fees as the FXD Port fees proposed by the Exchange herein.

Nasdaq. Nasdaq charges higher FIX Drop Port fees than the FXD Port fees proposed by the Exchange. Nasdaq's FIX Drop Ports are analogous to the Exchange's FXD Ports in that they provide a real-time order and execution update message that is sent to a Nasdaq participant after an order has been received or modified or an execution has occurred and contains trade details specific to that participant.[98] The information provided through the Nasdaq FIX Drop Port includes, among other things, the following: (i) executions; (ii) cancellations; (iii) modifications to an existing order and (iv) busts or post-trade corrections.[99] Nasdaq charges $650 per FIX Drop Port per month, while the Exchange proposes to charge $325 per FXD Port per month. Nasdaq charges higher FIX Drop Port fees than the FXD Port fees proposed by the Exchange herein.

Full Service MEO Port (Single) Fees

On a per port basis, the proposed fee for Full Service MEO Ports (Single) is lower than the per port fee charged by Nasdaq for its similar port type, as summarized in the table below.

Exchange	Type of product/service	Monthly fee	Effective fee (per port)
MIAX Pearl Options	Full Service MEO Port (Single)	$4,500	$187.50
Nasdaq [a]	QUO Port	750	750

[a] *See* Nasdaq Options 7: Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services, *available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207.*

The Exchange's comparison to fees charged by other exchanges for similar ports is limited because a thorough comparison would require the Exchange to obtain competitively sensitive information about other exchanges' architecture and how their members connect. However, in a practical sense, the Exchange can surmise that a market participant would require multiple ports to access an exchange's entire market as a single port might not connect to all matching engines or provide the latency benefits that the market participant's quoting behavior requires. The Exchange does not know the actual number of ports needed because it does not have insight into the technical architecture of other exchanges so it is difficult to ascertain the number of ports a firm would need to connect to another exchange's entire market and quote that entire market. Therefore, the Exchange is limited to comparing its proposed fee to other exchanges' port fees as listed in their fee schedules.

The Exchange acknowledges that, without additional contextual or competitive information regarding the architecture of other exchanges, as described above, it may appear that the Exchange's proposed fee for Full Service MEO Ports (Single) is higher than other exchanges when in fact, that may not be the case. The Exchange provides each Member or non-Member access to two ports on all twelve matching engines for a single monthly fee and a vast majority of participants choose to connect to all twelve matching engines and utilize both ports for a total of 24 ports. Other exchanges charge on a per port basis and require firms to connect to multiple matching engines, thereby multiplying

[95] *See* Nasdaq Options 3: Trading Rules, Section 23(b)(1).

[96] *See* the Definitions section of the Fee Schedule.

[97] *See* Cboe Titanium U.S. Options FIX Specification, Version 2.7.97, FIX Drop section (dated October 20, 2025), *available at https://cdn.cboe.com/resources/membership/US_Options_FIX_Specification.pdf.*

[98] *See* Nasdaq Options 3: Trading Rules, Section 23(b)(3).

[99] *Id.*

the cost to access their full market.[100] On the Exchange, this is not the case. The Exchange provides each Member or non-Member access, but does not require they connect to, all twelve matching engines for the single monthly fee for Full Service MEO Ports (Single).

Nasdaq. Nasdaq offers several different types of ports and fee structures. In particular, Nasdaq offers a QUO Port. The Exchange believes that the QUO provides similar functionality as the Exchange's Full Service MEO Ports (Single). As described above, a Full Service MEO Port (Single) supports all MEO input message types and binary order entry on a single order-by-order basis, but not bulk orders.[101] For bulk binary order entry, the Exchange offers Full Service MEO Ports (Bulk).[102] Full Service MEO Ports (Single) entitle a Member to two such ports for each matching engine for a single monthly port fee.[103] Similarly, Nasdaq's QUO Ports allow Nasdaq market makers to connect, send, and receive messages related to single-sided orders to and from Nasdaq,[104] but does not offer bulk quoting capabilities, which Nasdaq provides using SQF Ports. Further, just like the Exchange's Full Service MEO Ports (Single), orders submitted by Nasdaq market makers over the QUO Port interface are treated as quotes.[105]

For purposes of this comparison, Nasdaq charges a fee of $750 per QUO Port per month. Although Nasdaq's technical specifications for QUO Ports describes that the infrastructure may consist of multiple matching engines and that each firm may need to connect to each matching engine, the Exchange is unable to determine the range or amount of QUO Ports a market maker would need to purchase in order to quote the entire Nasdaq market.[106] Based on publicly available information, the Exchange believes that a Nasdaq market maker would likely need to purchase multiple QUO Ports to access the full Nasdaq options market.

The Exchange proposes to charge a flat fee of $4,500 per Full Service MEO Port (Single) set, which provides Members with access to all matching engines. Breaking this down at the individual port level and cost per port, the Exchange assesses an effective per port fee of $187.50. This is calculated by dividing the flat monthly fee for the set of Full Service MEO Ports (Single) (*i.e.,* $4,500) by the total number of ports that a Member receives for that monthly fee, which is 24 (twelve matching engines multiplied by two Full Service MEO Ports (Single) per matching engine). When compared to the Nasdaq per port fee for the similar type of port—QUO Port—the Exchange's effective per port fee is lower than the monthly per port fee assessed by Nasdaq of $750. Further, a Nasdaq market maker would only receive six QUO Ports for the same fee ($4,500) proposed by the Exchange for its Full Service MEO Ports (Single), which allows an Exchange Market Maker to receive twenty-four such ports. This is calculated by dividing the Exchange's proposed monthly fee for its set of Full Service MEO Ports (Single), which is $4,500, by the Nasdaq per port cost for a QUO Port of $750. Accordingly, the Exchange believes its proposed Full Service MEO Port (Single) fees are reasonable when compared to the fee charged by Nasdaq for its QUO Port on a per port basis.

Full Service MEO Port (Bulk) Fees

The proposed Full Service MEO Port (Bulk) fees are comparable to, or lower than, the similar port fees charged by Cboe C2, as summarized in the table below.

Exchange	Type of product/service	Monthly fee		
MIAX Pearl Options	Market Maker Full Service MEO Port (Bulk).	$5,500	Up to 10 Classes	Up to 20% of Classes by volume (as a % of national ADV).
		8,000	Up to 40 Classes	Up to 35% of Classes by volume (as a % of national ADV).
		11,000	Up to 100 Classes	Up to 50% of Classes by volume (as a % of national ADV).
		13,000	Over 100 Classes	Over 50% of Classes by volume up to all Classes on MIAX Pearl Options (as a % of national ADV).
	EEM Full Service MEO Port (Bulk).	$8,000		
Cboe C2 [a]	Bulk BOE Ports	$1,500 per port for ports 1 though 5. $2,500 per port for ports 6 or more.		

[a] *See* Cboe C2 Fee Schedule, Logical Connectivity Fees section, *available at https://www.cboe.com/us/options/membership/fee_schedule/ctwo/.*

The Exchange's comparison to fees charged by other exchanges for similar ports is limited because a thorough comparison would require the Exchange to obtain competitively sensitive information about other exchanges' architecture and how their members connect. However, in a practical sense, the Exchange can surmise that a market participant would require multiple ports to access an exchange's entire market as a single port might not connect to all

[100] *See, e.g.,* Cboe Titanium U.S. Options Binary Order Entry Version 3 Specification, Version 1.1.9, page 8 (February 27, 2026) (''Connectivity is now managed as a port specific to a matching unit. Consequently, separate ports will be required for access to each matching unit.''), *available at https://cdn.cboe.com/resources/membership/US_Options_BOE3_Specification.pdf.* Cboe does provide a ''convenience'' port that provides the ability to interact with all matching units; however, the convenience port incurs additional latency cost and may not be as useful for market participants that are latency sensitive and require a port that is specific to each matching engine. *See id.*

[101] *See* the Definitions section of the Fee Schedule.

[102] *See* MIAX Pearl Options Exchange User Manual, Version 1.13, Section 5.01 (revision date September 2, 2025), *available at https://www.miaxglobal.com/miax_pearl_user_manual.pdf.*

[103] *See* Fee Schedule, Section 5)d), note ''*''.

[104] *See* Nasdaq Options 3: Options Trading Rules, Section 7(e)(1)(D).

[105] *See* Securities Exchange Act Release No. 103576 (July 29, 2025), 90 FR 36207 (August 1, 2025) (SR–NASDAQ–2025–055) (describing the differences between SQF Ports and QUO Ports in footnotes 3 and 7).

[106] *See* Nasdaq Quote Using Orders Specification, Version 1.4e, Section 1.1 (''The [Nasdaq] infrastructures may consist of multiple matching engines . . . Each engine trades all of the options for a range of underlyings. . . . The QUO infrastructure is such that the firms connect to one or more servers residing directly on the matching engine infrastructure. *Since there may be multiple matching engines, firms will need to connect to each engine's infrastructure in order to establish the ability to submit orders in the symbols handled by that engine.*'') (emphasis added).

matching engines or provide the latency benefits that the market participant's quoting behavior requires. The Exchange does not know the actual number of purge ports needed because it does not have insight into the technical architecture of other exchanges so it is difficult to ascertain the number of ports a firm would need to connect to another exchange's entire market and quote that entire market. Therefore, the Exchange is limited to comparing its proposed fee to other exchanges' port fees as listed in their fee schedules.

Cboe C2. Cboe C2 charges similar, or higher, bulk order port fees than the Full Service MEO Port (Bulk) fees proposed by the Exchange. Cboe C2's Bulk BOE Ports are analogous to the Exchange's Full Service MEO Ports (Bulk). In general, Full Service MEO Ports (Bulk) means an MEO port that supports all MEO input message types and binary bulk order entry.[107] The Exchange's Full Service MEO Ports (Bulk) entitle a Member to two such ports for each matching engine for a single monthly port fee.[108] The Exchange has twelve total matching engines; therefore, for one monthly fee, each Member is provided twenty-four total Full Service MEO Ports (Bulk) (*i.e.,* two per matching engine multiplied by twelve matching engines). Cboe C2's Bulk BOE Ports provide users with the ability to submit single and bulk order messages to enter, modify, or cancel orders and are intended for use by market makers quoting large numbers of simple options series.[109] Each Bulk BOE Port has access to all of Cboe C2's matching units, which, according to Cboe, typically ranges from 31–35 matching units per Cboe-affiliated exchange.[110] The Cboe C2 Bulk BOE Port does not provide a Cboe C2 market maker with a port for each matching unit and the Exchange believes that, based on the experience of its own Market Makers, it would not be feasible to quote an entire market with only a single (or handful) of ports; rather, a market maker would likely need to have a port on each matching unit to be able to quote the entire market.

The Exchange believes that Cboe C2 charges similar or higher bulk port fees as the Full Service MEO (Bulk) fees proposed by the Exchange herein for Market Makers and EEMs. Cboe C2 charges $1,500 per port for the first five Bulk BOE Ports, and $2,500 per port for each Bulk BOE Port utilized in excess of five ports. The Exchange proposes to charge between $5,500 and $13,000 per month for Full Service MEO Ports (Bulk) for Market Makers, depending on the number of classes assigned or percentage of national ADV, and $8,000 per month for Full Service MEO Ports (Bulk) for EEMs. The Exchange's proposed rates for Market Makers and EEMs provide two such ports for each of the Exchange's twelve matching engines, for a total of twenty-four total ports for the monthly fee (between $5,500 and $13,000). For a Cboe C2 member to utilize a Bulk BOE Port on each matching unit, that member may need to purchase between 31 and 35 such ports. When drawing a comparison to the Exchange's proposed highest tier for Full Service MEO Ports (Bulk) for Market Makers ($13,000), which provides an Exchange Member with 24 total ports, the Cboe C2 member would only receive seven Bulk BOE Ports for slightly less than the same price (*i.e.,* ($1,500 per Bulk BOE Port multiplied by the first five Bulk BOE Ports) + ($2,500 per Bulk BOE Port multiplied by the next two Bulk BOE Ports)). When drawing a comparison to the Exchange's proposed fee for Full Service MEO Ports (Bulk) for EEMs ($8,000), which provides an Exchange Member with 24 total ports, the Cboe C2 member would only receive five Bulk BOE Ports for slightly less than the same price (*i.e.,* ($1,500 per Bulk BOE Port multiplied by the first five Bulk BOE Ports)). Accordingly, the Exchange believes Cboe C2 charges similar or higher bulk port fees as the Full Service MEO Port (Bulk) fees proposed by the Exchange herein for Market Makers and EEMs.

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Each of the above examples of other exchanges' non-transaction fees support the proposition that the Exchange's proposed fees are comparable to those of other exchanges for similar products or services and are, therefore, reasonable.

The Proposed Fees Are Equitably Allocated and Not Unfairly Discriminatory

Overall. The Exchange believes that its proposed fees are reasonable, equitable, and not unfairly discriminatory because, in sum, they are designed to align fees with services provided by amending them to levels that are comparable to similar fees for services assessed by other equity options exchanges. The Exchange believes that the proposed fees are allocated fairly and equitably among Members and non-Members because they apply to all Members and non-Members equally, and any differences among categories of fees are not unfairly discriminatory and are justified and appropriate.

The Exchange believes that the proposed fees are equitably allocated because they will apply uniformly to all Members and non-Members that choose to purchase a particular service based on their business need. Any Member or non-Member that chooses to purchase a particular product or service is subject to the same Fee Schedule, regardless of what type of business they operate, and the decision to purchase a particular product or service is based on objective differences in usage of the particular product or service among different Members and non-Member, which are still ultimately in the control of any particular Member or non-Member. The Exchange believes the proposed pricing is equitably allocated because of the service's or product's utility and value to market participants compared to other like exchanges' products and services.

The Exchange further believes that the proposed fees are reasonable, fair and equitable, and non-discriminatory because they will apply to all Members in the same manner and are not targeted at a specific type or category of market participant engaged in any particular trading strategy.

EEM and EEM Clearing Firm Trading Permit Fees. The Exchange believes the proposed Trading Permit fees for EEMs are equitably allocated because the proposed fees would apply to each EEM in a uniform manner, depending on the type of interface that the EEM uses to access the Exchange—either FIX or MEO—and the Non-Transaction Fees Volume-Based Tier achieved by the EEM in the relevant month.[111] The Exchange believes the proposal to charge higher Trading Permit fees for EEMs that connect via the MEO Interface is equitable because the MEO Interface provides higher throughput and enhanced functionality compared to the FIX Interface. The MEO Interface is the Exchange's proprietary, binary interface that offers Members lower latency and higher throughput.

[107] *See* the Definitions section of the Fee Schedule. *See also* MIAX Pearl Options Exchange User Manual, Version 1.13, Section 5.01 (revision date September 2, 2025), *available at https://www.miaxglobal.com/miax_pearl_user_manual.pdf.*

[108] *See* Fee Schedule, Section 5)d), note ''*''.

[109] *See* Securities Exchange Act Release No. 83201 (May 9, 2018), 83 FR 22546 (May 15, 2018) (SR–C2–2018–006) *and* Cboe Titanium U.S. Options Binary Order Entry Version 3 Specification, Version 1.10, page 45 (October 31, 2025), *available at https://cdn.cboe.com/resources/membership/US_Options_BOE3_Specification.pdf.*

[110] *See* Cboe Titanium U.S. Options Binary Order Entry Version 3 Specification, Version 1.10, page 224 (October 31, 2025), *available at https://cdn.cboe.com/resources/membership/US_Options_BOE3_Specification.pdf.*

[111] *See* the Definitions Section of the Fee Schedule.

Accordingly, the Exchange believes it is equitable to charge slightly higher Trading Permit fees for EEMs that connect via the MEO Interface compared to EEMs that connect solely through the industry-standard FIX Interface.

The Exchange believes its proposal to assess higher Trading Permit fees to EEMs that reach Tiers 2 and 3 of the Non-Transaction Fees Volume-Based Tier structure in the relevant month is not unfairly discriminatory because the volume calculations and thresholds are applied equally to all MIAX Pearl Members. All similarly situated Members are subject to the same volume thresholds, and access to the Exchange is offered on terms that are not unfairly discriminatory. The specific volume thresholds of the Trading Permit fees were set based upon business determinations. The Exchange believes that by basing certain fees upon volume, this will permit Member firms to have the same access to the Exchange but pay fees which are proportionate to their usage of the Exchange. The same fees based upon the same volume will also be assessed to Members on an equal basis since they are assessed based upon the same volume of order flow provided. This structure has also been in place at the current volume threshold levels since the Exchange established Trading Permit fees in 2018.[112]

The Exchange believes the proposed increased Trading Permit fee for EEM Clearing Firms is equitably allocated and not unfairly discriminatory because the proposed fee would apply to each EEM Clearing Firm in a uniform manner without regard to membership status or the extent of any other business with the Exchange or affiliated entities.

Market Maker Trading Permit Fees. The Exchange believes the proposed Trading Permit fees for Market Makers are equitable as the fees apply equally to all Market Makers based upon the number of class registrations or percentage of executed national ADV each month. The Exchange believes that assessing lower fees to Market Makers that quote in fewer classes is equitable because it will allow the Exchange to retain and attract smaller-scale Market Makers, which are an integral component of the options industry marketplace. Since these smaller Market Makers typically utilize less bandwidth and capacity on the Exchange network due to the lower number of quoted classes, the Exchange believes it is equitable to offer Market Makers Trading Permit fee tiers with lower rates based on a lower number of classes assigned or a lower percentage of executed national ADV. In addition, smaller Market Makers who want to quote greater number of classes or a higher percentage of executed national ADV, but have lower volume thresholds, the Exchange believes it is equitable to offer such Market Makers a lower fee, designated in footnote ''**'' following the Market Maker Trading Permit fee table.

The Exchange believes it is equitable and not unfairly discriminatory to charge higher Trading Permit fees to Market Makers that quote a higher number of classes or execute higher percentages of volume on the Exchange because the System requires increased performance and capacity in order to provide the opportunity for Market Makers to quote in a higher number of options classes on the Exchange. Specifically, more classes that are actively quoted on the Exchange by a Market Maker will require increased memory for record retention, increased bandwidth for optimized performance, increased functionalities on each application layer, and increased optimization with regard to surveillance and monitoring of such classes quoted. As such, basing the higher Market Maker Trading Permit fees on the greater number of classes quoted in on any given day in a calendar month is equitable and not unfairly discriminatory when considering how the increased number of quoted classes directly impacts the resources required for the Exchange to operate for all market participants.

Network Connectivity Fees. The Exchange believes that the proposed fees for network connectivity to the primary/secondary facility and disaster recovery facility for Members and non-Members are equitably allocated because they would apply equally to all market participants that choose to purchase such connectivity products and services from the Exchange. Any participant that chooses to purchase the Exchange's connectivity products and services would be subject to the same fees, regardless of what type of business they operate or the use they plan to make of the products and services. Additionally, the fee increases would be applied uniformly to market participants without regard to Exchange membership status or the extent of any other business with the Exchange or affiliated entities.

The Exchange believes that the proposed fees are equitably allocated among anticipated users of the network connectivity as the Exchange expects that users of 10Gb ULL connections will consume substantially more bandwidth and network resources than users of 1Gb connections. It is the experience of the Exchange and its affiliated exchanges that this is the case as 10Gb ULL connection users have historically accounted for more than 99% of message traffic over the network, which drives increased capacity utilization, while the users of the 1Gb connections account for less than 1% of message traffic over the network. In the experience of the Exchange and its affiliates, users of the 1Gb connections do not have the same business needs for the high-performance network as 10Gb ULL users.

The Exchange's high-performance network and supporting infrastructure (including employee support), provides unparalleled system throughput. To achieve a consistent, premium network performance, the Exchange built out and must now maintain a network that has the capacity to handle the message rate requirements of its most heavy network consumers. These billions of messages per day consume the Exchange's resources and significantly contribute to the overall increase in storage and network transport capabilities. The Exchange must analyze its storage capacity on an ongoing basis to ensure it has sufficient capacity to store these messages to satisfy its record keeping requirements under the Exchange Act.[113] Given this difference in network utilization rate, the Exchange believes that it is equitable and not unfairly discriminatory that the 10Gb ULL users continue to pay higher network connectivity fees.

FIX, CTD, and FXD Port Fees. The Exchange believes that the proposed FIX, CTD and FXD Port fees are equitable and non-discriminatory because they will apply to all Members in the same manner and are not targeted at a specific type or category of market participant engaged in any particular trading strategy. The proposed fees for each type of port (FIX, CTD or FXD) does not depend on any distinctions between Members, customers, broker-dealers, or any other entity. The proposed fee will be assessed solely based on the number of FIX, CTD or FXD Ports an entity selects and not on any other distinction applied by the Exchange. The Exchange believes offering a tiered fee structure where the fee for FIX Ports decreases with the number utilized is equitable and not

[112] *See* Securities Exchange Act Release No. 82867 (March 13, 2018), 83 FR 12044 (March 19, 2018) (SR–PEARL–2018–07).

[113] 17 CFR 240.17a–1 (recordkeeping rule for national securities exchanges, national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board).

unfairly discriminatory because FIX Ports are used for order entry compared to CTD and FXD Ports, which are used to provide messages concerning trade execution, cancellation, and post-trade clearing information and, in the Exchange's experience, Members tend to utilize fewer such ports overall. Further, the Exchange believes the proposed fees for FIX, CTD and FXD Ports are reasonable because for one monthly fee for each port, Members are able to access all matching engines.

MEO Purge Port Fees. The Exchange believes that the proposed Purge Port fees are equitable because Purge Ports are completely voluntary as they relate solely to optional risk management functionality. While the Exchange believes that Purge Ports provide a valuable service, Market Makers can choose to purchase, or not purchase, these ports based on their own determination of the value and their business needs. No Market Maker is required or under any regulatory obligation to utilize Purge Ports. In fact, some market participants, in particular the larger firms, could and do build similar risk functionality in their trading systems that permit the flexible cancellation of quotes entered on the Exchange at a high rate. Accordingly, the Exchange believes that Purge Ports offer appropriate risk management functionality to firms that trade on the Exchange for Market Makers that chose to purchase them.

Purge Ports enhance Members' ability to manage orders, which, in turn, improves their risk controls to the benefit of all market participants. The Exchange also believes that the proposed Purge Port fees are not unfairly discriminatory because they will apply uniformly to all Members that choose to use the optional Purge Ports. Purge Ports are completely voluntary and, as they relate solely to optional risk management functionality, no Market Maker is required or under any regulatory obligation to utilize them. All Members that voluntarily select this service option will be charged the same amount for the same services based upon the number of matching engines. The Exchange also believes that offering Purge Ports at the matching engine level promotes risk management across the industry, and thereby facilitates investor protection. Offering Matching Engine level protections ensures that such functionality is widely available to all firms, including smaller firms that may otherwise not be willing to incur the costs and development work necessary to support their own customized mass cancel functionality. As such, the Exchange believes the proposed fees are equitable and not unfairly discriminatory.

Limited Service MEO Port Fees. The Exchange believes the proposed fees for Limited Service MEO Ports are not unfairly discriminatory because they would apply to all Market Makers equally. All Market Makers remain eligible to receive two free Limited Service MEO Ports per matching engine and those that elect to purchase more would be subject to the same monthly rate depending upon the number they choose to utilize. In the Exchange's experience, certain Market Makers choose to purchase additional Limited Service MEO Ports based on their own particular trading/quoting strategies and feel they need a certain number of ports to execute on those strategies. Other Market Makers may continue to choose to only utilize the free Limited Service MEO Ports to accommodate their own trading or quoting strategies, or other business models. All Market Makers elect to receive or purchase the amount of Limited Service MEO Ports they require based on their own business decisions and all market participants would be subject to the same fee structure. Every Market Maker may receive up to two free Limited Service MEO Ports and those that choose to purchase additional Limited Service MEO Ports may elect to do so based on their own business decisions and would continue to be subject to the same monthly fees.

The Exchange believes that the proposed fees for Limited Service MEO Ports is reasonable, equitable, and not unfairly discriminatory because it is designed to align fees with services provided, will apply equally to all Market Makers that are assigned Limited Service MEO Ports, and minimizes barriers to entry by providing all Market Makers with two free Limited Service MEO Ports. As a result, there are several Market Makers that are not subject to any additional LSP fees. In contrast, other exchanges generally charge in excess of $475 per port (the highest fee the Exchange proposes to charge for Limited Service MEO Ports) without providing any initial ports for free.[114]

The Exchange believes that the proposed Limited Service MEO Port fee structure is equitable and not unfairly discriminatory because it will continue to enable Market Makers to access the Exchange with two free ports before the proposed fees for additional Limited Service MEO Ports apply, thereby continuing to encourage order flow and liquidity from a diverse set of Market Makers, facilitating price discovery and the interaction of orders. The Exchange notes that a substantial majority of Market Makers only utilize the two Limited Service MEO Ports provided for no fee. The proposed fees are designed to encourage Market Makers to be efficient with their Limited Service MEO Port usage. There is no requirement that any Market Maker maintain a specific number of Limited Service MEO Ports and a Market Maker may choose to maintain as many or as few of such ports as each Member deems appropriate.

Full Service MEO Port (Single) Fees. The proposed fees for Full Service MEO Ports (Single) are not unfairly discriminatory because they would apply to all Market Makers equally.

The Exchange believes that the proposed fee is reasonable, equitably allocated and not unfairly discriminatory because, for the flat fee each month, the Exchange provides each Member two Full Service MEO Ports (Single) for each matching engine to which that Member is connected. Unlike other options exchanges that provide similar port functionality and charge fees on a per port basis,[115] the Exchange offers Full Service MEO Ports as a package and provides Market Makers with the option to receive up to two Full Service MEO Ports per matching engine to which it connects. The Exchange currently has twelve matching engines, which means Market Makers may receive up to twenty-four Full Service MEO Ports (Single) for a single monthly fee. Assuming a Market Maker connects to all twelve matching engines during the month with two Full Service MEO Ports (Single) per matching engine, this would result in a cost of approximately $187.50 per Full Service MEO Port (Single) ($4,500 divided by 24). As described above, Full

[114] *See* Nasdaq, Options 7: Pricing Schedule, Section 3(i)(4), *available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207* (providing zero free ports and charging $750 per QUO Port, which is analogous to the Exchange's Limited Service MEO Port) *and* Nasdaq MRX, Options 7: Pricing Schedule, Section 6(i)(4), *available at https://listingcenter.nasdaq.com/rulebook/mrx/rules/MRX%20Options%207* (providing zero free ports and charging $650 per OTTO Port, which is analogous to the Exchange's Limited Service MEO Port).

[115] *See* NASDAQ Pricing Schedule, Options 7, Section 3, Ports and Other Services *and* NASDAQ Rules, General 8: Connectivity, Section 1. Co-Location Services (similar to the MIAX Pearl Options' MEO Ports, SQF ports are primarily utilized by Market Makers); ISE Pricing Schedule, Options 7, Section 7, Connectivity Fees *and* ISE Rules, General 8: Connectivity; NYSE American Options Fee Schedule, Section V.A. Port Fees *and* Section V.B. Co-Location Fees; GEMX Pricing Schedule, Options 7, Section 6, Connectivity Fees *and* GEMX Rules, General 8: Connectivity.

Service MEO Ports (Single) support all MEO input message types and binary order entry on a single order-by-order basis, but not bulk orders.[116] These ports may be used by market participants with less quoting or order volume that the Market Makers that utilize the Full Service MEO Ports (Bulk). Accordingly, the Exchange believes it is equitable and not unfairly discriminatory to assess a lower fee for the Full Service MEO Port (Single) as compared to the Full Service MEO Port (Bulk) for these types of market participants.

Full Service MEO Port (Bulk) Fees. The proposed fees for Full Service MEO Ports are not unfairly discriminatory because they would apply to all Market Makers equally. The Exchange's pricing structure for Full Service MEO Ports is similar to the pricing structure used by the Exchange's affiliates, MIAX, MIAX Emerald, and MIAX Sapphire, for their Full Service MEI/MEO Port fees.[117] In the Exchange's experience, Members that are frequently in the highest tier for Full Service MEO Ports consume the most bandwidth and resources of the network.

To achieve a consistent, premium network performance, the Exchange must build out and maintain a network that has the capacity to handle the message rate requirements of its most heavy network consumers during anticipated peak market conditions. The need to support billions of messages per day consumes the Exchange's resources and significantly contributes to the overall need to increase network storage and transport capabilities. Thus, as the number of ports a Market Maker has increases, the related pull on Exchange resources may continue to increase.

The Exchange further believes that the proposed fees are reasonable, equitably allocated and not unfairly discriminatory because, for the flat fee in each tier, the Exchange provides each Member two Full Service MEO Ports for each matching engine to which that Member is connected. Unlike other options exchanges that provide similar port functionality and charge fees on a per port basis,[118] the Exchange offers Full Service MEO Ports as a package and provides Market Makers with the option to receive up to two Full Service MEO Ports per matching engine to which it connects. The Exchange currently has twelve matching engines, which means Market Makers may receive up to twenty-four Full Service MEO Ports for a single monthly fee, which can vary based on certain volume percentages or classes the Market Maker is registered in. Assuming a Market Maker connects to all twelve matching engines during the month, and achieves the highest tier for that month, with two Full Service MEO Ports per matching engine, this would result in a cost of approximately $542 per Full Service MEO Port ($13,000 divided by 24, and rounded up to the nearest dollar).

The Exchange believes the proposed reduced Full Service MEO Port fee for Market Makers that fall within the 3rd and 4th levels of the Full Service MEO Port fee table and certain volume thresholds are met is not unfairly discriminatory because this lower monthly fee is designed to provide a lower fixed cost to those Market Makers who are willing to quote the entire Exchange market (or substantial amount of the Exchange market), as objectively measured by either number of classes assigned or national ADV, but who do not otherwise execute a significant amount of volume on the Exchange. The Exchange believes that, by continuing to offer a lower fixed cost to Market Makers that execute less volume, the Exchange will continue to retain and attract smaller-scale Market Makers, which are an integral component of the option industry marketplace, but have been decreasing in number in recent years, due to industry consolidation and lower market maker profitability. The Exchange believes it is beneficial to incentivize these additional Market Makers to register to make markets on the Exchange to increase liquidity. Increased liquidity from a diverse set of market participants helps facilitate price discovery and the interaction of orders, which benefits all market participants of the Exchange. Since these smaller-scale Market Makers may utilize less Exchange capacity due to lower overall volume executed, the Exchange believes it is reasonable, equitably allocated and not unfairly discriminatory to offer such Market Makers a lower fixed cost. The Exchange notes that its affiliated markets, MIAX, MIAX Emerald, and MIAX Sapphire, offer a similar reduced fee for their Full Service MEO/MEI Ports for smaller-scale Market Makers.[119]

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For all of the foregoing reasons, the Exchange believes that the proposed fees are equitably allocated and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[120] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

EEM Trading Permit Fees

The Exchange believes the proposed Trading Permit fees for EEMs do not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition. The Exchange believes the proposed fees, which are based on the type of interface that the EEM uses to access the Exchange—either FIX or MEO—and the Non-Transaction Fees Volume-Based Tier achieved by the EEM in the relevant month,[121] are designed to provide objective criteria for EEMs of different sizes and business models that best matches their order activity on the Exchange. Further, the Exchange believes the proposed higher fees for EEMs that connect via the MEO Interface (as opposed to the FIX Interface) do not place certain market participants at a relative disadvantage to other market participants because the MEO Interface provides higher throughput and enhanced functionality compared to the FIX Interface. The MEO Interface is the Exchange's proprietary, binary interface that offers Members lower latency and higher throughput. Accordingly, the Exchange believes the higher proposed Trading Permit fees for EEMs that connect via the MEO Interface do not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[116] *See* the Definitions section of the Fee Schedule.

[117] *See* MIAX Fee Schedule, Section 5)d)ii); MIAX Emerald Fee Schedule, Section 5)d)ii); *and* MIAX Sapphire Fee Schedule, Section 5)d)ii).

[118] *See* NASDAQ Pricing Schedule, Options 7, Section 3, Ports and Other Services *and* NASDAQ Rules, General 8: Connectivity, Section 1. Co-Location Services (similar to the MIAX Pearl Options' MEO Ports, SQF ports are primarily utilized by Market Makers); ISE Pricing Schedule, Options 7, Section 7, Connectivity Fees *and* ISE Rules, General 8: Connectivity; NYSE American Options Fee Schedule, Section V.A. Port Fees *and* Section V.B. Co-Location Fees; GEMX Pricing Schedule, Options 7, Section 6, Connectivity Fees *and* GEMX Rules, General 8: Connectivity.

[119] *See* MIAX Fee Schedule, Section 5)d)ii), note ''*''; MIAX Emerald Fee Schedule, Section 5)d)ii), note ''■'' *and* MIAX Sapphire Fee Schedule, Section 5)d), note ''b''.

[120] 15 U.S.C. 78f(b)(8).

[121] *See* the Definitions Section of the Fee Schedule.

EEM Clearing Firm Trading Permit Fee

The Exchange believes the proposed increased Trading Permit fee for EEM Clearing Firms does not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed fee does not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the fee rate is the same for each EEM Clearing Firm without regard to membership status or the extent of any other business with the Exchange or affiliated entities in order for each EEM Clearing Firm to clear transactions on the Exchange.

Market Maker Trading Permit Fees

The Exchange believes that the proposed Trading Permit fees for Market Makers do not place certain market participants at a relative disadvantage to other market participants because the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the fee rates are designed in order to provide objective criteria for Market Makers of different sizes and business models that best matches their order and quoting activity on the Exchange. Further, the Exchange believes that the proposed Market Maker Trading Permit fees will not impose a burden on intra-market competition because, when these fees are viewed in the context of the overall activity on the Exchange, Market Makers: (1) consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high touch network support services provided by the Exchange and its staff, including more costly network monitoring, reporting and support services, resulting in a much higher cost to the Exchange. The Exchange notes that the majority of customer demand comes from Market Makers, whose transactions make up a majority of the volume on the Exchange. Further, other member types, *i.e.* EEMs, take up significantly less Exchange resources and costs. As such, the Exchange does not believe charging Market Makers higher Trading Permit fees than other member types will impose a burden on intra-market competition.

The Exchange believes that the increasing fees under the tiered Market Maker Trading Permit fee structure do not impose a burden on intra-market competition because the tiered structure continues to take into account the number of classes quoted by each individual Market Maker, or percentage of total national ADV. The Exchange's system requires increased performance and capacity in order to provide the opportunity for each Market Maker to quote in a higher number of options classes on the Exchange. Specifically, the more classes that are actively quoted on the Exchange by a Market Maker requires increased memory for record retention, increased bandwidth for optimized performance, increased functionalities on each application layer, and increased optimization with regard to surveillance and monitoring of such classes quoted. As such, basing the Market Maker Trading Permit fee on the greatest number of classes quoted in on any given day in a calendar month, or percentage of total national ADV, is does not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act when taking into account how the increased number of quoted classes directly impact the costs and resources for the Exchange.

Network Connectivity Fees

The Exchange believes that the proposed network connectivity fees for Members and non-Members do not place certain market participants at a relative disadvantage to other market participants or affect the ability of such market participants to compete. The proposed fees will apply uniformly to all market participants regardless of the number of 1Gb or 10Gb ULL connections they choose to purchase to the primary/secondary facility or the disaster recovery facility. The proposed fees do not favor certain categories of market participants in a manner that would impose an undue burden on competition.

The Exchange does not believe that the proposed fees for connectivity services place certain market participants at a relative disadvantage to other market participants because the proposed connectivity pricing is associated with relative usage of the Exchange by each market participant and does not impose a barrier to entry to smaller participants. The Exchange believes its proposed pricing is reasonable and, when coupled with the availability of third-party providers that also offer connectivity solutions, participation on the Exchange is competitive for all market participants, including smaller trading firms. The connectivity services purchased by market participants typically increase based on their additional message traffic and/or the complexity of their operations. The market participants that utilize more connectivity services typically utilize the most bandwidth, and those are the participants that consume the most resources from the network. Accordingly, the proposed fees for connectivity services do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed connectivity fees reflects the network resources consumed by the various size of market participants and the costs to the Exchange of providing such connectivity services.

FIX, CTD, and FXD Port Fees

The Exchange believes that the proposed FIX, CTD and FXD Port fees do not place certain market participants at a relative disadvantage to other market participants because they will apply to all Members in the same manner and are not targeted at a specific type or category of market participant engaged in any particular trading strategy. The proposed fees for each type of port (FIX, CTD or FXD) do not depend on any distinctions between Members, customers, broker-dealers, or any other entity. The proposed fee will be assessed solely based on the number of FIX, CTD or FXD Ports an entity selects and not on any other distinction applied by the Exchange.

MEO Purge Port Fees

The Exchange believes that the proposed Purge Port fees do not place certain market participants at a relative disadvantage to other market participants because Purge Ports are completely voluntary as they relate solely to optional risk management functionality. Purge Ports enhance Members' ability to manage orders, which, in turn, improves their risk controls to the benefit of all market participants. Further, the proposed fees apply uniformly to all Members that choose to use the optional Purge Ports and no Market Maker is required or under any regulatory obligation to utilize them. All Members that voluntarily choose to utilize Purge Ports will be charged the same amount based upon the number of matching engines for each set of Purge Ports in use.

Limited Service MEO Port Fees

The Exchange does not believe its proposed fees for Limited Service MEO Ports will place certain market participants at a relative disadvantage to other market participants. All market participants would be eligible to receive two free Limited Service MEO Ports and those that elect to purchase more would be subject to the same tiered rates. All market participants purchase the

amount of Limited Service MEO Ports they require based on their own business decisions and similarly situated firms are subject to the same fees.

Full Service MEO Port Fees

The Exchange does not believe proposed fees for Full Service MEO Ports will place certain market participants at a relative disadvantage to other market participants because they would apply to all EEMs and Market Makers equally, depending on whether the Member chooses to utilize a single or bulk port. Further the Exchange does not believe proposed fees for Full Service MEO Ports (Bulk) will place certain market participants at a relative disadvantage to other market participants because they would apply to all Market Makers equally depending on the number of classes the Market Maker is registered to quote in or the percentage of national ADV. The Exchange believes the proposed fees will not result in any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because, in the Exchange's experience, Market Makers that are frequently in the highest tier for Full Service MEO Ports (Bulk) consume the most bandwidth and resources of the network.

The Exchange further believes that the proposed fees do not place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete because, for the flat fee in each tier, the Exchange provides each Member two Full Service MEO Ports for each matching engine to which that Member is connected. Further, the Exchange offers a reduced Full Service MEO Port (Bulk) fee for Market Makers that fall within the 3rd and 4th levels of the Full Service MEO Port fee table, which lower monthly fee is designed to provide a lower fixed cost to those Market Makers who are willing to quote the entire Exchange market (or substantial amount of the Exchange market), as objectively measured by either number of classes assigned or national ADV, but who do not otherwise execute a significant amount of volume on the Exchange.

The Exchange believes that, by continuing to offer a lower fixed cost to Market Makers that execute less volume, the Exchange will continue to retain and attract smaller-scale Market Makers, which are an integral component of the option industry marketplace, but have been decreasing in number in recent years, due to industry consolidation and lower market maker profitability. Accordingly, the Exchange believes the reduced fee will promote competition by incentivizing these additional Market Makers to register to make markets on the Exchange to increase liquidity.

Inter-Market Competition

The Exchange does not believe that the proposed changes will result in any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. In contrast, the Exchange believes that, without the fee changes proposed herein, the Exchange is potentially at a competitive disadvantage to certain other exchanges that have in place comparable or higher fees for similar services, as described above. The Exchange believes that non-transaction fees can be used to foster more competitive transaction pricing and additional infrastructure investment and there are other options markets of which market participants may connect to trade options that charge higher or comparable rates as the Exchange for similar services and products. Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[122] and Rule 19b–4(f)(2) [123] 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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–PEARL–2026–24 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–PEARL–2026–24. 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–PEARL–2026–24 and should be submitted on or before June 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[124]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10452 Filed 5–26–26; 8:45 am]

BILLING CODE 8011–01–P

[122] 15 U.S.C. 78s(b)(3)(A)(ii).

[123] 17 CFR 240.19b–4(f)(2).

[124] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105532; File No. SR–NYSEARCA–2026–53]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Temporary Rule 7.34–E(T) To Provide for an Overnight Trading Session and To Amend the Hours for the Exchange's Early Trading Session and the Late Trading Session, and To Make Corresponding Changes to Other Rules

May 21, 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 May 12, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend temporary Rule 7.34–E(T) (''Trading Sessions'') to provide for an Overnight Trading Session and to amend the hours for the Exchange's Early Trading Session and the Late Trading Session, and to make corresponding changes to other rules. 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

NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') proposes to amend temporary Rule 7.34–E(T) (''Trading Sessions'') to provide for an Overnight Trading Session and to amend the hours for the Exchange's Early Trading Session and the Late Trading Session, and to make corresponding changes to other rules.

On February 11, 2025, the Securities and Exchange Commission (''Commission'') approved the Exchange's proposal to adopt temporary Rule 7.34–E(T) to lengthen its trading hours for NMS stocks to 1:30 a.m. Eastern Time through 11:30 p.m. Eastern Time on Monday through Thursday, and 1:30 a.m. Eastern Time through 8:00 p.m. Eastern Time on Friday (''Extended Hours Trading'').[4] As part of that proposal, among other things, the Exchange amended current Rule 7.34–E (Trading Sessions) to include a preamble providing that the current version of Rule 7.34–E would remain operative until Extended Hours Trading as set out in Rule 7.34–E(T) is operative, and that the Exchange would not commence operating pursuant to the hours set out in Rule 7.34–E(T) unless the Equity Data Plans [5] ''(1) have established a mechanism to collect, consolidate, process and disseminate quotation and transaction information at all times during Extended Hours Trading that is equivalent to the mechanism established for the Core Trading Session, and (2) have provided the Exchange with notification that they are prepared to collect, consolidate, process and disseminate quotation and transaction information to accommodate Extended Hours Trading.'' The preamble to current Rule 7.34–E further provides that when such conditions are met, the Exchange will file a proposed rule change pursuant to Section 19(b) of the Exchange Act and the rules thereunder before commencing Extended Hours Trading as described in Rule 7.34–E(T).

Following the Commission's approval of the Original Filing, the Exchange has continued to discuss plans for Extended Hours Trading with domestic and international market participants and has determined to refine its approach. The Exchange now proposes to amend Rule 7.34–E(T) to provide that the Exchange would operate from 9:00 p.m. Eastern Time Sunday to 8:00 p.m. Eastern Time Friday, with a pause in trading from 8:00 p.m. Eastern Time on Monday through Thursday for an hour to accommodate technical refreshes for the Exchange, the Processors, and other market participants (''23/5 Trading'').

To facilitate 23/5 Trading, the Exchange proposes to make the following changes to its rules.

Proposed Changes to Rule 7.34–E(T)(a)

Specifically, to facilitate 23/5 Trading, the Exchange proposes to add a definition for a fourth trading session—the ''Overnight Trading Session''—and to amend the definitions of ''Early Trading Session'' and ''Late Trading Session'' in Rule 7.34–E(T)(a).

In Rule 7.34–E(T)(a)(1), the Exchange proposes to add a definition for ''Overnight Trading Session'' and to renumber the remaining provisions of Rule 7.34–E(T)(a) accordingly. The first sentence of the definition would provide that ''The Overnight Trading Session will begin at 9:00 p.m. Eastern Time on Sunday through Thursday and conclude at the commencement of the next calendar day's Early Trading Session.''

In addition, proposed Rule 7.34–E(T)(a)(1) would also provide that the ''Exchange will begin accepting orders for all of that trading day's trading sessions at 8:59 p.m. Eastern Time, one minute before the Overnight Trading Session begins''—not 30 minutes before trading opens, as the current version of the temporary rule provides.[6] Under 23/5 Trading, the Exchange's systems would undergo a technical refresh during the one-hour pause in trading from 8:00 p.m. Eastern Time on Monday through Thursday and would not be available to accept orders at 8:30 p.m. Eastern Time, but would be available to begin accepting orders for all of the trading day's sessions at 8:59 p.m. Eastern Time before the session starts at 9:00 p.m. Eastern Time. Proposed Rule 7.34–E(T)(a)(1) would specify that the ''Overnight Trading Session will begin with continuous trading,'' not an opening auction.

The Exchange proposes to move the current text of Rule 7.34–E(T)(a)(1), concerning the Early Trading Session, to subparagraph (a)(2). The Exchange proposes to amend the first sentence to provide that the ''Early Trading Session will begin at 4:00 a.m. Eastern Time and conclude at the commencement of the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 102400 (February 11, 2025), 90 FR 9794 (February 18, 2025) (SR–NYSEARCA–2024–89) (''Original Filing'').

[5] ''Equity Data Plans'' is defined in Rule 1.1 (Definitions).

[6] *See* current Rule 7.34–E(T)(a)(1), providing that ''The Exchange will begin accepting orders 30 minutes before the Early Trading Session begins.''

Core Trading Session.'' The Exchange also proposes to remove the second sentence, which provides that the Exchange ''will begin accepting orders 30 minutes before the Early Trading Session begins,'' as inconsistent with the proposed revision to subparagraph (a)(1) specifying that the Exchange will begin accepting orders for all of the trading day's trading sessions at 8:59 p.m. Eastern Time.

The Exchange proposes to move the current text of Rule 7.34–E(T)(a)(2), concerning the Core Trading Session, to subparagraph (a)(3). The Exchange proposes no other changes to that provision.

The Exchange proposes to move the current text of Rule 7.34–E(T)(a)(3), concerning the Late Trading Session, to subparagraph (a)(4). The Exchange proposes to amend that provision to specify that the ''Late Trading Session will begin following the conclusion of the Core Trading Session and conclude at 8:00 p.m. Eastern Time,'' and to delete the remainder of the current text.

The Exchange also proposes to add subparagraph (a)(5) of Rule 7.34–E(T), titled ''Note about Holidays,'' which would provide: ''If the Exchange is closed for a holiday falling between Monday and Friday, the Exchange will conclude its Late Trading Session the evening before the holiday and will commence the next Overnight Trading Session at 9:00 p.m. Eastern Time on the evening of the holiday.''

Proposed Changes to Rules 7.31–E and 7.34–E(T)(c)

Rule 7.31–E (''Orders and Modifiers'') defines the Exchange's order types and their applicability during the Exchange's various trading sessions. To facilitate 23/5 Trading, the Exchange proposes to amend the text pertaining to certain order types to specify the treatment of such order types in the Overnight Trading Session.

First, the Exchange proposes to amend Rule 7.31–E(a)(2)(B)(ii) to specify that Limit Order Price Protection, which currently applies to the Early and Late Trading Sessions, would also apply to the Overnight Trading Session.

Second, the Exchange proposes to amend Rule 7.31–E(h)(3) to provide that Discretionary Pegged Orders, which are currently rejected if they are designated for the Early or Late Trading Sessions, would also be rejected if designated for the Overnight Trading Session.

Third, the Exchange proposes to amend Rule 7.31–E(j)(2) to provide that Market Makers may enter Q orders in securities in which they are registered during the Overnight Trading Session, in addition to during the Early and Late Trading Sessions as the rule currently provides.

In addition, Rule 7.34–E(T)(c) describes the order types permitted in each trading session. The Exchange proposes to add new rule text to Rule 7.34–E(T)(c) concerning the orders types permitted in the Overnight Trading Session. The Exchange proposes to add to Rule 7.34–E(T)(c)(1) a description of the order types permitted in the Overnight Trading Session, and to renumber the remaining provisions of Rule 7.34–E–(T)(c) accordingly. The proposed text of Rule 7.34–E(T)(c)(1) concerning order types in the Overnight Trading Session is based on current Rule 7.34–E(T)(c)(1) concerning the Exchange's Early Trading Session, as well as Rule 7.34(c)(1) of the Exchange's affiliate NYSE National, Inc. (''NYSE National''), which pertains to the order types permitted in that exchange's Early Trading Session, which, like the Exchange's Overnight Trading Session, operates without auctions. As such, the proposed changes are not novel.

Specifically, proposed Rule 7.34–E(T)(c)(1)(A) would provide that Market Orders and Pegged Orders are not eligible to participate in the Overnight Trading Session; that Market Orders and Pegged Orders that include a designation for the Overnight Trading Session would be rejected; and that Market Pegged Orders and Discretionary Pegged Orders, regardless of the session designated for the order, may not be entered before or during the Overnight Trading Session and will be rejected. This proposed rule text is based on the current text of Rule 7.34–E(T)(c)(1)(A) concerning the Exchange's Early Trading Session, without alteration except for replacing ''Early Trading Session'' with ''Overnight Trading Session.''

Proposed Rule 7.34–E(T)(c)(1)(B) would provide that Limit Orders designated IOC will be accepted if entered during the Overnight Trading Session, and will be rejected if designated for execution in any trading session other than the Overnight Trading Session. This proposed rule text is based on the current text of Rule 7.34–E(T)(c)(1)(B) and (C), which permit the entry of Limit Orders designated IOC only during the session in which they will execute.

Proposed Rule 7.34–E(T)(c)(1)(C) would provide that for securities not eligible for an auction on the Exchange, Market Orders designated for the Core Trading Session and Auction-Only Orders will be routed to the primary listing market on arrival. It would further provide that any order routed directly to the primary listing market on arrival will be cancelled if that market is not accepting orders. This proposed rule text is based on the current text of Rule 7.34–E(T)(c)(1)(D) concerning the Exchange's Early Trading Session, without alteration.

Proposed Rule 7.34–E(T)(c)(1)(D) would provide that MOO Orders, MOC Orders, LOC Orders, Primary Only Orders, and Directed Orders designated for the Overnight Trading Session will be rejected. This proposed rule text is based on the current text of Rule 7.34–E(T)(c)(1)(E) concerning the Exchange's Early Trading Session, without alteration except for replacing ''Early Trading Session'' with ''Overnight Trading Session.''

Proposed Rule 7.34–E(T)(c)(1)(E) would provide that Non-Displayed Limit Orders, MPL Orders, Tracking Orders, and RPI Orders entered before the Overnight Trading Session will be rejected. This proposed rule text is based on the text of NYSE National Rule 7.34(1)(F) concerning the Early Trading Session, without alteration except for replacing ''Early Trading Session'' with ''Overnight Trading Session.''

The Exchange proposes to move the current text of Rule 7.34–E(T)(c)(1), concerning order types permitted in the Early Trading Session, to subparagraph (c)(2). The Exchange proposes no other changes to that provision.

The Exchange proposes to move the current text of Rule 7.34–E(T)(c)(2), concerning order types permitted in the Core Trading Session, to subparagraph (c)(3). The Exchange proposes no other changes to that provision.

The Exchange proposes to move the current text of Rule 7.34–E(T)(c)(3), concerning order types permitted in the Late Trading Session, to subparagraph (c)(4). The Exchange proposes no other changes to that provision.

Proposed Change to Rule 7.10–E

The Exchange proposes to amend Rule 7.10–E (''Clearly Erroneous Executions'') to specify the portions of the rule that would apply during the Overnight Trading Session. Specifically, the proposed changes specify that under Rule 7.10–E(c)(2), clearly erroneous review will be available to review transactions occurring during the Overnight Trading Session on the same basis as currently applies to the Early and Late Trading Sessions. There are no substantive differences between the applicability of Rule 7.10–E proposed for the Overnight Trading Session and the current applicability of the rule to the Early and Late Trading Sessions.

Proposed Change to Rule 7.19–E

To support 23/5 Trading, the Exchange will offer Entering Firms a new risk control under Rule 7.19–E (''Pre-Trade Risk Controls'') that would prohibit orders from executing during the Overnight Trading Session. The Exchange plans to offer this new risk check as one of the Single Order Risk Controls available to Entering Firms under Rule 7.19–E(b)(2)(C), which permits the Exchange to offer Entering Firms ''controls related to the order types or modifiers that can be utilized.'' Under that rule authority, the Exchange currently allows Entering Firms to prohibit orders from executing in each of the Exchange's three current trading sessions, and this change would permit them to do the same for the Overnight Trading Session. Because this risk control falls within the existing rule authority, no rule change is required for the Exchange to offer this risk check to Entering Firms.

The Exchange proposes to also permit Clearing Firms to prohibit orders from executing during the Overnight Trading Session, when a Clearing Firm has been designated by an Entering Firm to enact pre-trade risk controls on the Entering Firm's behalf. Specifically, the Exchange proposes to amend Rule 7.19–E(c)(1) to add a new subparagraph (c)(1)(C), which would permit Clearing Firms designated by an Entering Firm to prohibit orders from executing during the Overnight Trading Session. Rule 7.19–E(c) does not currently enable Clearing Firms to prohibit orders from executing during particular trading sessions, so the Clearing Firm's ability to prohibit orders from executing during the Overnight Trading Session would be a new feature of the rule.

Other Forthcoming Changes

The Exchange is coordinating with the other equities markets about additional proposed rule changes in support of 23/5 Trading, including (1) Regulatory Halts for certain corporate actions (Rule 7.18–E) and (2) the resumption of trading after a Level 3 Market-Wide Circuit Breaker Halt (Rule 7.12–E). The Exchange will propose changes regarding those rules in forthcoming rule filings.

Implementation

As set out above and in the preamble to Rule 7.34–E, when the Equity Data Plans have notified the Exchange that they have made the required functional changes and are ready to begin processing 23/5 Trading, the Exchange will file another rule change with the Commission before activating 23/5 Trading.

The preamble currently provides that such rule change must be made ''within 18 months of the SEC's approval of the Exchange's rule filing adopting Rule 7.34–E(T)''—namely, by August 11, 2026. In light of the industry's plan to launch Extended Hours Trading on December 6, 2026, the Exchange proposes to amend the preamble to replace ''18 months'' with ''24 months, which the Exchange expects to do in line with the industry's projected readiness date for Extended Hours Trading of December 6, 2026.'' This is a non-substantive change and simply extends the time for the Exchange to launch Extended Hours Trading to be in line with the industry's launch plans.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[7] 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.

Proposed Changes to Rule 7.34–E(T)(a). The Exchange believes that the proposed amendment would remove impediments to and perfect the mechanism of a free and open market and a national market system by providing a rules framework to support 23/5 Trading, which the Exchange believes will increase market accessibility, promote capital formation, and facilitate portfolio management.

As in the Original Filing, the Exchange believes that making this change in temporary Rule 7.34–E(T) would promote transparency in Exchange rules and add clarity as to which rules are operative and when, thereby reducing potential confusion and making the Exchange's rules easier to navigate. The preamble to the current version of Rule 7.34–E would not be changed, and would continue to provide that the Exchange will not commence operation of the longer Extended Trading Hours prior to filing a proposed rule change to amend its rules confirming that the Exchange is able to comply with its obligations under the Act during the longer extended trading sessions and that the Equity Data Plans are prepared to collect, consolidate, process, and disseminate quotations and transaction information at all times during the proposed Extended Hours Trading.

Also as in the Original Filing, the Exchange believes that applying the current requirements for extended hours trading—such as order designation, permitted orders, and mandatory customer disclosures, as well as the operational and regulatory safeguards already in place for the current Early, Core, and Late Sessions—to 23/5 Trading would promote just and equitable principles of trade and protect investors and the public interest. The Exchange's representations in the Original Filing with respect to operations, order designation, permitted orders, market surveillance, and customer disclosures apply equally to the 23/5 Trading proposal in this filing, namely:

- *Operations.* The proposed Overnight Trading Session will operate in the same way as the current sessions from an operational perspective. All order types eligible for such sessions and order type behaviors will remain unchanged. The Exchange will route to away markets during the proposed Overnight Trading Session just as it currently does during the current Early and Late Trading Sessions. Order processing during the proposed Overnight Trading Session will function the same way it does in the current sessions, with no changes to the ranking, display, or decrementation processes or rules.
- *SIP Processing.* The Exchange will submit all quotes and trades that are generated in the Overnight Trading Session to the consolidated quote and trade systems maintained by the System Information Processors (SIPs) for public dissemination. Once the Overnight Trading Session is operative, quotes and trades will be made available to the investing public in the same manner that quotes and trades are currently made available for other trading sessions. Trades executed and reported during the Overnight Trading Session will be reported to the appropriate network processor with the ''.T'' modifier, as is currently the case for all trades executed outside of the Core Trading Session.
- *Corporate Actions.* The Exchange will work with primary listing exchanges to coordinate trading halts where appropriate, including halts implemented due to significant material events (*i.e.,* a bankruptcy declaration). During the proposed Overnight Trading Session, the Exchange will pause trading in the underlying security until trading resumes on the primary listing

[7] 15 U.S.C. 78f(b)(5).

market for the security. Generally, regardless of trading session, when a halt has been declared on the primary market, the Exchange will also halt trading automatically in the subject security on NYSE Arca. Exchange staff will be available during the Overnight Trading Session in order to maintain a fair and orderly market, make any necessary rulings, or take any action that may be necessary. Similarly, Exchange staff will be available if any action such as declaration of a halt in a NYSE Arca primary symbol would be necessary in the event of a system malfunction or significant material event such as a bankruptcy declaration.

- *Market Surveillance.* The Exchange's current regulatory program will be fully applicable to trading in the proposed Overnight Trading Session.
- *Customer Disclosures.* The enhanced customer disclosures in Rule 7.34–E(T)(d) regarding the potential risks associated with trading during Extended Hours Trading will apply to the Overnight Trading Session.

The Exchange believes that its proposal to begin accepting orders before the Overnight Trading Session at 8:59 p.m. Eastern Time (instead of 30 minutes before the session begins, as the current version of Rule 7.34–E(T)(a) provides) would remove impediments to and perfect the mechanism of a free and open market and a national market system. Under 23/5 Trading, trading will not be available during the one-hour pause starting at 8:00 p.m. Eastern Time on Monday through Thursday, during which time the Exchange's systems will perform end-of-day functions, undergo a technical refresh, restart, and prepare for the commencement of trading at 9:00 p.m. Eastern Time. The Exchange's systems would not be available to accept orders 30 minutes before the Overnight Trading Session begins, as the rule currently provides, since the Exchange's systems will be undergoing their refresh and restart processes around that time. Instead, the Exchange believes that it would 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 for the Exchange to begin accepting orders for the Overnight Trading Session one minute before it starts, which would accommodate the Exchange's system reset while still permitting market participants to place orders before the session begins.[8]

The Exchange believes that its proposal to commence trading in the Overnight Trading Session at 9:00 p.m. Eastern Time with continuous trading, and to retain the Early Opening Auction to open the Early Trading Session at 4:00 a.m. Eastern Time, would remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange's affiliate NYSE National operates without auctions and starts its Early Trading Session with continuous trading, so the practice is not novel. Given the initial expectation of thinner liquidity at 9:00 p.m. Eastern Time, the Exchange believes it is reasonable to open the Overnight Trading Session with continuous order matching. In addition, the Exchange believes it is in the public interest to retain its 4:00 a.m. Early Opening Auction, to minimize any disruption to the Early Trading Session and to enable market participants that currently utilize that auction to continue to do so even after the Overnight Trading Session is launched.

Proposed Changes to Rules 7.34(T)–E(c) and 7.31–E. The Exchange believes that its proposed changes to Rules 7.34(T)–E(c)(c) and 7.31–E would remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest by specifying the order types available in the Overnight Trading Session. The proposed text of Rule 7.34–E(T)(c)(1) concerning order types in the Overnight Trading Session, is based on current Rule 7.34–E(T)(c)(1) concerning the Exchange's Early Trading Session, as well as NYSE National Rule 7.34(c)(1), which pertains to the order types permitted in that exchange's Early Trading Session, which, like the Exchange's Overnight Trading Session, operates without auctions. As such, the proposed changes are not novel.

Proposed Changes to Rule 7.10–E. The Exchange believes that its proposed changes to Rule 7.10–E would remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest by clarifying the applicability of the Exchange's Clearly Erroneous Rule to the Overnight Trading Session. That rule would operate in the same way as it applies to the Exchange's Early and Late Trading Sessions, and therefore is not novel.

Proposed Changes to Rule 7.19–E. The Exchange believes that its proposed changes to Rule 7.19–E(c) would remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest by permitting an Entering Firm to exercise a pre-trade risk control prohibiting orders from executing in the Overnight Trading Session, and permitting an Entering Firm to give permission for its Clearing Firm to similarly prohibit orders from executing during the Overnight Trading Session. Although the current version of the rule does not permit Clearing Firms to set risk controls that prohibit orders from executing during particular sessions, the Exchange believes that, in light of the potential risks associated with Extended Hours Trading, investor protection and the public interest are enhanced by permitting Clearing Firms so-designated by Entering Firms to prohibit orders from executing during the Overnight Trading Session.

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 change is designed to add the Overnight Trading Session and to amend the hours for the Exchange's Early Trading Session and the Late Trading Session, and to make corresponding changes to other rules to provide for 23/5 Trading. The Exchange operates in a highly competitive environment in which unaffiliated exchange competitors and new entrants could compete to offer extended hours trading of similar duration, and the proposal would therefore enable the Exchange to compete on a more level playing field with these competitors.

[8] The various exchanges that plan to adopt 23/5 Trading have taken different approaches to this issue, based upon their own system architecture and requirements. For instance, Nasdaq plans to start accepting orders at 9:00 p.m. Eastern Time, when their systems open for trading, with no advance opportunity for market participants to submit and queue orders, while Cboe has proposed that its EDGX exchange would start accepting orders at 8:55 p.m. Eastern Time. *See* Securities Exchange Act Release Nos. 105199 n. 82 (April 10, 2026), 91 FR 20222 (April 15, 2026) (SR–NASDAQ–2025–109) (''[T]he Exchange will begin accepting orders for the Night Session at 9:00 p.m. ET . . .''); 105206 (April 10, 2026), 91 FR 20213 (April 15, 2026) (SR–CboeEDGEX–2026–19) (proposed Rule 11.25(a)(2) provides that EDGX will begin accepting orders at the Order Acceptance Queuing Time of 8:55 p.m. Eastern Time). The Exchange's proposal to start accepting orders at 8:59 p.m. Eastern Time is thus within the range proposed by its competitor exchanges and is reasonable. The Exchange also notes than when it starts accepting orders at 8:59 p.m. Eastern Time, it will accept orders for all trading sessions that day, not just the Overnight Trading Session. *See* proposed Rule 7.34–E(T)(a)(1).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2026–53 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–2026–53. 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–2026–53 and should be submitted on or before June 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10450 Filed 5–26–26; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105537; File No. SR–OCC–2026–003]

Self-Regulatory Organizations; the Options Clearing Corporation; Order Approving Proposed Rule Change by the Options Clearing Corporation Concerning Amendments to OCC's STANS Methodology Description To Enable OCC To Accept Binary Options for Clearing and Appropriately Manage the Risk Created by Binary Options

May 21, 2026.

I. Introduction

On April 8, 2026, the Options Clearing Corporation (''OCC''), filed with the Securities and Exchange Commission (''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 amend OCC's System for Theoretical Analysis and Numerical Simulation (''STANS'') Methodology Description to enable OCC to accept binary options for clearing and appropriately manage the risk created by binary options (hereinafter ''Proposed Rule Change''). The Proposed Rule Change was published for comment in the **Federal Register** on April 15, 2026.[3] For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Background

OCC is a central counterparty (''CCP''), which means that, as part of its function as a clearing agency, it interposes itself as the buyer to every seller and seller to every buyer for certain financial transactions. As the CCP for the listed options markets in the United States,[4] as well as for certain futures and stock loans, OCC is exposed to various risks arising from providing clearance and settlement services to its Clearing Members.[5] Because OCC is obligated to perform on the contracts it clears, one such risk that OCC is exposed to is credit risk, including the risk that OCC would not maintain sufficient financial resources to cover exposures if one of its Clearing Members defaults. OCC manages such credit risk, in part, through financial safeguards, including the collection of margin collateral.

OCC previously cleared binary options and maintains rules addressing such products.[6] however, OCC's margin methodology does not currently include a mechanism for calculating margin requirements for binary options. OCC

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 105208 (Apr. 10, 2026), 91 FR 20192 (Apr. 15, 2026) (File No. SR–OCC–2026–003) (''Notice''). The Commission received one comment expressing the general view that there is no interest in the product, but the comment raises no concerns or objections with the substance of the proposal. The comment on the Proposed Rule Change is *available at https://www.sec.gov/rules-regulations/public-comments/sr-occ-2026-003.*

[4] OCC describes itself as ''the sole clearing agency for standardized equity options listed on national securities exchanges registered with the Commission.'' *See* Notice, 91 FR at 20193.

[5] Capitalized terms used but not defined herein have the meanings specified in OCC's Rules and By-Laws, *available at https://www.theocc.com/company-information/documents-and-archives/by-laws-and-rules.*

[6] *See* OCC Rules Chapter XV, *available at https://www.theocc.com/company-information/documents-and-archives/by-laws-and-rules.*

states that its Participant Exchanges have expressed interest in listing binary options for trading and OCC is proposing to accept binary options for clearing.[7] OCC is now proposing changes to its margin methodology to support the clearing of European-style binary options.

To calculate margin requirements, OCC uses its STANS methodology.[8] The STANS Methodology Description does not currently include a mechanism to price binary options or to generate the inputs necessary for margin calculations for such products because no Participant Exchanges listed binary products at the time OCC filed a proposed rule change to establish the STANS Methodology Description.[9] As a result, OCC is proposing to update its STANS Methodology Description to enable the pricing of binary options and the calculation of corresponding margin requirements. Specifically, OCC is proposing to price binary options under a Black Scholes framework.[10] The proposed approach utilizes the forward price of the underlying asset and the implied volatility of a corresponding vanilla option. OCC proposes to apply an adjustment term to align the theoretical price with observed market prices. The adjustment term could be used to account for price behavior resulting from illiquidity, such as for a given set of binary options at launch.

For margin calculations during the launch stage, implied volatility scenarios derived from corresponding vanilla options would be used as a proxy.[11] As trading volume increases and market data becomes more available, OCC will consider transitioning to using bid and ask prices to derive the implied volatility of binary options. OCC would also apply its smoothing algorithm to construct an implied volatility surface for use in margin calculations that conforms to constraints related to bid and ask ranges,[12] monotonicity,[13] and put-call parity.[14] Additionally, OCC is proposing to treat far out-of-the-money binary options such that the smoothed prices decay toward zero, reflecting the low probability of payoff.

To effectuate the model changes, OCC proposes to amend the STANS Methodology Description to incorporate binary options and to support the clearing and risk management of such products. Specifically, OCC is proposing to include binary options in the list of FLEX and exotic options set forth in section 1.2.3 of the STANS Methodology Description. OCC is also proposing to define binary options as European-style option contracts that pay a fixed amount at expiration if the settlement value of the underlying is equal to or exceeds the exercise price in the case of a call option or is less than the exercise price in the case of a put option. The underliers for binary options may include indexes, futures, equities, and similar instruments. Further, OCC proposes to include binary options among the products supported by its implied volatility smoothing algorithm. Finally, OCC is proposing to add a new section 2.3.5, titled ''Binary Options,'' which describes the pricing process for binary options as described above.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to the organization.[15] Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change.'' [16]

After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to OCC. More specifically, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Exchange Act,[17] and Rule 17ad–22(e)(6)(i) thereunder, as described in detail below.[18]

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act [19] requires, among other things, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. Based on the Commission's review of the record, and for the reasons described below, the Proposed Rule Change is consistent with assuring the safeguarding of securities and funds which are in OCC's custody or control or for which it is responsible.

As described above, the STANS methodology, as modified by the proposed changes to the STANS Methodology Description, would provide for the calculation of margin requirements for binary options contracts, including in scenarios involving a Clearing Member default. In particular, the proposed changes would incorporate characteristics of binary options into the model and produce theoretical values used for margin calculations. Absent the proposed changes, OCC's margin methodology may not fully reflect the particular risk characteristics associated with binary options contracts. As a result, OCC may not collect sufficient margin collateral to address the risks posed by such positions in the event of a Clearing Member default.

By incorporating characteristics of binary options into OCC's margin

[7] *See* Notice, 91 FR at 20193. OCC states that it proposes to clear binary options on equity indexes and, as such, it presently intends to clear only binary options that are within the definition of a ''security.'' OCC also states that all initially proposed binary options would be European-style. However, OCC states that it expects additional products to be launched as exchanges expand their offerings, and additional exchanges begin to list binary options. *See id.*

[8] The STANS methodology applies to large scale Monte Carlo simulations to forecast price and volatility movements and to determine Clearing Member margin requirements at the portfolio level. Margin requirements consist of an estimate of expected shortfall over a defined time horizon and include both a base component and a concentration and dependency stress test component.

[9] *See* Notice, 91 FR at 20193 (citing Exchange Act Release No. 91079 (Feb. 8, 2021), 86 FR 9410 (Feb. 12, 2021) (File No. SR–OCC–2020–016)). The STANS Methodology Description includes the material aspects of OCC's risk-based margin system, the purpose of which is to enable an informed reader to understand OCC's modeling choices and the interconnectedness of STANS model components in producing OCC margin requirements. *See* Exchange Act Release No. 91079 (Feb. 8, 2021), 86 FR 9410, 9410–11 (Feb. 12, 2021) (File No. SR–OCC–2020–016).

[10] Black-Scholes is a commonly accepted as a reasonable framework for pricing European options. *See* Hull John C., *Options, Futures, and Other Derivatives* 321 (9th ed., 2015) (stating that the importance of the model was recognized when Robert Merton and Myron Scholes were awarded the Nobel prize for economics).

[11] OCC's Model Risk Management function validated the proposed approach for the launch stage and supported its use for binary options. *See* Notice, 91 FR at 20194.

[12] Prices within the bid-ask constraints refers to prices that are within the realistic trading range. *See* Notice, 91 FR at 20194, n.16.

[13] Monotonicity means that prices move in a logically consistent direction with the strike price. *See* Notice, 91 FR at 20194, n.17.

[14] For binary options, put-call parity means that the sum of the price of a binary call option and the price of a binary put option with the same expiry and strike is the present value of one dollar at expiration. *See* Notice, 91 FR at 20194, n.18.

[15] 15 U.S.C. 78s(b)(2)(C).

[16] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17ad–22(e)(6)(i).

[19] 15 U.S.C. 78q–1(b)(3)(F).

methodology, the proposed changes would support the calculation of margin requirements that more accurately reflect the risks associated with binary options products. More accurate margin calculations would improve OCC's ability to assess and manage its credit exposures associated with binary options positions, which increases the likelihood that OCC would collect sufficient margin collateral. Increasing the likelihood that OCC collects sufficient margin collateral to address risks associated with binary options positions would, in turn, help reduce the likelihood that OCC would need to utilize Clearing Fund contributions of non-defaulting Clearing Members to cover losses associated with such a default.

Accordingly, the proposed changes would help assure the safeguarding of securities and funds which are in OCC's custody or control or for which it is responsible. Therefore, the Commission finds that the Proposed Rule Change is consistent with the requirements of Section 17A(b)(3)(F) of the Exchange Act.[20]

B. Consistency With Rule 17ad–22(e)(6)(i) Under the Exchange Act

Rule 17ad–22(e)(6)(i) under the Exchange Act requires that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to cover, if the covered clearing agency provides central counterparty services, its credit exposures to participants by establishing a risk-based margin system that, at a minimum considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[21]

As described above, OCC proposes to update its STANS Methodology Description to support the clearing of European-style binary options, which OCC does not currently address in its margin methodology. OCC's initial adoption of the STANS Methodology Description was consistent with Rule 17ad–22(e)(6)(i) under the Exchange Act, in part, because it covered various components of STANS designed to address the particular attributes of the products that OCC clears, including European-style options, and described OCC's process for addressing the entrance of new products, such as identifying and separately processing risk factors with incomplete data sets that lack sufficient data.[22]

The additions to the STANS Methodology Description are clearly designed to consider the risks and attributes of binary options products as well as the market for such products. With regard to the product itself, OCC's proposal to operate within a Black-Scholes options pricing framework initially using the forward price of the underlying asset and the implied volatility of the corresponding vanilla option to price a binary option is consistent with the consideration of the particular attributes of the binary options products.[23] With regard to potential market issues such as illiquidity at the launch of a given binary option, the proposed methodology includes an adjustment term that is designed to capture differences between market prices and theoretical prices and ensure that the price of the binary option aligns with market price. Further, OCC will apply its smoothing algorithm, using market quotes, to ensure that prices conform to specific constraints related to bid-ask spreads, monotonicity, and put-call parity.

Accordingly, the Commission finds that the Proposed Rule Change is consistent with the requirements of Rule 17ad–22(e)(6)(i).[24]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Exchange Act,[25] and Rule 17ad–22(e)(6)(i) thereunder.[26]

It is therefore ordered pursuant to Section 19(b)(2) of the Exchange Act[27] that the proposed rule change (SR–OCC–2026–003) be, and hereby is, approved.[28]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10453 Filed 5–26–26; 8:45 am]

BILLING CODE 8011–01–P

[20] 15 U.S.C. 78q–1(b)(3)(F).

[21] 17 CFR 240.17ad–22(e)(6)(i).

[22] *See* Exchange Act Release No. 91079 (Feb. 8, 2021), 86 FR 9410, 9413 (Feb. 12, 2021) (File No. SR–OCC–2020–016).

[23] The price of the underlying security and implied volatility are notable risk factors utilized in STANS. *See* Exchange Act Release No. 95319 (July 19, 2022), 87 FR 44167, 44168 (July 25, 2022) (File No. SR–OCC–2022–001) (stating that the majority of risk factors utilized in STANS are the returns on individual equity securities; however, a number of other risk factors may be considered, including, among other things, returns on implied volatility).

[24] 17 CFR 240.17ad–22(e)(6)(i).

[25] 15 U.S.C. 78q–1(b)(3)(F).

[26] 17 CFR 240.17ad–22(e)(6)(i).

[27] 15 U.S.C. 78s(b)(2).

[28] In approving the Proposed Rule Change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[29] 17 CFR 200.30–3(a)(12).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36927]

Denton & North Texas Railroad LLC—Construction and Operation Exemption—Line of Railroad in Denton County, Tex.

Denton & North Texas Railroad LLC (DNT), a noncarrier subsidiary of Patriot Rail Company LLC (Patriot Rail),[1] has filed a verified notice of exemption under 49 CFR 1150.36 to construct and operate approximately 4,200 feet of track inside an existing Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City (CPKC) right-of-way near Krum, Tex., between CPKC milepost 109 and milepost 110 (DNT Line). The DNT Line would connect CPKC's mainline to DNT-operated track within an approximately 120-acre planned industrial park. According to the verified notice, DNT will operate the DNT Line as a common carrier.

According to the verified notice, CPKC and Patriot Rail announced the industrial park as a way to serve the cement, aggregate, and lumber markets in the Southwest and create a more sustainable supply chain. DNT states that the new DNT line would be double-tracked, built within an existing CPKC right-of-way, and would offer access to a planned industrial park owned by DNT. DNT further states that it has already signed a lease with one industrial park tenant desiring rail service, and that it will start soliciting bidders for the construction process by early July 2026.

According to the verified notice, construction of the DNT Line would not start earlier than 90 days after the filing of this notice of exemption.

DNT has certified that it will comply with the Board's environmental rules at 49 CFR 1105 and with the pre-filing notice requirements at 49 CFR 1150.36(c)(1). However, DNT argues that the DNT Line is a small project within an existing rail right-of-way that will have no significant environmental

[1] According to the verified notice, Patriot Rail controls Class III carriers in 21 states and will file a notice of exemption to continue in control of DNT upon its becoming a Class III rail carrier. *See* 49 CFR 1180.2(d)(2).

effects, and, for that reason, DNT asks the Board to waive its environmental rules or adopt an existing categorical exclusion from the Federal Railroad Administration (FRA). *See* 42 U.S.C. 4336(c). DNT argues that such a waiver is appropriate here because, DNT asserts, the proposed DNT Line would qualify for a categorical exclusion under both an existing FRA rule, *see* 23 CFR 771.116(c)(12), and the Board's recently proposed revisions to its environmental rules. *See Permitting Reform—Env't. Rev. Process,* EP 779, slip op. at 9 (STB served Mar. 25, 2026). The Board will address DNT's request in a subsequent decision.

This exemption will be effective on August 5, 2026, unless stayed. Petitions to stay that do not involve environmental issues must be filed by June 5, 2026. Petitions for reconsideration must be filed by June 16, 2026.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption.

All pleadings, referring to Docket No. FD 36927, must be filed with the Surface Transportation Board via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on DNT's representatives, Jay C. Johnson & Megan L. Algya, Venable LLP, 600 Massachusetts Ave. NW, Washington, DC 20001.

Board decisions and notices are available at *www.stb.gov.*

Decided: May 20, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2026–10446 Filed 5–26–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2013–0259]

Notice of Meeting on Section 1115 of the FAA Reauthorization Act of 2024

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: Federal Aviation Administration (FAA) announces a virtual meeting regarding the identification of potential scheduling conflicts pursuant to Section 1115 of the FAA Reauthorization Act of 2024. This is the second annual occurrence of this meeting and is open to all representatives of FAA-approved air shows, the general aviation community, stadiums and other large outdoor events and venues or organizations that run such events, the Department of Homeland Security, and the Department of Justice. The goal of this meeting is to identify potential scheduling conflicts so FAA can develop appropriate operational and communication procedures to ensure the safety and security of both events.

DATES: FAA will hold this virtual meeting on Wednesday, June 24, 2026, beginning at 1:00 p.m. (Eastern Time), and the meeting will continue until adjourned by FAA's Rules and Regulations Group. FAA must receive requests to attend, requests to present, and any submissions of materials no later than Wednesday, June 17, 2026.

FOR FURTHER INFORMATION CONTACT: Justin Hodgins, Acting Manager, Airspace Rules and Regulations Team, email: *9-ajo-airspaceandrules@faa.gov;* mail: Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; or telephone: 202–267–8783.

SUPPLEMENTARY INFORMATION:

Background

Section 1115 of the FAA Reauthorization Act of 2024 (Pub. L. 118–63, May 16, 2024) (Section 1115) requires the Administrator to conduct an annual meeting to identify scheduling conflicts between FAA-approved airshows and large outdoor events and venues where flight restrictions will be imposed pursuant to section 521 of division F of the Consolidated Appropriations Act, 2004 (49 U.S.C. 40103 note) or any other restriction will be imposed pursuant to FAA Flight Data Center Notice to Airmen 4/3621 (or any successor notice to airmen). Section 1115 requires FAA to include in the meeting representatives of FAA-approved air shows, the general aviation community, stadiums and other large outdoor events and venues or organizations that run such events, the Department of Homeland Security, and the Department of Justice. If a scheduling conflict is identified, FAA will use that information to develop appropriate operational and communication procedures to ensure the safety and security of both events.

Meeting Procedures

(a) Format: The meeting will be held virtually on Zoom.

(b) Registration: To attend the meeting, send requests to Justin Hodgins, Acting Manager, Airspace Rules and Regulations Team via email (preferred) at *9-ajo-airspaceandrules@faa.gov* no later than Wednesday, June 17, 2026.

(c) The meeting will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend or participate. One or more representatives of FAA's Rules and Regulations Group will conduct the meeting.

(d) FAA will email registrants the meeting access information in a timely manner prior to the start of the meeting.

(e) FAA will give each participant an opportunity to deliver comments to support identifying potential scheduling conflicts, although it may impose a time limit to accommodate all participants during the meeting. FAA will limit comments to only those that support the identification of potential scheduling conflicts because the purpose of the meeting is to inform FAA of the need to develop appropriate operational and communication procedures to ensure for the safety and security of both events as a follow-on action at a local level. FAA deems other comments out of scope.

(e) Each person wishing to make a presentation must note the intent to do so when registering for the meeting so FAA can establish time limits, if needed. FAA will not adjourn the meeting until everyone registered to speak has an opportunity to address the panel. FAA may adjourn the meeting at any time if all persons present have had an opportunity to speak.

(f) FAA will accept material relating to the substance of the meeting. Participants submitting materials must send them to the email (preferred) or mailing addresses noted in the **FOR FURTHER INFORMATION CONTACT** section no later than Wednesday, June 17, 2026.

(Authority: Sec. 1115, Pub. L. 118–63, 138 Stat. 1025.)

Issued in Washington DC, on May 20, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–10444 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at the Grenada Municipal Airport, Grenada, Mississippi

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: The FAA is considering a request from the City of Grenada, Mississippi to waive the requirement that 4.72± acres of airport property located at the Grenada Municipal Airport in Grenada, Mississippi, be used for aeronautical purposes.

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

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA to the following address: Jackson Airports District Office Attn: Willie Davidson Jr., Community Planner, Jackson Airports District Office 10 Canebrake Blvd., Suite 100, Flowood, Mississippi 39232.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to City of Grenada, Attn: Dr. Trina N. George, City Manager, City of Grenada, 108 South Main Street, Grenada, MS 38901.

FOR FURTHER INFORMATION CONTACT: Willie Davidson Jr., Community Planner, Jackson Airports District Office, 10 Canebrake Blvd., Suite 100, Flowood, MS 39232 (769) 268–6969. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the City of Grenada to release approximately 4.72± acres of airport property at Grenada Municipal Airport (GNF) under the provisions of Title 49, U.S.C. 47153(c). The FAA determined that the request to release property at Grenada Municipal Airport (GNF) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice. The property will be purchased by Mississippi Commodity Products, LLC. The property is located on the southwest quadrant of airport property adjacent to Air Industrial Park Road. In accordance with 49 U.S.C. 47107(c)(2)(B)(i), the airport will receive fair market value for the property, and the net proceeds from the sale of this property will be used for maintenance and improvements at the Grenada Municipal Airport.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Grenada Municipal Airport (GNF).

Issued in Flowood, Mississippi, on May 21, 2026.

William J. Schuller,

Acting Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 2026–10443 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–3367

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Employment With the Federal Aviation Administration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 27, 2026. The collection involves an automated application process for employment with the Federal Aviation Administration by way of the Office of Personnel Management's (OPM) USAJOBS website: *www.usajobs.gov.* The Applicants begin the application process by building an account on USAJOBS website and thereafter, they are passed into the FAA Automated Vacancy Information Access Tool for Online Referral (AVIATOR) to answer specific questions related to FAA job vacancy of interest. This pass through is a direct USAJOBS interface with AVIATOR and hence, there is no standalone link to be used by the applicants. The information collected is necessary to determine basic eligibility for employment and potential eligibility for Veteran's Preference, Veteran's Readjustment Act, and People with Disability appointments. In addition, there are specific occupation questions that assist the FAA Office of Human Resource Management (AHR) in determining candidates' qualifications in order that the best-qualified candidates are hired for the many FAA occupations.

DATES: Written comments should be submitted by June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Toni Main-Valentin by email at: *toni.main-valentin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0597.

Title: Application for Employment with the Federal Aviation Administration.

Form Numbers: Not applicable.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 27, 2026 (91 FR 14904). Under the provisions of Public Law 104–50, the Federal Aviation Administration (FAA) was given the authority and the responsibility for developing and implementing its own personnel system without regard to most of the provisions of Title 5, United States Code, exceptions being those concerning veteran's preference and various benefits.

The OPM developed a suite of forms for use in automated employment processes: all under a single OMB approval. The FAA AHR has the same OMB approval for its automated application for employment. By automating processes for employment

application and the evaluation of candidates, AHR has markedly improved the service it provides to the public as well as its ability to locate and hire the best-qualified applicants. Lastly, via this process, applicants are provided with on-line results immediately upon submitting their application questionnaires. The Agency is requesting certain information necessary to determine basic eligibility for employment and potential eligibility for Veteran's Preference, Veteran's Readjustment Act, and People with Disability appointments. In addition, occupation specific questions assist AHR in determining candidates' qualifications in order that the best-qualified candidates are hired for the many FAA occupations. The system currently in use for this collection is the Automated Vacancy Information Access Tool for Online Referral (AVIATOR). This system cannot be directly accessed. Applicants are transferred to the AVIATOR system from OPM's USAJOBS website during the application process.

Respondents: 78,713 US citizens identified as applicants for employment with the Federal Aviation Administration.

Frequency: On occasion/as interested.

Estimated Average Burden per Response: 1 Hour.

- 1 Hour—Average time for an applicant to complete the entire application process.
- 10 Minutes—Approximate time for an AHR human resource specialist to review and validate applicant's application.
- 40 Minutes—Approximate time for the IT staff to generate ad-hoc data and reports for a vacancy announcement that an applicant has applied to.

Estimated Total Annual Burden: 78,713 hours (Applicant), 12,594 hours (FAA AHR Staff), and 23,614 hours (FAA IT Staff).

Issued in New Cumberland, PA on May 12, 2026.

Erik L. Chuba,

IT Project Manager/AVIATOR System Owner and PM, Office of Information and Technology (AIT), Mission Partnership Service (APS) APS–120, Partnerships and Project Management, Branch B.

[FR Doc. 2026–10458 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0166]

Agency Information Collection Activity Under OMB Review: 49 U.S.C. 5310 Capital Assistance Program for Elderly Persons and Persons With Disabilities & Section 5311 Nonurbanized Area Formula Program

AGENCY: Federal Transit Administration, Department of Transportation (DOT).

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 26, 2026 FTA published a 60-day notice (91 FR 14750) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: 49 U.S.C. 5310 Capital Assistance Program for Elderly Persons and Persons with Disabilities & Section 5311 Nonurbanized Area Formula Program.

OMB Control Number: 2132–0500.

Background: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The 49 U.S.C. 5310 Capital Assistance Program for Elderly Persons and Persons with Disabilities & Section 5311 information collection is comprised of two programs that provide financial assistance in meeting the transportation needs of seniors and individuals with disabilities where public transportation services are unavailable, insufficient or

inappropriate. The Section 5310 program (Enhanced Mobility of Seniors and Individuals with Disabilities) supplements FTA's other capital assistance programs by funding transportation projects for seniors and individuals with disabilities in large urban, small urban, and rural areas. It primarily covers capital expenses such as buses and vans and, in selected cases, operating costs to remove barriers to transportation access. In addition to traditional Section 5310 funding, the FTA administers the Innovative Coordinated Access and Mobility (ICAM) Pilot Program, open to Section 5310 recipients and subrecipients, which helps finance innovative projects that improve coordination of transportation and non-emergency medical transportation (NEMT) services; examples include deployment of coordination technology and projects that create or expand access to community One-Call/One-Click centers. The Section 5311 program (Formula Grants for Rural Areas) provides capital, planning, and operating assistance to states, local governments, private nonprofit agencies, and public bodies for transportation services in rural areas with populations of less than 50,000. The Rural Transit Assistance Program (RTAP), a subsection of 5311, funds training, technical assistance, and related activities to strengthen rural public transportation. States are the direct recipients of 5311 and RTAP funds. Tribal Transit Program, also a subsection of 5311, provides public transportation funding to federally recognized Indian Tribes. Together, these programs expand transportation accessibility; 5310 by targeting seniors and individuals with disabilities and 5311 by addressing broader public transportation needs in rural communities.

Respondents: States or local governmental entities that operate a public transportation service, private non-profit organizations, federally recognized Indian Tribes, and designated recipients.

Estimated Annual Number of Respondents: 517 respondents.

Estimated Total Annual Burden: 54,133 hours.

Frequency: Every two years.

Nadine Pembleton,

Deputy Associate Administrator, Office of Administration.

[FR Doc. 2026–10476 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0200]

Agency Information Collection Activity Under OMB Review: State of Good Repair Program

AGENCY: Federal Transit Administration, Department of Transportation (DOT).

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 26, 2026 FTA published a 60-day notice (91 FR 14748) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: State of Good Repair Program.

OMB Control Number: 2132–0577.

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The State of Good Repair Grants Program is formula funding to assist state and local governmental authorities in financing capital projects to maintain public transportation systems in a state of good repair, including projects to maintain, replace, and rehabilitate rolling stock; track; equipment, structures; signals and communications; stations; maintenance facilities; and implementing Transit Asset Management (TAM) plan. The Competitive Rail Vehicle Replacement Grant program is a discretionary grant program to assist in financing the replacement of rail rolling stock. All funding granted under the State of Good Repair Program, both formula and

discretionary, must be for projects in a grant recipient's Transit Asset Management (TAM) plan. The information collected under the Paperwork Reduction Act (PRA) remains unchanged from the previous renewal.

Respondents: Eligible recipients include designated recipients that allocate funds to fixed-route bus operators, states (including territories and Washington DC) or local governmental entities that operate fixed route bus service, and Indian tribes. Eligible subrecipients include all otherwise eligible applicants and private nonprofit organizations engaged in public transportation.

Respondents: Eligible recipients are states, local government authorities, or other public entities in urbanized areas with fixed guideway and/or high-intensity motorbus systems in revenue service for at least seven full federal fiscal years prior to the beginning of the federal fiscal year of the apportionment.

Estimated Annual Number of Respondents: 68 respondents.

Estimated Annual Number of Responses: 1,097 responses.

Estimated Total Annual Burden: 13,729 hours.

Frequency: Annually.

Nadine Pembleton,

Deputy Associate Administrator, Office of Administration

[FR Doc. 2026–10474 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2026 Competitive Funding Opportunity: Competitive Grants for Rail Vehicle Replacement Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for approximately $166 million in competitive grants for the Fiscal Year (FY) 2026 Competitive Grants for Rail Vehicle Replacement (Rail) Program.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. Eastern time July 6, 2026.

FOR FURTHER INFORMATION CONTACT: Samantha Chadwick, Office of Program Management, at *FTARailVehicleReplacement@dot.gov,* or 202–366–2053.

SUPPLEMENTARY INFORMATION: The full text of the Notice of Funding Opportunity (NOFO) can be found on FTA's website at *https://www.transit.dot.gov/funding/grants/notices* and in the ''FIND'' module of *GRANTS.GOV.* The funding opportunity ID is FTA–2026–009–TPM–RAIL. Mail and fax submissions will not be accepted.

Jamie Pfister,

Acting Executive Director.

[FR Doc. 2026–10532 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2026 Competitive Funding Opportunity: Public Transportation on Indian Reservations (Tribal Transit) Competitive Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for approximately $18.95 million in competitive grants for the Fiscal Year (FY) 2026 Public Transportation on Indian Reservations (Tribal Transit) Competitive Program.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. Eastern time August 25, 2026.

FOR FURTHER INFORMATION CONTACT: Janet Hernandez, Office of Program Management, at *TribalTransit@dot.gov* or 202–366–2053.

SUPPLEMENTARY INFORMATION: The full text of the Notice of Funding Opportunity (NOFO) can be found on FTA's website at *https://www.transit.dot.gov/funding/grants/notices* and in the ''FIND'' module of *GRANTS.GOV.* The funding opportunity ID is FTA–2026–002–TPM–TRTR. Mail and fax submissions will not be accepted.

Jamie Pfister,

Acting Executive Director.

[FR Doc. 2026–10533 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0199]

Agency Information Collection Activity Under OMB Review: Buses and Bus Facilities Formula and Competitive Programs and Low or No Emission Program

AGENCY: Federal Transit Administration, Department of Transportation (DOT).

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part

1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 26, 2026 FTA published a 60-day notice (91 FR 14749) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Buses and Bus Facilities Formula and Competitive Programs and Low or No Emission Program.

OMB Control Number: 2132–0576.

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The Federal Transit Administration (FTA) administers three distinct programs under this information collection: The Buses and Bus Facilities Formula Grant Program, the Buses and Bus Facilities Competitive Grant Program, and the Low or No Emission Grant Program. The Buses and Bus Facilities Formula Grant Program provides funding to states and transit agencies through a statutory formula for the replacement, rehabilitation, and purchase of buses and related equipment, as well as the construction of bus-related facilities. The Buses and Bus Facilities Competitive Grant Program distributes funding to states and transit agencies through a competitive process for similar purposes, enabling agencies to modernize their fleets and improve infrastructure. The Low or No Emission (Low-No) Grant Program offers competitive funding to states and transit agencies for the purchase or lease of zero-emission and low-emission transit buses, along with the acquisition, construction, and leasing of the necessary supporting facilities.

Under this information collection, FTA gathers data from grantees necessary to evaluate and monitor grant activities. This includes applicant and project-level information in grant applications, such as descriptions of proposed projects, anticipated benefits, and compliance with program requirements. After award, recipients report on project progress milestones and the use of funds; provide technical specifications for purchased equipment; certify compliance with environmental and accessibility standards; and submit periodic performance reports. These submissions are used by FTA to ensure program accountability, assess compliance with statutory and regulatory requirements, and measure the impact of federally funded projects on transit service and infrastructure. The information collected under the Paperwork Reduction Act (PRA) remains unchanged from the previous renewal.

Respondents: Eligible recipients include designated recipients that allocate funds to fixed-route bus operators, states (including territories and Washington, DC) or local governmental entities that operate fixed route bus service, and Indian tribes. Eligible subrecipients include all otherwise eligible applicants and private nonprofit organizations engaged in public transportation.

Estimated Annual Number of Respondents: 1,035 respondents.

Estimated Annual Number of Responses: 1,035 responses.

Estimated Total Annual Burden: 56,734 hours.

Frequency: Annually.

Nadine Pembleton,

Deputy Associate Administrator, Office of Administration.

[FR Doc. 2026–10473 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0201]

Agency Information Collection Activity Under OMB Review: National Transit Asset Management (TAM) System

AGENCY: Federal Transit Administration, Department of Transportation (DOT).

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before June 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on

information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 26, 2026 FTA published a 60-day notice (91 FR 14751) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: National Transit Asset Management (TAM) System.

OMB Control Number: 2132–0579.

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The National Transit Asset Management (TAM) System establishes a uniform framework for transit agencies to monitor and manage their capital assets including vehicles, facilities, equipment, and infrastructure to maintain a State of Good Repair (SGR). Under these requirements, all recipients and subrecipients of Federal financial assistance under 49 U.S.C. Chapter 53 that own, operate, or manage capital assets used for providing public transportation must develop a TAM Plan, conduct regular condition assessments of their assets, set annual performance targets, and prioritize investment decisions based on asset condition and service needs. This information collection supports FTA's oversight of the National TAM System by gathering asset inventory data, condition ratings, performance targets, and investment priorities from grantees. The collected data is used to evaluate compliance with TAM regulations, inform federal funding decisions, and provide Congress and the public with transparency regarding the condition and investment needs of the nation's transit assets. The TAM System promotes efficient use of resources, consistent performance measurement nationwide, and improved safety and reliability of public transportation services.

Respondents: All recipients and subrecipients of Federal financial assistance under 49 U.S.C. Chapter 53 that own, operate, or manage capital assets used for providing public transportation must be covered by a Transit Asset Management (TAM) Plan. Tier I agencies are those operating more than 100 vehicles in revenue service, or any rail mode must develop individual plans, while Tier II agencies are those operating 100 or fewer vehicles and no rail may prepare their own plan or participate in a Group TAM Plan sponsored by a State DOT or other eligible recipient. The burden estimates in this 30-day notice differ from those published in the 60-day **Federal Register** notice due to updated reporting data from the National Transit Database (NTD). Specifically, there has been an increase in the number of Tier II providers submitting individual Transit Asset Management (TAM) plans, reflecting a shift in reporting patterns that may indicate the presence of new reporters or former participants in Group TAM Plans that are now reporting individually. The revised burden estimates for this renewal are based on the most recent data available in the NTD.

Estimated Annual Number of Responses: 1,005 responses.

Estimated Total Annual Burden: 412,319 hours.

Frequency: Annually.

Nadine Pembleton,

Deputy Associate Administrator, Office of Administration

[FR Doc. 2026–10475 Filed 5–26–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on May 20, 2026. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On May 20, 2026, OFAC determined that one or more persons identified below meet one or more of the criteria for the imposition of sanctions set forth in section 1(a)–(c) of Executive Order 14059 of December 15, 2021, ''Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,'' 86 FR 71549 (E.O. 14059). OFAC has selected to impose blocking sanctions pursuant to section 2(a)(i) of E.O. 14059 on the persons identified below.

OFAC further determined that one or more persons identified below meet one or more of the criteria for sanctions pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism,'' 84 FR 48041 (E.O. 13224, as amended).

As a result, the property and interests in property subject to U.S. jurisdiction

of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. AISPURO FELIX, Jesus Alonso, Mexico; DOB 01 Aug 1981; POB Durango, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. AIFJ810801HDGSLS08 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: SINALOA CARTEL). Designated pursuant to section 1(b)(i) of E.O. 14059 for having provided, or attempted to provide, financial, material, or technological support of, or goods or services in support of, the Sinaloa Cartel, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the Sinaloa Cartel, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. ALARCON PALOMARES, Rodrigo, Mexico; DOB 21 Jun 1996; POB Sinaloa, Mexico; nationality Mexico; Gender Male; Digital Currency Address—ETH 0xaC4cC4B68ea24BbFAAC8fD1 27B67Ed445ACcCE22; C.U.R.P. AAPR960621HSLLLD02 (Mexico) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

3. OJEDA AVILES, Armando de Jesus, Mexico; DOB 01 May 1985; POB Sinaloa, Mexico; nationality Mexico; Gender Male; Digital Currency Address—ETH 0x038989cbb1710 c72b9920dc4fa529158f463e72c; alt. Digital Currency Address—ETH 0x1477 9CEC0B117d5194c750C55Ea1f4 2086631964; alt. Digital Currency Address—ETH 0x32dA24Ca41 3F3E7B53145D4737e172C3bdF81e3e; alt. Digital Currency Address—ETH 0xf2235d55b2950a0b1317469d72d07 ae65b2e27cb; alt. Digital Currency Address—ETH 0x4F428c11Dc823 88fa5136D636e613ad923Eb700B; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. OEAA850501HSLJVR09 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: SINALOA CARTEL).

Designated pursuant to section 1(b)(i) of E.O. 14059 for having provided, or attempted to provide, financial, material, or technological support of, or goods or services in support of, the Sinaloa Cartel, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the Sinaloa Cartel, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. OROZCO ROMERO, Liliana, Mexico; DOB 14 Jan 1976; POB Chihuahua, Mexico; nationality Mexico; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; R.F.C. OORL760114EN6 (Mexico); C.U.R.P. OORL76011 4MCHRML06 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: OROZCO ROMERO, Alfredo).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

5. OROZCO ROMERO, Alfredo, Mexico; DOB 29 May 1979; POB Chihuahua, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; R.F.C. OORA790529H89 (Mexico); C.U.R.P. OORA790529HCHRML03 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: OJEDA AVILES, Armando de Jesus).

Designated pursuant to section 1(b)(i) of E.O. 14059 for having provided, or attempted to provide, financial, material, or technological support of, or goods or services in support of, Armando de Jesus Ojeda Aviles, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Armando de Jesus Ojeda Aviles, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

6. ROMERO MORENO, Amalia Margarita, Mexico; DOB 23 Dec 1957; POB Chihuahua, Mexico; nationality Mexico; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. ROMA57122 3MCHMRM07 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: OROZCO ROMERO, Alfredo).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

7. SAENZ AGUILAR, Baltazar, Sinaloa, Mexico; DOB 12 Aug 1985; POB Sinaloa, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. SAAB850812 HSLNGL03 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: GONZALEZ PENUELAS, Jesus).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

8. BOJORQUEZ CHAPARRO, Castulo, Sinaloa, Mexico; DOB 23 Mar 1978; POB Sinaloa, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. BOCC7803 23HSLJHS08 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059]

(Linked To: GONZALEZ PENUELAS, Jesus).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

9. GARCIA SANDOVAL, Fredi Ismael, Mexico City, Mexico; DOB 29 Aug 1973; POB Chihuahua, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. GASF73082 9HCHRNR09 (Mexico); RFC GAGF9908292X4 (Mexico); alt. RFC GASF730829UN5 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: GONZALEZ PENUELAS, Jesus).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

10. GONZALEZ PENUELAS, Jesus (Latin: GONZÁLEZ PEÑUELAS, Jesús) (a.k.a. ''EL CHUY GONZALEZ''), Sinaloa, Mexico; DOB 10 Nov 1969; POB Sinaloa, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. GOPJ691110HSLNXS09 (Mexico) (individual) [SDNTK] [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: SINALOA CARTEL).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, the Sinaloa Cartel, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, the Sinaloa Cartel, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

11. MORENO ZAMORA, Luis Arnulfo, Sinaloa, Mexico; DOB 01 Feb 1990; POB Sinaloa, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. MOZL90020 1HSLRMS01 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: GONZALEZ PENUELAS, Jesus).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

12. CASTRO ROCHA, Noe de Jesus, Sinaloa, Mexico; DOB 10 Nov 1975; POB Sinaloa, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. CARN75111 0HSLSCX05 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: GONZALEZ PENUELAS, Jesus).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Jesus Gonzalez Penuelas, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Entities

1. GORDITAS CHIWAS, Chihuahua, Mexico; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 11 Jan 2006; Organization Type: Restaurants and mobile food service activities; R.F.C. ROMA5712239X0 (Mexico) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: OROZCO ROMERO, Alfredo).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. GRUPO ESPECIAL MAMBA NEGRA, S. DE R.L. DE C.V., Chihuahua, Mexico; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 25 Mar 2010; Organization Type: Private security activities; Folio Mercantil No. 25872 (Mexico) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: OROZCO ROMERO, Alfredo).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a sanctioned person pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Alfredo Orozco Romero, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

(Authority: E.O. 14059; E.O. 13224, as amended.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–10518 Filed 5–26–26; 8:45 am]

BILLING CODE 4810–AL–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Event

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public event.

SUMMARY: Notice is hereby given of the following event of the U.S.-China Economic and Security Review

Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public event in Washington, DC on June 4, 2026 on ''Silicon to Sovereignty: China's Bid to Control the AI Stack from Wafer to Weights.''

DATES: The event is scheduled for Thursday, June 4, 2026 at 9:30 a.m.

ADDRESSES: Members of the public will be able to attend in person at or near the U.S. Capitol and adjacent Congressional office buildings (specific building and room number to be announced) or view a live webcast via the Commission's website at *www.uscc.gov. Visit the Commission's website for updates to the event location or possible changes to the event schedule. Reservations are not required to view the event online or in person.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the event should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington DC 20001; telephone: 202–624–1496, or via email at *jcunningham@uscc.gov. Reservations are not required to attend the event.*

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham via email at *jcunningham@uscc.gov.* Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Background: This is the sixth public event the Commission will hold during its 2026 reporting cycle. The event will bring together senior executives from across industry and leading experts to discuss China's AI chips and the associated tech stack, the export potential of Chinese AI technologies, current chokepoints and potential innovations that could change the nature of AI competition, and implications for the United States and its allies. The event will be comprised of two roundtable sessions. The first session will examine China's progress in indigenizing the AI tech stack, from chipmaking equipment to data centers and supporting infrastructure. The second session will focus on ways that China and the U.S. are working to innovate at the cutting-edge to ensure that their respective AI tech stacks are the most competitive globally.

The event will be co-chaired by Commissioner Leland Miller and Commissioner Chris Slevin. Any interested party may file a written statement by June 4, 2026 by transmitting it to the contact above.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: May 22, 2026.

Christopher P. Fioravante,

Deputy Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2026–10524 Filed 5–26–26; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0321]

Agency Information Collection Activity: Appointment of Veterans Service Organization as Claimant's Representative and Appointment of Individual as Claimant's Representative

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before July 27, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra Mccleave, 202–461–9568, *kendra.mccleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Appointment of Veterans Service Organization as Claimant's Representative and Appointment of Individual as Claimant's Representative (VA Form 21–22 and 21–22a).

OMB Control Number: 2900–0321 *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Forms 21–22 and 21–22a are used to collect the information needed to determine whom claimants have appointed to represent them in the preparation, presentation, and prosecution of claims for VA benefits. The information is also used to determine the extent of representatives' access to claimants' records. Without this information VA would be unable to determine whom claimants have appointed to represent them in the prosecution of VA claims, the extent of such representation, and access to appropriate records. The burden has increased since the previous approval due to the increase in the estimated number of receivables by respondents averaged over the past year.

Affected Public: Individuals or Households.

Estimated Annual Burden: 87,176 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: example: One time.

Estimated Number of Respondents: 1,046,113 per year.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dorothy Glasgow,

Acting VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–10482 Filed 5–26–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Geriatric and Gerontology Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (5 U.S.C. Ch. 10), that the Geriatric and Gerontology Advisory Committee will be held virtually Wednesday, June 3, 2026. The meeting will begin at 9:00 a.m. and end at 4:00 p.m. Eastern Standard Time (EST). The meeting sessions are open to the public.

The purpose of the Committee is to provide advice to the Secretary of VA and the Under Secretary for Health on all matters pertaining to geriatrics and gerontology. The Committee assesses the capability of VA health care facilities and programs to meet the medical, psychological, and social needs of older Veterans, and evaluates VA programs designated as Geriatric Research, Education, and Clinical Centers.

During this meeting, the Committee will receive briefings on the activities of the Office of Geriatrics and Extended Care, updates on the provision of GEC long term services and support to Veterans, and presentations from VHA Program Offices, administrators and investigators relevant to the care of older Veterans. The meeting will also feature updates on accomplishments of the VHA Geriatric Research, Education and Clinical Centers Programs, the 20 geriatric Centers of Excellence located throughout the U.S. The specific agenda will be available by request for registered attendees prior to the meeting.

Time will be allocated for receiving public comments on June 3, 2026, at 1:15 p.m. Individuals wishing to present public comments should contact Michael Stevens, Designated Federal Officer, Veterans Health Administration by email at *Michael.Stevens@va.gov* or at 989–930–9945 no later than close of business on May 20, 2026. Only those members of the public (first 6 public comment registrants) who have confirmed registrations to present public comment will be allowed to speak at this meeting. In the interest of time, each speaker will be held to 5-minute time limit. Individuals who are unable to attend but would like to have comment included in the meeting record may send them to *Michael.Stevens@va.gov* by close of business on May 29, 2026. All individuals wishing to present public comments must provide a written summary of the comment for inclusion in the meeting record that includes name and organization/association of persons they represent.

Any member of the public wishing to attend virtually or seeking additional information should email *Michael.Stevens@va.gov* or call 989–930–9945, no later than close of business on May 20, 2026, to provide their name, professional affiliation, email address and phone number.

The WebEx link for June 3, 2026 is: *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=mc2351ca78034ef6eeac2c4a4903a0fde,* meeting number (access code): 2823 006 8908, meeting password: rK7DuJUJ$22 (75738585 when dialing from a phone or video system).

Join by phone 14043971596 USA Toll Number, Access code: 282 300 68908.

Dated: May 21, 2026.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2026–10447 Filed 5–26–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0546]

Agency Information Collection Activity: Gravesite Reservation Questionnaire (2 Year)

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: National Cemetery Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before July 27, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Brian Hurley, 202–957–2093, *Brian.Hurley1@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, NCA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of NCA's functions, including whether the information will have practical utility; (2) the accuracy of NCA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Gravesite Reservation Questionnaire (2 Year).

OMB Control Number: 2900–0546. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: The information is needed to determine if individuals holding gravesite set-asides wish to retain their set-aside or they wish to relinquish it. 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 instrument is being revised to change 'Section' to 'Grave Section' in Block 3 and 'Grave' to 'Gravesite' in Block 4.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,167 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 25,000.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–10493 Filed 5–26–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review: Readjustment Counseling Services Eligibility Determinations

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 26, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–NEW.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Readjustment Counseling Services Eligibility Determinations.

OMB Control Number: 2900–NEW. *https://www.reginfo.gov/public/do/PRASearch*

Type of Review: New collection.

Abstract: Authorization for this information collection is found at 38 U.S.C. 1712A, which requires VA to provide readjustment counseling, through Vet Centers, to certain individuals. The criteria for eligibility are further set forth in 38 U.S.C. 1712A(a)(1)(C). The eligibility criteria in 38 U.S.C. 1712A(a)(1)(C) dictate the type of documentation that must be presented by an individual to establish eligibility for readjustment counseling. In order for VA to determine whether individuals seeking readjustment counseling are eligible for such services, individuals must provide VA with certain documentation.

In many cases, eligibility determinations may be based upon existing information in VA databases, and the individual does not need to provide any additional documentation to VA. In other cases, the Vet Center staff must collect documentation from individuals who are seeking readjustment counseling during the intake process. This information collection quantifies only the estimated annual number of Veterans who are asked to provide proof of eligibility documentation to VA. Vet Center staff will review the provided documentation to determine whether the individual is eligible for readjustment counseling services pursuant to 38 U.S.C. 1712A(a)(1)(C).

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: 8,836 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 17,672.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dorothy Glasgow,

Acting VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics Department of Veterans Affairs.

[FR Doc. 2026–10495 Filed 5–26–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Wednesday,
No. 101 May 27, 2026

Part II

Securities and Exchange Commission

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail; Notice

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105540; File No. SR–LTSE–2026–14]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Certain Historical Costs of the National Market System Plan Governing the Consolidated Audit Trail

May 21, 2026.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 15, 2026, Long-Term Stock Exchange, Inc. (''LTSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to establish fees for Industry Members [3] related to certain historical costs of the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') incurred prior to January 1, 2022 that were not previously invoiced via Historical CAT Assessment 1. Industry Members were previously invoiced for $173,075,024 of the $212,039,879.34 of Historical CAT Costs 1 via Historical CAT Assessment 1.

The text of the proposed rule change is available at the Exchange's website at *https://longtermstockexchange.com/* or at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 11, 2012, the Commission adopted Rule 613 of Regulation NMS, which required the self-regulatory organizations (''SROs'') to submit a national market system (''NMS'') plan to create, implement and maintain a consolidated audit trail that would capture customer and order event information for orders in NMS securities across all markets, from the time of order inception through routing, cancellation, modification or execution.[4] On November 15, 2016, the Commission approved the CAT NMS Plan.[5] Under the CAT NMS Plan, the Operating Committee has the discretion to establish funding for CAT LLC to operate the CAT, including establishing fees for Industry Members to be assessed by CAT LLC that would be implemented on behalf of CAT LLC by the Participants.[6] On September 5, 2025, CAT LLC proposed a revised funding model to fund the CAT (''CAT Funding Model'').[7] On March 16, 2026, the Commission approved the CAT Funding Model, after concluding that the model satisfied the requirements of Section 11A of the Exchange Act and Rule 608 thereunder.[8]

The CAT Funding Model provides a framework for the recovery of the costs to create, develop and maintain the CAT, including providing a method for allocating costs to fund the CAT among Participants and Industry Members. The CAT Funding Model establishes two categories of fees: (1) CAT fees assessed by CAT LLC and payable by certain Industry Members to recover a portion of historical CAT costs previously paid by the Participants (''Historical CAT Assessment'' fees); and (2) CAT fees assessed by CAT LLC and payable by Participants and Industry Members to fund prospective CAT costs (''Prospective CAT Costs'' fees).[9]

Under the CAT Funding Model, ''[t]he Operating Committee will establish one or more fees (each a 'Historical CAT Assessment') to be payable by Industry Members with regard to CAT costs previously paid by the Participants ('Past CAT Costs').'' [10] In establishing a Historical CAT Assessment, the Operating Committee will determine a ''Historical Recovery Period'' and calculate a ''Historical Fee Rate'' for that Historical Recovery Period. Then, for each month in which a Historical CAT Assessment is in effect, each CEBB and CEBS would be required to pay the fee—the Historical CAT Assessment—for each transaction in Eligible Securities executed by the CEBB or CEBS from the prior month as set forth in CAT Data, where the Historical CAT Assessment for each transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Historical Fee Rate.[11]

Each Historical CAT Assessment to be paid by CEBBs and CEBSs is designed to contribute toward the recovery of two-thirds of the Historical CAT Costs. Because the Participants previously have paid Past CAT Costs via loans to the Company, the Participants would not be required to pay any Historical CAT Assessment. In lieu of a Historical CAT Assessment, the Participants' one-third share of Historical CAT Costs will be paid by the cancellation of loans made by the Participants to the Company on a pro rata basis based on the outstanding loan amounts due under

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] An ''Industry Member'' is defined as ''a member of a national securities exchange or a member of a national securities association.'' LTSE Rule 11.610(u). *See* also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule. LTSE Rule Series 11.600.

[4] Securities Exchange Act Rel. No. 67457 (July 18, 2012), 77 FR 45721 (Aug. 1, 2012) (''Rule 613 Adopting Release'').

[5] Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order'').

[6] Section 11.1(b) of the CAT NMS Plan.

[7] Securities Exchange Act Rel. No. 103960 (Sept. 12, 2025), 90 FR 44910 (Sept. 17, 2025).

[8] Securities Exchange Act Rel. No. 105003 (Mar. 16, 2026), 91 FR 13410 (Mar. 29, 2026) (''CAT Funding Model Approval Order''). This CAT Funding Model replaced the prior funding model that was approved by the Commission on September 6, 2023. Securities Exchange Act Rel. No. 98290 (Sept. 6, 2023), 88 FR 62628 (Sept. 12, 2023).

[9] Under the CAT Funding Model, the Operating Committee may establish one or more Historical CAT Assessments. Section 11.3(b) of the CAT NMS Plan. This filing only establishes Historical CAT Assessment 1A related to certain Historical CAT Costs as described herein; it does not address any other potential Historical CAT Assessment related to other Historical CAT Costs. In addition, under the CAT Funding Model, the Operating Committee also may establish CAT Fees related to CAT costs going forward. Section 11.3(a) of the CAT NMS Plan. This filing does not address any potential CAT Fees related to CAT costs going forward. Any such other fee for any other Historical CAT Assessment or CAT Fee for Prospective CAT Costs will be subject to a separate fee filing.

[10] Section 11.3(b) of the CAT NMS Plan.

[11] In approving the CAT Funding Model, the Commission stated that, ''[i]n the Commission's view, the proposed recovery of the Past CAT Costs via the Historical CAT Assessment is appropriate.'' CAT Funding Model Approval Order at 13450.

the loans, instead of through the payment of a CAT fee.[12] In addition, the Participants also will be 100% responsible for certain Excluded Costs (as discussed below).

CAT LLC proposes to charge CEBBs and CEBSs (as described in more detail below) Historical CAT Assessment 1A to recover certain historical CAT costs incurred prior to January 1, 2022, in accordance with the CAT Funding Model. To implement this fee on behalf of CAT LLC, the CAT NMS Plan requires the Participants to ''file with the SEC under Section 19(b) of the Exchange Act any such fees on Industry Members that the Operating Committee approves, and such fees shall be labeled as 'Consolidated Audit Trail Funding Fees.' '' [13] The Plan further states that ''Participants will be required to file with the SEC pursuant to Section 19(b) of the Exchange Act a filing for each Historical CAT Assessment.'' [14] Accordingly, the purpose of this filing is to implement a Historical CAT Assessment on behalf of CAT LLC for Industry Members, referred to as Historical CAT Assessment 1A, in accordance with the CAT NMS Plan.[15]

The Exchange, along with the other Participants in the CAT, previously filed a fee filing to implement Historical CAT Assessment 1.[16] Based on the fee filing for Historical CAT Assessment 1, Historical CAT Assessment 1 was expected to be in effect from the first invoice in November 2024 until $212,039,879.34 (two-thirds of Historical CAT Costs 1) was invoiced to CAT Executing Brokers collectively.[17] However, Historical CAT Assessment 1 ceased before the entire amount was invoiced.[18] The last invoice for Historical CAT Assessment 1 was provided on December 2025, after only $173,075,024 of the total $212,039,879.34 had been invoiced to Industry Members.[19] Accordingly, $38,964,855.34 of Historical CAT Costs 1 has not been invoiced. Historical CAT Assessment 1A would seek to recover this outstanding amount of Historical CAT Costs 1 that has not been invoiced.

(1) CAT Executing Brokers

Historical CAT Assessment 1A will be charged to each CEBB and CEBS for each applicable transaction in Eligible Securities.[20] The CAT NMS Plan defines a ''CAT Executing Broker'' to mean:

(a) with respect to a transaction in an Eligible Security that is executed on an exchange, the Industry Member identified as the Industry Member responsible for the order on the buy-side of the transaction and the Industry Member responsible for the sell-side of the transaction in the equity order trade event and option trade event in the CAT Data submitted to the CAT by the relevant exchange pursuant to the Participant Technical Specifications; and (b) with respect to a transaction in an Eligible Security that is executed otherwise than on an exchange and required to be reported to an equity trade reporting facility of a registered national securities association, the Industry Member identified as the executing broker and the Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event in the CAT Data submitted to the CAT by FINRA pursuant to the Participant Technical Specifications; provided, however, in those circumstances where there is a non-Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event or no contra-side executing broker is identified in the TRF/ORF/ADF transaction data event, then the Industry Member identified as the executing broker in the TRF/ORF/ADF transaction data event would be treated as CAT Executing Broker for the Buyer and for the Seller.[21]

The following fields of the Participant Technical Specifications indicate the CAT Executing Brokers for the transactions executed on an exchange.

EQUITY ORDER TRADE (EOT) [22]

No.	Field name	Data type	Description	Include key
12.*n*.8/13.*n*.8	member	Member Alias	The identifier for the member firm that is responsible for the order on this side of the trade. Not required if there is no order for the side as indicated by the NOBUYID/NOSELLID instruction. This must be provided if orderID is provided.	C

[12] Section 11.3(b)(ii) of the CAT NMS Plan.

[13] Section 11.1(b) of the CAT NMS Plan.

[14] Section 11.3(b)(iii)(B)(I) of the CAT NMS Plan.

[15] Note that there may be one or more Historical CAT Assessments. Section 11.3(b) of the CAT NMS Plan.

[16] *See* Securities Exchange Act Release No. 100946 (September 5, 2024), 89 FR 74530 (September 12, 2024) (SR–LTSE–2024–05).

[17] LTSE Rule 11.696(a)(1).

[18] In response to the Eleventh Circuit's decision vacating the prior CAT NMS Plan funding model, the last invoices for Historical CAT Assessment 1 were sent in December 2025 based on November 2025 transactions. *See American Securities Association* v. *SEC,* No. 23–13396 (11th Cir. July 25, 2025).

[19] CAT Fee Alert 2025–4 (Nov. 25, 2025).

[20] In its approval order for the CAT Funding Model, the Commission determined that charging CAT fees to CAT Executing Brokers was appropriate. In reaching this conclusion the Commission noted that the use of CAT Executing Brokers is appropriate because the CAT Funding Model is based upon the calculation of *executed* equivalent shares, and, therefore, charging CAT Executing Brokers would reflect their executing role in each transaction. Furthermore, the Commission noted that, because CAT Executing Brokers are already identified in transaction reports from the exchanges and FINRA's equity trade reporting facilities recorded in CAT Data, charging CAT Executing Brokers could streamline the billing process. CAT Funding Model Approval Order at 13413.

[21] Section 1.1 of the CAT NMS Plan. In its approval order for the CAT Funding Model, the Commission ''recognize[d] that Industry Members may pass-through CAT fees for customer executed volume.'' *See* CAT Funding Model Approval Order at 13424.

[22] *See* Table 23, Section 4.7 (Order Trade Event) of the CAT Reporting Technical Specifications for Plan Participants, Version 4.2.0–r2 (Feb. 24, 2026), *https://www.catnmsplan.com/sites/default/files/2026-02/02.24.2026-CAT_Reporting_Technical_Specifications_for_Participants_4.2.0-r2.pdf* (''CAT Reporting Technical Specifications for Plan Participants'').

OPTION TRADE (OT) [23]

No.	Field name	Data type	Description	Include key
16.*n*.13/17.*n*.13	member	Member Alias	The identifier for the member firm that is responsible for the order.	R

In addition, the following fields of the Participant Technical Specifications would indicate the CAT Executing Brokers for the transactions executed otherwise than on an exchange.

TRF/ORF/ADF TRANSACTION DATA EVENT (TRF) [24]

No.	Field name	Data type	Description	Include key
26	reportingExecutingMpid	Member Alias	MPID of the executing party	R
28	contraExecutingMpid	Member Alias	MPID of the contra-side executing party	C

(2) Calculation of Fee Rate for Historical CAT Assessment 1A

The Operating Committee determined the fee rate to be used in calculating Historical CAT Assessment 1A based on the Historical CAT Costs for Historical CAT Assessment 1A and the projected total executed share volume of all transactions in Eligible Securities for the Historical Recovery Period for Historical CAT Assessment 1A (''Historical Recovery Period 1A''), as discussed in detail below. Based on this calculation, the Operating Committee has determined that the fee rate for Historical CAT Assessment 1A would be $0.000002, as discussed in detail below.

(A) Executed Equivalent Shares for Transactions in Eligible Securities

Under the CAT NMS Plan, for purposes of calculating each Historical CAT Assessment, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted as follows: (1) each executed share for a transaction in NMS Stocks will be counted as one executed equivalent share; (2) each executed contract for a transaction in Listed Options will be counted based on the multiplier applicable to the specific Listed Options (*i.e.,* 100 executed equivalent shares or such other applicable multiplier); and (3) each executed share for a transaction in OTC Equity Securities shall be counted as 0.01 executed equivalent share.[25]

(B) Historical CAT Costs

The CAT NMS Plan states that ''[t]he Operating Committee will reasonably determine the Historical CAT Costs sought to be recovered by each Historical CAT Assessment, where the Historical CAT Costs will be Past CAT Costs minus Past CAT Costs reasonably excluded from Historical CAT Costs by the Operating Committee. Each Historical CAT Assessment will seek to recover from CAT Executing Brokers two-thirds of Historical CAT Costs incurred during the period covered by the Historical CAT Assessment.'' [26] Historical CAT Assessment 1, the original Historical CAT Assessment, was implemented to recover $212,039,879.34 of Historical CAT Costs 1 from CEBBs and CEBSs collectively.[27] As described in the fee filings for Historical CAT Assessment 1, Historical CAT Costs 1 of $212,039,879.34 includes Past CAT Costs of $401,312,909 minus certain Excluded Costs of $83,253,090. As described in the filing for Historical CAT Assessment 1, Participants collectively will remain responsible for one-third of Historical CAT Costs 1 (which is $106,019,939.67), plus the Excluded Costs of $83,253,090. Accordingly, CEBBs collectively will be responsible for one-third of Historical CAT Costs 1 (which is $106,019,939.67), and CEBSs collectively will be responsible for one-third of Historical CAT Costs 1 (which is $106,019,939.67), for a total of $212,039,879.34. CEBBs and CEBSs collectively have been invoiced for $173,075,024 of the $212,039,879.34 of Historical CAT Costs 1 via Historical CAT Assessment 1. Accordingly, Historical CAT Assessment 1A would charge CEBBs and CEBSs collectively for the remaining $38,964,855.34 of Historical CAT Costs 1 that was not invoiced to CEBBs and CEBSs via Historical CAT Assessment 1. Historical CAT Assessment 1A will be designed to recover the remaining $38,964,855.34 of Historical CAT Costs 1 from CEBBs and CEBSs collectively, with CEBBs collectively responsible for $19,482,427.67 and CEBSs collectively responsible for $19,482,427.67.

(i) Historical CAT Costs 1

The following describes in detail Historical CAT Costs 1 with regard to four separate historical time periods as well as Past CAT Costs excluded from Historical CAT Costs 1 (''Excluded Costs''). The following cost details are provided in accordance with the requirement in the CAT NMS Plan to provide in the fee filing ''a brief description of the amount and type of Historical CAT Costs, including (1) the technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees, and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration and (6) public relations costs.'' [28] Each of the costs described below are reasonable, appropriate and necessary for the creation, implementation and maintenance of CAT. These Historical CAT Costs 1 are the same as described

[23] *See* Table 52, Section 5.2.5.1 (Simple Option Trade Event) of the CAT Reporting Technical Specifications for Plan Participants.

[24] *See* Table 62, Section 6.1 (TRF/ORF/ADF Transaction Data Event) of the CAT Reporting Technical Specifications for Plan Participants.

[25] Section 11.3(a)(i)(B) and 11.3(b)(i)(B) of the CAT NMS Plan. In approving the CAT Funding Model, the Commission concluded that ''in the Commission's view, the use of executed equivalent share volume as the basis for determining and allocating CAT costs during the two-year interim period is appropriate and consistent with the funding principles of the CAT NMS Plan.'' CAT Funding Model Approval Order at 13427.

[26] Section 11.3(b)(i)(C) of the CAT NMS Plan.

[27] LTSE Rule 11.696(a)(1).

[28] Section 11.3(b)(iii)(B)(II)(B) of the CAT NMS Plan.

in the fee filing for Historical CAT Assessment 1.[29]

(a) Historical CAT Costs Incurred Prior to June 22, 2020 (Pre-FAM Costs)

Historical CAT Costs 1 would include costs incurred by CAT prior to June 22, 2020 (''Pre-FAM Period'') and already funded by the Participants, excluding Excluded Costs (described further below). Historical CAT Costs 1 would include costs for the Pre-FAM Period of $124,290,730. The Participants would remain responsible for one-third of this cost (which they have previously paid) ($41,430,243.33), and Industry Members would be responsible for the remaining two-thirds, with CEBBs paying one-third ($41,430,243.33) and CEBSs paying one-third ($41,430,243.33). These costs do not include Excluded Costs, as discussed further below. The following table breaks down Historical CAT Costs 1 for the Pre-FAM Period into the categories set forth in Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

Operating expense	Historical CAT costs 1 for Pre-FAM Period (prior to June 22, 2020) **
Capitalized Developed Technology Costs *	$51,847,150
Technology Costs	33,568,579
Cloud Hosting Services	10,268,840
Operating Fees	21,085,485
CAIS Operating Fees	2,072,908
Change Request Fees	141,346
Legal	19,674,463
Consulting	17,013,414
Insurance	880,419
Professional and administration	1,082,036
Public relations	224,669
Total Operating Expenses	124,290,730

* The non-cash amortization of these capitalized developed technology costs of $2,115,545 incurred during the period prior to June 22, 2020 have been appropriately excluded from the above table.[30]

** The costs described in this table of costs for the Pre-FAM Period were calculated based upon CAT LLC's review of applicable bills and invoices and related financial statements. CAT LLC financial statements are available on the CAT website. In addition, in accordance with Section 6.6(a)(i) of the CAT NMS Plan, in 2018 CAT LLC provided the SEC with ''an independent audit of fees, costs, and expenses incurred by the Participants on behalf of the Company prior to the Effective Date of the Plan that will be publicly available.'' The audit is available on the CAT website.

The Pre-FAM Period includes a broad range of CAT-related activity from 2012 through June 22, 2020, including the evaluation of the requirements of SEC Rule 613, the development of the CAT NMS Plan, the evaluation and selection of the initial and successor Plan Processors, the commencement of the creation and implementation of the CAT to comply with Rule 613 and the CAT NMS Plan, including technical specifications for transaction reporting and regulatory access, and related technology and the commencement of reporting to the CAT. The following describes the costs for each of the categories for the Pre-FAM Period.

(I) Technology Costs—Cloud Hosting Services

The $10,268,840 in technology costs for cloud hosting services represent costs incurred for services provided by the cloud services provider for the CAT, Amazon Web Services, Inc. (''AWS''), during the Pre-FAM Period.

As part of its proposal for acting as the successor Plan Processor for the CAT, FCAT selected AWS as a subcontractor to provide cloud hosting services. In 2019, after reviewing the capabilities of other cloud services providers, FCAT determined that AWS was the only cloud services provider at that time sufficiently mature and capable of providing the full suite of necessary cloud services for the CAT, including, for example, the security, resiliency and complexity necessary for the CAT computing requirements. The use of cloud hosting services is standard for this type of high-volume data activity and reasonable and necessary for implementation of the CAT, particularly given the substantial data volumes associated with the CAT.

Under the Plan Processor Agreement with FCAT, CAT LLC is required to pay FCAT the fees incurred by the Plan Processor for cloud hosting services provided by AWS as FCAT's subcontractor on a monthly basis for the cloud hosting services, and FCAT, in turn, pays such fees to AWS. The fees for cloud hosting services were negotiated by FCAT on an arm's length basis with the goals of managing cost and receiving services required to comply with the CAT NMS Plan and Rule 613, taking into consideration a variety of factors, including the expected volume of data, the breadth of services provided and market rates for similar services. The fees for cloud hosting services during the Pre-FAM Period were paid to FCAT by CAT NMS, LLC[31] and subsequently Consolidated Audit Trail, LLC (as previously noted, both entities are referred to generally as ''CAT LLC''),[32] and FCAT, in turn, paid AWS. CAT LLC was funded via loan contributions by the Participants.[33]

[29] LTSE Rule 11.696(a)(1).

[30] With respect to certain costs that were ''appropriately excluded,'' such excluded costs relate to the amortization of capitalized technology costs, which are amortized over the life of the Plan Processor Agreement. As such costs have already been otherwise reflected in the filing, their inclusion would double count the capitalized technology costs. In addition, amortization is a non-cash expense.

[31] CAT NMS, LLC was formed by FINRA and the U.S. national securities exchanges to implement the requirements of SEC Rule 613 under the Exchange Act. SEC Rule 613 required the SROs to jointly submit to the SEC the CAT NMS Plan to create, implement and maintain the CAT. The SEC approved the CAT NMS Plan on November 15, 2016. CAT NMS Plan Approval Order.

[32] On August 29, 2019, the Participants formed a new Delaware limited liability company named Consolidated Audit Trail, LLC for the purpose of conducting activities related to the CAT from and after the effectiveness of the proposed amendment of the CAT NMS Plan to replace CAT NMS, LLC. *See* Securities Exchange Act Rel. No. 87149 (Sept. 27, 2019), 84 FR 52905 (Oct. 3, 2019).

[33] For each of the costs paid by CAT NMS, LLC and Consolidated Audit Trail, LLC as discussed throughout this filing, CAT NMS, LLC and Consolidated Audit Trail, LLC paid these costs via loan contributions by the Participants to CAT NMS, LLC and Consolidated Audit Trail, LLC, respectively.

AWS was engaged by FCAT to provide a broad array of cloud hosting services for the CAT, including data ingestion, data management, and analytic tools. Services provided by AWS include storage services, databases, compute services and other services (such as networking, management tools and DevOps tools). AWS also was engaged to provide various environments for CAT, such as development, performance testing, test and production environments.

The cost for AWS services for the CAT is a function of the volume of CAT Data. The greater the amount of CAT Data, the greater the cost of AWS services to the CAT. During the Pre-FAM Period from the engagement of AWS in February 2019 through June 2020, AWS provided cloud hosting services for volumes of CAT Data far in excess of the volume predictions set forth in the CAT NMS Plan. The CAT NMS Plan states, when all CAT Reporters are submitting their data to the CAT, it ''must be sized to receive[,] process and load more than 58 billion records per day,'' [34] and that ''[i]t is expected that the Central Repository will grow to more than 29 petabytes of raw, uncompressed data.'' [35] However, the volume of CAT Data for the Pre-FAM Period was far in excess of these predicted levels. By the end of this period, data submitted to the CAT included options and equities Participant Data,[36] Phase 2a and Phase 2b Industry Member Data [37] (including certain linkages), as well as SIP Data,[38] reference data and other types of Other Data.[39] The following chart provides data regarding the average daily volume, cumulative total events, total compute hours and storage footprint of the CAT during the Pre-FAM Period.[40]

	Date range: 3/29/19 to 4/12/20 *	Date range: 4/13/20 to 6/21/20 **
Average Daily Volume in Billions:		
Participant—Equities	5	5
Participant—Options	80	981
Industry Member—Equities		3
Industry Member—Options		0.04
SIP—Options & Equities	64	70
Average Total Daily Volume	149	166
Cumulative Total Events for the Period	3,890	4,990
Total Compute Hours for the Period	*** N/A	5,663,247
Storage Footprint at End of Period (Petabytes)	30.57	47.96

* The Participant Equities in RSA format.
** Start of Industry Member reporting on 4/13/2020.
*** Note that, although there were compute hours during this period, data related to such compute hours are no longer available in current data.

(II) Technology Costs—Operating Fees

The $21,085,485 in technology costs related to operating fees represent costs incurred with regard to activities of FCAT as the Plan Processor. Operating fees are those fees paid by CAT LLC to FCAT as the Plan Processor to operate and maintain the CAT and to perform business operations related to the system, including compliance, security, testing, training, communications with the industry (*e.g.,* management of the FINRA CAT Helpdesk, FAQs, website and webinars) and program management as required by the CAT NMS Plan.

FCAT was selected to assume the role of the successor Plan Processor. Prior to this selection, the Participants engaged in discussions with two prior Bidders [41] for the successor Plan Processor role. The Operating Committee formed a Selection Subcommittee in accordance with Section 4.12 of the CAT NMS Plan to evaluate and review Bids and to make a recommendation to the Operating Committee with respect to the selection of the successor Plan Processor. In an April 9, 2019 letter to the Commission, the Participants described the reasons for its selection of the successor Plan Processor:

The Selection Subcommittee considered factors including, but not limited to, the following, in recommending FINRA to the Operating Committee as the successor Plan Processor:

a. FINRA's specialized technical expertise and capabilities in the area of broker-dealer technology;

b. The need to appoint a successor Plan Processor with specialized expertise to develop, implement, and maintain the CAT System in accordance with the CAT NMS Plan and SEC Rule 613;

c. FINRA's detailed proposal in response to CAT LLC's recent inquiries; and

d. FINRA's data query and analytics systems demonstration to the Participants.

Based on these and other factors, the Selection Subcommittee determined that FINRA was the most appropriate Bidder to become the successor Plan Processor.[42]

On February 26, 2019, the Operating Committee (with FINRA recusing itself) voted to select FINRA as the successor Plan Processor pursuant to Section 6.1(t) of the CAT NMS Plan.[43] On March 29, 2019, CAT LLC and FCAT (a wholly owned subsidiary of FINRA) entered into a Plan Processor Agreement pursuant to which FCAT would perform the functions and duties of the Plan Processor contemplated by the CAT NMS Plan, including the management and operation of the CAT.

[34] Appendix D–4 of the CAT NMS Plan at n.262.

[35] Appendix D–5 of the CAT NMS Plan.

[36] *See* Section 6.3(d) of the CAT NMS Plan.

[37] *See* Securities Exchange Rel. No. 88702 (Apr. 20, 2020), 85 FR 23075 (Apr. 24, 2020) (''Phased Reporting Exemptive Relief Order'') for a description of Phase 2a and Phase 2b Industry Member Data.

[38] *See* Section 6.5(a)(ii) of the CAT NMS Plan.

[39] *See* Appendix C–109 of the CAT NMS Plan.

[40] Note that the volume data described in this table does not include CAIS data.

[41] The term ''Bidder'' is defined in Section 1.1 of the CAT NMS Plan.

[42] Letter from Michael J. Simon, Chair, CAT NMS, LLC Operating Committee, to Brent J. Fields, Secretary, SEC (Apr. 9, 2019), *https://www.sec.gov/divisions/marketreg/rule613-info-notice-of-plan-processor-selection-040919.pdf.*

[43] *Id.*

Under the Plan Processor Agreement with FCAT, CAT LLC is required to pay FCAT a negotiated monthly fixed price for the operation of the CAT. This fixed price contract was negotiated on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan and Rule 613, taking into consideration a variety of factors, including the breadth of services provided and market rates for similar types of activity. The operating fees during the Pre-FAM Period were paid to FCAT by CAT LLC.

From March 29, 2019 (the commencement of the Plan Processor Agreement with FCAT) through June 22, 2020 (the end of the Pre-FAM Period), the Plan Processor's activities with respect to the CAT included the following:

- Commenced user acceptance testing with market data provided by Exegy Incorporated (''Exegy''), a market data provider; [44]
- Published Technical Specifications and related reporting scenarios documents for Phase 2a, 2b and 2c reporting for Industry Members, after substantial engagement with SEC staff, Industry Members and Participants on the Technical Specifications;
- Facilitated testing for Phase 2a and 2b reporting for Industry Members;
- Began developing Technical Specifications and related reporting scenarios documents for Phase 2d reporting for Industry Members, after substantial engagement with SEC staff, Industry Members and Participants on the Technical Specifications;
- Published Central Repository Access Technical Specifications, and provided regulator access to test data from Industry Members;
- Facilitated Participant exchanges that support options market makers sending Quote Sent Time to the CAT;
- Facilitated the introduction of OPRA and Options NBBO Other Data to CAT;
- Addressed compliance items, including drafting CAT policies and procedures, and addressing requirements under Regulation SCI;
- Provided support to the Operating Committee, the Compliance Subcommittee and CAT working groups;
- Assisted with interpretive efforts and exemptive requests regarding the CAT NMS Plan;
- Oversaw the security of the CAT;
- Monitored the operation of the CAT, including with regard to Participant and Industry Member reporting;
- Provided support to subcontractors under the Plan Processor Agreement;
- Provided support in discussions with Participants, the SEC and its staff;
- Operated the FINRA CAT Helpdesk, which is the primary source for answers to questions about CAT, including questions regarding: clock synchronization, firm reporting responsibilities, interpretive questions, technical specifications for reporting to CAT and more;
- Facilitated communications with the industry, including via FAQs, CAT Alerts, meetings, presentations and webinars;
- Administered the CAT website and all of its content; [45] and
- Provided technical support and assistance with connectivity, data access, and user support, including the use of CAT Data and query tools, for Participants and the SEC staff.

(III) Technology Costs—CAIS Operating Fees

The $2,072,908 in technology costs related to CAIS operating fees represent the fees paid for FCAT's subcontractor charged with the development and operation of CAT's Customer and Account Information System (''CAIS''). The CAT is required under the CAT NMS Plan to capture and store Customer Identifying Information and Customer Account Information in a database separate from the transactional database and to create a CAT-Customer-ID for each Customer.

During the Pre-FAM Period, the CAIS-related services were provided by the Plan Processor through the Plan Processor's subcontractor, Kingland Systems Incorporation (''Kingland''). Kingland had experience operating in the securities regulatory technology space, and as a part of its proposal for acting as the Plan Processor for the CAT, FCAT selected Kingland as a subcontractor to provide certain CAIS-related services.

Under the Plan Processor Agreement with FCAT, CAT LLC was required to pay to the Plan Processor the fees incurred by FCAT for CAIS-related services provided by FCAT through Kingland on a monthly basis. FCAT negotiated the fees for Kingland's CAIS-related services on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan, taking into consideration a variety of factors, including the services to be provided and market rates for similar types of activity. The fees for CAIS-related services during the Pre-FAM Period were paid by CAT LLC to FCAT. FCAT, in turn, paid Kingland.

During the Pre-FAM Period, Kingland began development of the CAIS Technical Specifications and the building of CAIS. In addition, Kingland also worked on the build related to the CCID Alternative, an alternative approach to customer information that was not included in the CAT NMS Plan as originally adopted.[46] Furthermore, Kingland also worked on the acceleration of the reporting of large trader identifiers (''LTID'') earlier than originally contemplated during this period, in accordance with exemptive relief granted by the SEC.[47]

(IV) Technology Costs—Change Request Fees

The technology costs related to change request fees include costs related to certain modifications, upgrades or other changes to the CAT. Change requests are standard practice and necessary to reflect operational changes, including changes related to new market developments, such as new market participants. In general, if CAT LLC determines that a modification, upgrade or other change to the functionality or service is necessary and appropriate, CAT LLC will submit a request for such a change to the Plan Processor. The Plan Processor will then respond to the request with a proposal for implementing the change, including the cost (if any) of such a change. CAT LLC then determines whether to approve the proposed change. The change request costs were paid by CAT LLC to FCAT. During the Pre-FAM Period, CAT LLC incurred costs of $141,346 related to change requests implemented by FCAT. Such change requests related to a development fee regarding the OPRA and SIP data feeds, and the reprocessing of certain exchange data.[48]

(V) Technology Costs—Capitalized Developed Technology Costs

This category of costs includes capitalizable application development costs incurred in the development of the CAT. The capitalized developed technology costs for the Pre-FAM Period of $51,847,150 relate to technology

[44] The use of Exegy to provide market data, including the costs and market data provided, is discussed below in Section 3(a)(2)(B)(a)(IX).

[45] The CAT website is *https://www.catnmsplan.com.*

[46] For a discussion of the CCID Alternative, *see* Securities Exchange Act Rel. No. 88393 (Mar. 17, 2020), 85 FR 16152 (Mar. 20, 2020).

[47] Phased Reporting Exemptive Relief Order at 23079–80.

[48] Note that CAT LLC also has incurred costs related to specific Industry Members (*e.g.,* reprocessing costs related to Industry Member reporting errors).

provided by the Initial Plan Processor and the successor Plan Processor.

Initial Plan Processor: Thesys CAT, LLC. The capitalized developed technology costs related to the Initial Plan Processor include costs incurred with regard to testing for Participant reporting, Participant reporting to the CAT, a security assessment of the CAT, and the development of the billing function for the CAT.

On January 17, 2017, the Selection Committee of the CAT NMS Plan selected the Initial Plan Processor, Thesys Technologies, LLC, for the CAT NMS Plan pursuant to Article V of the CAT NMS Plan.[49] The Participants utilized a request for proposal (''RFP'') to seek proposals to build and operate the CAT, receiving a number of proposals in response to the RFP. The Participants carefully reviewed and considered each of the proposals, including holding in-person meetings with each of the Bidders. After several rounds of review, the Participants selected the Initial Plan Processor in accordance with the CAT NMS Plan, taking into consideration that the Initial Plan Processor had experience operating in the securities regulatory technology space, among other considerations. On April 6, 2017, CAT LLC entered into an agreement with Thesys CAT LLC (''Thesys CAT''), a Thesys affiliate, to perform the functions and duties of the Plan Processor contemplated by the CAT NMS Plan, including the management and operation of the CAT. Under the agreement, CAT LLC would pay Thesys CAT a negotiated, fixed price fee for its role as the Initial Plan Processor. Effective January 30, 2019, the Plan Processor Agreement with Thesys CAT was terminated, and FCAT was subsequently selected as the successor Plan Processor.

From January 17, 2017 through January 30, 2019, the time in which Thesys CAT was engaged for the CAT, but excluding the period from November 15, 2017 through January 30, 2019, the Initial Plan Processor engaged in various activities with respect to the CAT, including preparing iterative drafts of Participant Technical Specifications, Industry Member Technical Specifications and the Central Repository Access Technical Specifications. In addition, Thesys CAT also developed CAT technology, addressed compliance items, including drafting CAT policies and procedures, addressing Regulation SCI requirements, establishing a CAT Compliance Officer and a Chief Information Security Officer, addressed security-related matters for the CAT, and worked towards the initiation of Participant reporting per the Participant Technical Specifications.

Successor Plan Processor: FCAT. The capitalized developed technology costs related to FCAT include: (1) development costs incurred during the application development stage to meet various agreed-upon milestones regarding the CAT, including the completion of go-live functionality related to options ingestion and validation, equities regulatory services agreement query tool updates and unlinked options data query, options linkages release, Industry Member Phase 2a file submission and data integrity (including error corrections), and Industry Member testing, including reporting relationships, ATS order type management, basic reporting statistics, SFTP data integrity feedback and error correction; (2) costs related to certain modifications, upgrades, or other changes to the CAT that were not contemplated by the agreement between CAT LLC and the Plan Processor, including a one-time development fee for a secure analytics workspace, a one-time development fee for an Industry Member connectivity solution, and a one-time development fee for the acceleration of multi-factor authentication; (3) CAIS implementation fees; and (4) license fees.

(VI) Legal Costs

The legal costs of $19,674,463 represent the fees paid for legal services provided by two law firms, Wilmer Cutler Pickering Hale and Dorr LLP (''WilmerHale'') and Pillsbury Winthrop Shaw Pittman LLP (''Pillsbury''), during the Pre-FAM Period. The legal costs exclude those costs incurred from November 15, 2017 through November 15, 2018.

Law Firm: WilmerHale. Following the adoption of Rule 613, the Participants determined it was necessary to engage external legal counsel to advise the Participants with respect to corporate and regulatory legal matters related to the CAT, including drafting and developing the CAT NMS Plan. The Participants considered a variety of factors in their analysis of prospective law firms, including (1) the firm's qualifications, resources and expertise; (2) the firm's relevant experience and understanding of the regulatory matters raised by the CAT and in advising on matters of similar scope; (3) the composition of the legal team; and (4) professional fees. Following a series of interviews, the Participants acting as a consortium determined that WilmerHale was well qualified given the balance of these considerations and engaged WilmerHale in February 2013.

WilmerHale's billing rates are negotiated on an annual basis and are determined with reference to the rates charged by other leading law firms for similar work. The Participants assess WilmerHale's performance and review prospective budgets and staffing plans submitted by WilmerHale on an annual basis. WilmerHale's compensation arrangements are reasonable and appropriate, and in line with the rates charged by other leading law firms for similar work.

The legal costs for WilmerHale during the Pre-FAM Period included costs incurred from 2013 until June 22, 2020 to address corporate and regulatory legal matters related to the CAT. The legal fees for this law firm during the period from February 2013 until the formation of the CAT NMS, LLC on November 15, 2016 were paid directly by the exchanges and FINRA to WilmerHale. After the formation of CAT NMS LLC, the legal fees were paid by CAT LLC to WilmerHale.

After WilmerHale was engaged in 2013 through the end of the Pre-FAM Period on June 22, 2020 (excluding the legal costs from November 15, 2017 through November 15, 2018), WilmerHale provided legal assistance to the CAT on a variety of matters, including with regard to the following:

- Analyzed various legal matters associated with the Selection Plan, and drafted an amendment to the Selection Plan;
- Assisted with the RFP and bidding process for the CAT Plan Processor;
- Analyzed legal matters related to the Development Advisory Group (''DAG'');
- Drafted the CAT NMS Plan, analyzed various items related to the CAT NMS Plan, and responded to comment letters on CAT NMS Plan;
- Provided legal support for the formation of the legal entity, the governance of the CAT, including governance support prior to the adoption of the CAT NMS Plan, which involved support for the full committee of exchanges and FINRA as well as subcommittees of this group (*e.g.,* Joint Subcommittee Group, Technical, Industry Outreach, Cost and Funding and Other Products) and the DAG, governance support during the transition to the new governance structure under the CAT NMS Plan, and governance support after the adoption of the CAT NMS Plan, which involved

[49] Letter from the Participants to Brent J. Fields, Secretary, SEC (Jan. 18, 2017), *https://www.sec.gov/divisions/marketreg/rule613-info-notice-of-plan-processor-selection.pdf.*

support for the Operating Committee, Advisory Committee, Compliance Subcommittee and CAT working groups;

- Assisted with the development of the CAT funding model and drafted related amendments of the CAT NMS Plan and related filings;
- Negotiated and drafted the plan processor agreements with the Initial Plan Processor and the successor Plan Processor;
- Provided assistance with compliance with Regulation SCI;
- Assisted with clock synchronization study;
- Provided assistance with respect to the establishment of CAT security;
- Drafted exemptive requests from CAT NMS Plan requirements, including with regard to options market maker quotes, Customer IDs, CAT Reporter IDs, linking allocations to executions, CAT reporting timeline, FDIDs, customer and account information, timestamp granularity, small industry members, data facility reporting and linkage, allocation reports, SRO-assigned market participant identifiers and cancelled trade indicators, thereby seeking to implement changes that would be cost effective and benefit Industry Members and Participants;
- Assisted with the Implementation Plan required pursuant to Section 6.6(c)(i) of the CAT NMS Plan;
- Provided advice regarding CAT policies and procedures;
- Analyzed the SEC's amendment of the CAT NMS Plan regarding financial accountability;
- Provided interpretations of and related to the CAT NMS Plan;
- Provided support with regard to discussions with the SEC and its staff, including with respect to addressing interpretive and implementation issues; and
- Assisted with third-party vendor agreements.

Law Firm: Pillsbury. The legal costs for CAT during the Pre-FAM Period include costs related to the legal services performed by Pillsbury. The Participants interviewed this law firm as well as other potential law firms to provide legal assistance regarding certain liability matters. After considering a variety of factors in its analysis, including the relevant expertise and fees of the firm, CAT LLC determined to hire Pillsbury in April 2019. The hourly fee rates for this law firm were in line with market rates for specialized legal expertise. The legal fees were paid by CAT LLC to Pillsbury. The legal costs for Pillsbury during the Pre-FAM Period included costs incurred from April 2019 until June 22, 2020 to address legal matters regarding the agreements between CAT Reporters and CAT LLC concerning certain terms associated with CAT Reporting (the ''Reporter Agreement''). During that period, Pillsbury advised CAT LLC regarding applicable legal matters, participated in negotiations between the Participants and Industry Members, participated in meetings with senior SEC staff, the Chairman, and Commissioners, represented CAT LLC and the Participants in an SEC administrative proceeding, and drafted a proposed amendment to the CAT NMS Plan regarding liability matters. Liability issues related to the CAT are important matters that needed to be resolved and clarified. CAT LLC's efforts to seek such resolution and clarity work to the benefit of Participants, Industry Members and other market participants. Moreover, litigation involving CAT LLC is an expense of operating the CAT, and, therefore, is appropriately an obligation of both Participants and Industry Members under the CAT Funding Model.

(VII) Consulting Costs

The consulting costs of $17,013,414 represent the fees paid to the consulting firm Deloitte & Touche LLP (''Deloitte'') as project manager during the Pre-FAM Period, from October 2012 until June 22, 2020. These consulting costs include costs for advisory services related to the operation of the CAT, and meeting facilitation and communications coordination, vendor support and financial analyses.

To help facilitate project management given the unprecedented complexity and scope of the CAT project, the Participants determined it was necessary to engage a consulting firm to assist with the CAT project in 2012, following the adoption of Rule 613. A variety of factors were considered in the analysis of prospective consulting firms, including (1) the firm's qualifications, resources, and expertise; (2) the firm's relevant experience and understanding of the regulatory issues raised by the CAT and in coordinating matters of similar scope; (3) the composition of the consulting team; and (4) professional fees. Following a series of interviews, the exchanges and FINRA as a consortium determined that Deloitte was well qualified given the balance of these considerations and engaged Deloitte on October 1, 2012.

Deloitte's fee rates are negotiated on an annual basis and are in line with market rates for this type of specialized consulting work. CAT LLC assesses Deloitte's performance and reviews prospective budgets and staffing plans submitted by Deloitte on an annual basis. Deloitte's compensation arrangements are reasonable and appropriate, and in line with the rates charged by other leading consulting firms for similar work.

The consulting costs for CAT during the period from 2012 until the formation of the CAT NMS, LLC were paid directly by the Participants to Deloitte. After the formation of CAT NMS, LLC, the consulting fees were paid by CAT LLC to Deloitte. CAT LLC reviewed the consulting fees each month and approved the invoices.

After Deloitte was hired in 2012 through the end of the Pre-FAM Period on June 22, 2020 (excluding the consulting costs from November 15, 2017 through November 15, 2018), Deloitte provided a variety of consulting services, including the following:

- Established and implemented program operations for the CAT project, including the program management office and workstream design;
- Assisted with the Plan Processor selection process, including but not limited to, the development of the RFP and the bidder evaluation process, and facilitation and consolidation of the Participant's independent reviews;
- Assisted with the development and drafting of the CAT NMS Plan, including conducting cost-benefit studies, analyzing OATS and CAT requirements, and drafting appendices to the Plan;
- Assisted with cost and funding-related activities for the CAT, including the development of the CAT funding model and assistance with loans and the CAT bank account for CAT funding;
- Provided governance support to the CAT, including governance support prior to the adoption of the CAT NMS Plan, which involved support for the full committee of exchanges and FINRA as well as subcommittees of this group (*e.g.,* Joint Subcommittee Group, Technical, Industry Outreach, Cost and Funding and Other Products) and the DAG, governance support during the transition to the new governance structure under the CAT NMS Plan and governance support after the adoption of the CAT NMS Plan, which involved support for the Operating Committee, Advisory Committee, Compliance Subcommittee and CAT working groups;
- Provided support to the Operating Committee, the Chair of the Operating Committee and the Leadership Team, including project management support, coordination and planning for meetings and communications, and interfacing with law firms and the SEC;

• Assisted with industry outreach and communications regarding the CAT, including assistance with industry outreach events, the development of the CAT website, frequently asked questions, and coordinating with the CAT LLC's public relations firm;
• Provided support for updating the SEC on the progress of the development of the CAT;
• Provided active planning and coordination with and support for the Initial Plan Processor with regard to the development of the CAT, and reported to the Participants on the progress;
• Coordinated efforts regarding the selection of the successor Plan Processor;
• Assisted with the transition from the Initial Plan Processor to the successor Plan Processor, including support for the Operating Committee and successor Plan Processor for the new role; and
• Provided support for third-party vendors for the CAT, including FCAT, Anchin and the law firms engaged by CAT LLC.

(VIII) Insurance

The insurance costs of $880,419 represent the cost incurred for insurance for CAT during the Pre-FAM Period. Commencing in 2020, CAT LLC performed an evaluation of various potential alternatives for CAT insurance policies, which included engaging in discussions with different insurance companies and conducting cost comparisons of various alternative approaches to insurance. Based on an analysis of a variety of factors, including coverage and premiums, CAT LLC determined to purchase cyber security liability insurance, directors' and officers' liability insurance, and errors and omissions liability insurance from USI Insurance Services LLC (''USI''). Such policies are standard for corporate entities, and cyber security liability insurance is important for the CAT System. The annual premiums for these policies were competitive for the coverage provided. The annual premiums were paid by CAT LLC to USI.

(IX) Professional and Administration Costs

In adopting the CAT NMS Plan, the Commission amended the Plan to add a requirement that CAT LLC's financial statements be prepared in compliance with GAAP, audited by an independent public accounting firm, and made publicly available.[50] The professional and administration costs include costs related to accounting and accounting advisory services to support the operating and financial functions of CAT, financial statement audit services by an independent accounting firm, preparation of tax returns, and various cash management and treasury functions. In addition, professional and administration costs for the Pre-FAM Period include costs related to the receipt of market data and a security assessment. The costs for these professional and administration services were $1,082,036 for the Pre-FAM Period.

Financial Advisory Firm: Anchin Accountants & Advisors (''Anchin''). CAT LLC determined to hire a financial advisory firm, Anchin, to assist with financial matters for the CAT in April 2018. CAT LLC interviewed Anchin as well as other potential financial advisory firms to assist with the CAT project, considering a variety of factors in its analysis, including the firm's relevant expertise and fees. The hourly fee rates for this firm were in line with market rates for these financial advisory services. The fees for these services were paid by CAT LLC to Anchin.

After Anchin was hired in April 2018 through the end of the Pre-FAM Period on June 22, 2020 (excluding the period from April 2018 through November 15, 2018), Anchin provided a variety of services, including the following:
• Developed, updated and maintained internal controls;
• Provided cash management and treasury functions;
• Facilitated bill payments;
• Provided monthly bookkeeping;
• Reviewed vendor invoices and documentation in support of cash disbursements;
• Provided accounting research and consultations on various accounting, financial reporting and tax matters;
• Addressed not-for-profit tax and accounting considerations;
• Prepared tax returns;
• Addressed various accounting, financial and operating inquiries from Participants;
• Developed and maintained quarterly and annual operating and financial budgets, including budget to actual fluctuation analyses;
• Addressed accounting and financial reporting matters relating to the transition from CAT NMS, LLC to Consolidated Audit Trail, LLC, including supporting the dissolution of CAT NMS, LLC;
• Supported compliance with the CAT NMS Plan;
• Worked with and provided support to the Operating Committee and various CAT working groups;
• Prepared monthly, quarterly and annual financial statements;
• Supported the annual financial statement audits by an independent auditor;
• Reviewed historical costs from inception; and
• Provided accounting and financial information in support of SEC filings.

Accounting Firm: Grant Thornton LLP (''Grant Thornton''). In February 2020, CAT LLC determined to engage an independent accounting firm, Grant Thornton, to complete the audit of CAT LLC's financial statements, in accordance with the requirements of the CAT NMS Plan. CAT LLC interviewed this firm as well as another potential accounting firm to audit CAT LLC's financial statements, considering a variety of factors in its analysis, including the relevant expertise and fees of each of the firms. CAT LLC determined that Grant Thornton was well-qualified for the proposed role given the balance of these considerations. Grant Thornton's fixed fee rate compensation arrangement was reasonable and appropriate, and in line with the market rates charged for these types of accounting services. The fees for these services were paid by CAT LLC to Grant Thornton.

Market Data Provider: Exegy. The professional and administrative costs for the Pre-FAM Period included costs related to the receipt of certain market data for the CAT pursuant to an agreement with the CAT LLC, and then with FCAT. Exegy provided SIP Data required by the CAT NMS Plan.

After performing an analysis of the available market data vendors to confirm that the data provided met the SIP Data requirements of the CAT NMS Plan and comparing the costs of the vendors providing the required SIP Data, CAT LLC determined to purchase market data from Exegy from July 2018 through March 2019. CAT LLC determined that, unlike certain other vendors, Exegy provided market data that included all data elements required by the CAT NMS Plan.[51] In addition, the fees were reasonable and in line with market rates for the market data received. Accordingly, the professional and administrative costs for the Pre-FAM Period include the Exegy costs from November 2018 through March 2019. The cost of the market data was reasonable for the market data received. The fees for the market data were paid directly by CAT LLC to Exegy.

Upon the termination of the contract between CAT LLC and Exegy, FCAT entered into a contract with Exegy to

[50] Section 9.2 of the CAT NMS Plan.

[51] *See* Section 6.5(a)(ii) of the CAT NMS Plan.

purchase the required market data from Exegy in July 2019. All costs under the contract were treated as a direct pass through cost to CAT LLC. Therefore, the fees for the market data were paid by CAT LLC to FCAT, who, in turn, paid Exegy for the market data.

Security Assessment: RSM US LLP (''RSM''). The operating costs for the Pre-FAM Period include costs related to a third party security assessment of the CAT performed by RSM. The assessment was designed to verify and validate the effective design, implementation, and operation of the controls specified by NIST Special Publication 800–53, Revision 4 and related standards and guidelines. Such a security assessment is in line with industry practice and important given the data included in the CAT. CAT LLC determined to engage RSM to perform the security assessment, after considering a variety of factors in its analysis, including the firm's relevant expertise and fees. The fees were reasonable and in line with market rates for such an assessment. RSM performed the assessment from October 2018 through December 2018. Accordingly, the costs for the Pre-FAM Period include the costs incurred in November and December 2018. The cost for the security assessment were paid directly to RSM by CAT LLC.

(X) Public Relations Costs

The public relations costs of $224,669 represent the fees paid to public relations firms during the Pre-FAM Period for professional communications services to CAT, including media relations consulting, strategy and execution. By engaging a public relations firm, CAT LLC was better positioned to understand and address CAT matters to the benefit of all market participants. Specifically, the public relations firms provided services related to communications with the public regarding the CAT, including monitoring developments related to the CAT (*e.g.,* congressional efforts, public comments and reaction to proposals, press coverage of the CAT), reporting such developments to CAT LLC, and drafting and disseminating communications to the public regarding such developments as well as reporting on developments related to the CAT (*e.g.,* amendments to the CAT NMS Plan). Public relations services were important for various reasons, including monitoring comments made by market participants about CAT and understanding issues related to the CAT discussed on the public record.

The services performed by each of the public relations firms were comparable. The fees for such services were reasonable and in line with market rates. Only one public relations firm was engaged at a time; the three firms were engaged sequentially as the primary public relations contact moved among the three firms during this time period.

Public Relations Firm: Peppercomm, Inc. (''Peppercomm''). The national securities exchanges and FINRA, acting as a consortium, determined to hire the public relations firm Peppercomm in October 2014 and continued to engage this firm through September 2017. The exchanges and FINRA made this engagement decision after considering a variety of factors in its analysis, including the firm's relevant expertise and fees. The fee rates for this public relations firm were negotiated on an arm's length basis and were in line with market rates for these types of services. The public relations costs during the period from October 2014 until the formation of the CAT NMS, LLC were paid directly by the exchanges and FINRA to the public relations firm. After the formation of CAT NMS, LLC, the consulting fees were paid by CAT LLC.

Public Relations Firm: Sloane & Company (''Sloane''). CAT LLC determined to hire a new public relations firm, Sloane, in March 2018, based on, among other things, their expertise and the primary contact's history with the project. The fee rates for this public relations firm were in line with market rates for these types of services. The fees during the Pre-FAM Period were paid by CAT LLC to Sloane. CAT LLC continued the engagement with Sloane until February 2020.

Public Relations Firm: Peak Strategies. CAT LLC determined to hire a new public relations firm, Peak Strategies, in March 2020, based on, among other things, their expertise and the primary contact's history with the project. The fee rates for this public relations firm were in line with market rates for these types of services. The fees during the Pre-FAM Period were paid by CAT LLC to Peak Strategies.

(b) Historical CAT Costs Incurred in Financial Accountability Milestone Period 1

Historical CAT Costs 1 would include costs incurred by CAT and already funded by the Participants during Period 1 of the Financial Accountability Milestones (''FAM Period 1''),[52] which covers the period from June 22, 2020–July 31, 2020. Historical CAT Costs 1 would include costs for FAM Period 1 of $6,377,343. The Participants would remain responsible for one-third of this cost (which they have previously paid) ($2,125,781), and Industry Members would be responsible for the remaining two-thirds, with CEBBs paying one-third ($2,125,781) and CEBSs paying one-third ($2,125,781). The following table breaks down Historical CAT Costs 1 for FAM Period 1 into the categories set forth in Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

Operating expense	Historical CAT costs for FAM Period 1 **
Capitalized Developed Technology Costs *	$1,684,870
Technology Costs	3,996,800
Cloud Hosting Services	2,642,122
Operating Fees	1,099,680
CAIS Operating Fees	254,998
Change Request Fees	
Legal	481,687
Consulting	137,209
Insurance	
Professional and administration	69,077
Public relations	7,700

[52] Section 11.6(a)(i)(A) of the CAT NMS Plan.

Operating expense	Historical CAT costs for FAM Period 1 **
Total Operating Expenses	6,377,343

* The non-cash amortization of these capitalized developed technology costs of $362,121 incurred during FAM Period 1 have been appropriately excluded from the above table.[53]

** The costs described in this table of costs for FAM Period 1 were calculated based upon CAT LLC's review of applicable bills and invoices and related financial statements. CAT LLC financial statements are available on the CAT website.

By the completion of FAM Period 1, CAT LLC was required to implement the reporting by Industry Members (excluding Small Industry Members that are not OATS reporters) of equities transaction data and options transaction data, excluding Customer Account Information, Customer-ID and Customer Identifying Information.[54] CAT LLC completed the requirements of FAM Period 1 by July 31, 2020. The following describes the costs for each of the categories for FAM Period 1.

(I) Technology Costs—Cloud Hosting Services

CAT LLC continued to utilize AWS in FAM Period 1 to provide a broad array of cloud hosting services for the CAT, including data ingestion, data management, and analytic tools. AWS continued to provide storage services, databases, compute services and other services (such as networking, management tools and DevOps tools), as well as various environments for CAT, such as development, performance testing, test, and production environments, during the FAM 1 Period. Accordingly, the $2,642,122 in technology costs for cloud hosting services represent costs incurred for services provided by AWS, as the cloud services provider, during FAM Period 1. The fee arrangement for AWS described above with regard to the Pre-FAM Period continued in place during FAM Period 1 pursuant to the Plan Processor Agreement. Moreover, CAT LLC continued to believe that AWS's maturity in the cloud services space as well as the significant cost and time necessary to move the CAT to a different cloud services provider supported the continued engagement of AWS.

The cost for AWS cloud services for the CAT continued to be a function of the volume of CAT Data. During the FAM 1 Period, the volume of CAT Data continued to far exceed the original predictions for the CAT as set forth in the CAT NMS Plan. During this period, data submitted to the CAT included options and equities Participant Data, Phase 2a and Phase 2b Industry Member Data (including certain linkages) as well as SIP Data, reference data and other types of Other Data. The following chart provides data regarding the average daily volume, cumulative total events, total compute hours and storage footprint of the CAT during FAM Period 1.[55]

	Date Range: 6/22/20–7/31/20
Average Daily Volume in Billions:	
Participant—Equities	6
Participant—Options	103
Industry Member—Equities	7
Industry Member—Options	0.31
SIP—Options & Equities	74
Average Total Daily Volume	185
Cumulative Total Events for the Period	5,190
Total Compute Hours for the Period	2,612,082
Storage Footprint at End of Period (Petabytes)	57.47

(II) Technology Costs—Operating Fees

Pursuant to the Plan Processor Agreement discussed above, FCAT continued in its role as the Plan Processor for the CAT during FAM Period 1. Accordingly, the $1,099,680 in technology costs for operating fees represent costs incurred for the services provided by FCAT under the Plan Processor Agreement during FAM Period 1. The fee arrangement for FCAT described above with regard to the Pre-FAM Period continued in place during FAM Period 1 pursuant to the Plan Processor Agreement. During FAM Period 1, FCAT's activities with respect to the CAT included the following:

- Published iterative drafts of draft Technical Specifications for Phase 2d, after substantial engagement with SEC staff, Industry Members and Participants on the Technical Specifications;
- Published iterative drafts of CAIS Technical Specifications, after substantial engagement with SEC staff, Industry Members and Participants on the Technical Specifications;
- Facilitated Industry Member reporting of Quote Sent Time on Options Market Maker quotes;
- Addressed compliance items, including drafting CAT policies and procedures, and addressing Regulation SCI requirements;
- Provided support to the Operating Committee, the Compliance Subcommittee and CAT working groups;
- Assisted with interpretive efforts and exemptive requests regarding the CAT NMS Plan;
- Oversaw the security of the CAT;
- Monitored the operation of the CAT, including with regard to Participant and Industry Member reporting;

[53] As discussed above, with respect to certain costs that were ''appropriately excluded,'' such excluded costs relate to the amortization of capitalized technology costs, which are amortized over the life of the Plan Processor Agreement. As such costs have already been otherwise reflected in the filing, their inclusion would double count the capitalized technology costs. In addition, amortization is a non-cash expense.

[54] *See* definition of ''Initial Industry Member Core Equity and Options Reporting'' in Section 1.1 of the CAT NMS Plan.

[55] Note that the volume data described in this table does not include CAIS data.

• Provided support to subcontractors under the Plan Processor Agreement;

• Provided support in discussions with Participants and the SEC and its staff;

• Operated the FINRA CAT Helpdesk;

• Facilitated communications with the industry, including via FAQs, CAT Alerts, meetings, presentations and webinars;

• Administered the CAT website and all of its content; and

• Provided technical support and assistance with connectivity, data access, and user support, including the use of CAT Data and query tools, for Participants and the SEC staff.

(III) Technology Costs—CAIS Operating Fees

Pursuant to the Plan Processor Agreement discussed above, Kingland continued in its role as a subcontractor for the development and implementation of CAIS during FAM Period 1. Accordingly, the $254,998 in technology costs for CAIS operating fees represent costs incurred for services provided by Kingland during FAM Period 1. The fee arrangement for Kingland described above with regard to the Pre-FAM Period continued in place during FAM Period 1 pursuant to the Plan Processor Agreement. During FAM Period 1, Kingland continued the development of the CAIS Technical Specifications and building of CAIS. In addition, Kingland continued to work on the CAIS Technical Specifications and build related to CCID Alternative, as well as the acceleration of the reporting of LTIDs.

(IV) Technology Costs—Change Request Fees

CAT LLC did not incur costs related to change requests during FAM Period 1.

(V) Technology Costs—Capitalized Developed Technology Costs

Capitalized developed technology costs for FAM Period 1 of $1,684,870 include capitalizable application development costs incurred in the development of the CAT by FCAT. Such costs include: (1) costs related to certain modifications, upgrades, or other changes to the CAT that were not contemplated by the agreement between CAT LLC and the Plan Processor, including separate production and industry test entitlements, and reprocessing of exchange event timestamps; (2) implementation fees; and (3) license fees.

(VI) Legal Costs

The legal costs of $481,687 represent the fees paid for legal services provided by two law firms, WilmerHale and Pillsbury during FAM Period 1.

Law Firm: WilmerHale. CAT LLC continued to employ WilmerHale during FAM Period 1 based on, among other things, their expertise and long history with the project. The hourly fee rates for this law firm were in line with market rates for specialized legal expertise. The legal fees during FAM Period 1 were paid by CAT LLC to WilmerHale. During FAM Period 1, WilmerHale provided legal assistance to the CAT including with regard to the following:

• Assisted with the development of the CAT funding model and drafted related amendments and fee filings;

• Drafted exemptive requests from CAT NMS Plan requirements regarding, for example, verbal activity, options market maker quote sent time, TRF linkages, and allocations;

• Provided interpretations related to CAT NMS Plan requirements, including the Financial Accountability Milestone amendment;

• Assisted with compliance with Regulation SCI;

• Provided support for the Operating Committee, Compliance Subcommittee, working groups and Leadership Team, including with regard to meetings with the SEC staff;

• Assisted with the drafting of the Implementation Plan required pursuant to Section 6.6(c)(i) of the CAT NMS Plan;

• Assisted with communications and presentations for the industry regarding CAIS;

• Drafted SRO rule filings related to the CAT Compliance Rule;

• Provided support for Compliance Subcommittee, including with regard to responses to OCIE examinations and the annual assessment;

• Provided guidance regarding CAT technical specifications;

• Assisted with third-party vendor agreements; and

• Provided support with regard to discussions with the SEC and its staff, including with respect to addressing interpretive and implementation issues.

Law Firm: Pillsbury. CAT LLC continued to employ Pillsbury during FAM Period 1 based on, among other things, their expertise and history with the project. The hourly fee rates for this law firm were in line with market rates for specialized legal expertise. The legal fees during FAM Period 1 were paid by CAT LLC to Pillsbury. During FAM Period 1, Pillsbury provided legal assistance to the CAT regarding the CAT Reporter Agreement. During that period, Pillsbury advised CAT LLC regarding applicable legal matters and drafted a proposed amendment to the CAT NMS Plan regarding liability matters. Liability issues related to the CAT are important matters that needed to be resolved and clarified. CAT LLC's efforts to seek such resolution and clarity work to the benefit of Participants, Industry Members and other market participants.

(VII) Consulting Costs

The consulting costs of $137,209 represent the fees paid to Deloitte as project manager during FAM Period 1. CAT LLC continued to employ Deloitte during FAM Period 1 based on, among other things, their expertise and cumulative experience with the CAT. The fee rates for Deloitte during FAM Period 1 were negotiated and in line with market rates for this type of specialized consulting work. The consulting fees during FAM Period 1 were paid by CAT LLC to the consulting firm. CAT LLC reviewed the consulting fees each month and approved the invoices. During FAM Period 1, Deloitte's CAT-related activities included the following:

• Implemented program operations for the CAT project;

• Provided support to the Operating Committee, the Chair of the Operating Committee and the Leadership Team, including project management support, coordination and planning for meetings and communications, and interfacing with law firms and the SEC;

• Assisted with cost and funding matters for the CAT, including the development of the CAT funding model and assistance with loans and the CAT bank account for CAT funding;

• Provided support for updating the SEC on the progress of the development of the CAT;

• Assisted with the transition from the Initial Plan Processor to the successor Plan Processor; and

• Provided support for third-party vendors for the CAT, including FCAT, Anchin and the law firms engaged by CAT LLC.

(VIII) Insurance

Although insurance was in effect during FAM Period 1, CAT LLC did not incur costs related to insurance during FAM Period 1.

(IX) Professional and Administration Costs

Financial Advisory Firm: Anchin. The professional and administration costs of $69,077 represent the fees paid to Anchin during FAM Period 1. CAT LLC

continued to employ Anchin during FAM Period 1 based on, among other things, their expertise and history with the project. The hourly fee rates for this firm were in line with market rates for these type of financial advisory services. The fees for these services during FAM Period 1 were paid by CAT LLC to Anchin. During FAM Period 1, Anchin provided a variety of services, including the following:

- Maintained internal controls;
- Provided cash management and treasury functions;
- Facilitated bill payments;
- Provided monthly bookkeeping;
- Reviewed vendor invoices and documentation in support of cash disbursements;
- Provided accounting research and consultations on various accounting, financial reporting and tax matters;
- Addressed various accounting, financial reporting and operating inquiries from Participants;
- Developed and maintained quarterly and annual operating and financial budgets, including budget to actual fluctuation analyses;
- Supported compliance with the CAT NMS Plan;
- Worked with and provided support to the Operating Committee and various CAT working groups; and
- Prepared monthly and quarterly financial statements.

(X) Public Relations Costs

The public relations costs of $7,700 represent the fees paid to Peak Strategies during FAM Period 1. CAT LLC continued to employ Peak Strategies during FAM Period 1 based on, among other things, their expertise and history with the project. The fee rates for this firm were reasonable and in line with market rates for these types of services. The fees for these services during FAM Period 1 were paid by CAT LLC to Peak Strategies. During FAM Period 1, Peak Strategies continued to provide professional communications services to CAT LLC, including media relations consulting, strategy and execution. Specifically, the public relations firm provided services related to communications with the public regarding the CAT, including monitoring developments related to the CAT (*e.g.,* congressional efforts, public comments and reaction to proposals, press coverage of the CAT), reporting such developments to CAT LLC, and drafting and disseminating communications to the public regarding such developments as well as reporting on developments related to the CAT (*e.g.,* amendments to the CAT NMS Plan). As discussed above, such public relations services were important for various reasons, including monitoring comments made by market participants about the CAT and understanding issues related to the CAT discussed on the public record. By engaging a public relations firm, CAT LLC was better positioned to understand and address CAT matters to the benefit of all market participants.

(c) Historical CAT Costs Incurred in Financial Accountability Milestone Period 2

Historical CAT Costs 1 would include costs incurred by CAT LLC and already funded by Participants during Period 2 of the Financial Accountability Milestones (''FAM Period 2''),[56] which covers the period from August 1, 2020–December 31, 2020. Historical CAT Costs 1 would include costs for FAM Period 2 of $42,976,478. The Participants would remain responsible for one-third of this cost (which they have previously paid) ($14,325,493), and Industry Members would be responsible for the remaining two-thirds, with CEBBs paying one-third ($14,325,493) and CEBSs paying one-third ($14,325,493). The following table breaks down Historical CAT Costs 1 for FAM Period 2 into the categories set forth in Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

Operating expense	Historical CAT costs for FAM Period 2**
Capitalized Developed Technology Costs*	$6,761,094
Technology Costs	31,460,033
Cloud Hosting Services	20,709,212
Operating Fees	9,108,700
CAIS Operating Fees	1,590,298
Change Request Fees	51,823
Legal	2,766,644
Consulting	532,146
Insurance	976,098
Professional and administration	438,523
Public relations	41,940
Total Operating Expenses	42,976,478

*The non-cash amortization of these capitalized developed technology costs of $1,892,505 incurred during FAM Period 2 have been appropriately excluded from the above table.[57]

**The costs described in this table of costs for FAM Period 2 were calculated based upon CAT LLC's review of applicable bills and invoices and related financial statements. CAT LLC financial statements are available on the CAT website.

By the completion of FAM Period 2, CAT LLC was required to implement the following with regard to the CAT:

(a) Industry Member reporting (excluding reporting by Small Industry Members that are not OATS reporters) for equities transactions, excluding Customer Account Information, CustomerID, and Customer Identifying Information, is developed, tested, and implemented at a 5% Error Rate or less and with sufficient intra-firm linkage, inter-firm linkage, national securities exchange linkage, and trade reporting facilities linkage to permit the Participants and the Commission to analyze the full lifecycle of an order across the national market system, excluding linkage of representative orders, from order origination through order execution or order cancellation; and (b) the query tool functionality required by Section 6.10(c)(i)(A) and Appendix D, Sections 8.1.1–8.1.3 and

[56] Section 11.6(a)(i)(B) of the CAT NMS Plan.

[57] As discussed above, with respect to certain costs that were ''appropriately excluded,'' such excluded costs relate to the amortization of capitalized technology costs, which are amortized over the life of the Plan Processor Agreement. As such costs have already been otherwise reflected in the filing, their inclusion would double count the capitalized technology costs. In addition, amortization is a non-cash expense.

Section 8.2.1 incorporates the Industry Member equities transaction data described in condition (a) and is available to the Participants and to the Commission.[58]

CAT LLC completed the requirements of FAM Period 2 by December 31, 2020. The following describes the costs for each of the categories for FAM Period 2.

(I) Technology Costs—Cloud Hosting Services

CAT LLC continued to utilize AWS in FAM Period 2 to provide a broad array of cloud hosting services for the CAT, including data ingestion, data management, and analytic tools. AWS continued to provide storage services, databases, compute services and other services (such as networking, management tools and DevOps tools), as well as various environments for CAT, such as development, performance testing, test, and production environments, during the FAM 2 Period. Accordingly, the $20,709,212 in technology costs for cloud hosting services represent costs incurred for services provided by AWS, as the cloud services provider, during FAM Period 2. The fee arrangement for AWS described above with regard to the Pre-FAM Period and FAM Period 1 continued in place during FAM Period 2 pursuant to the Plan Processor Agreement.

The cost for AWS cloud services for the CAT continued to be a function of the volume of CAT Data. During the FAM 2 Period, the volume of CAT Data continued to far exceed the original predictions for the CAT as set forth in the CAT NMS Plan. During this period, data submitted to the CAT included options and equities Participant Data, Phase 2a and Phase 2b Industry Member Data (including certain linkages) as well as SIP Data, and Other Data, including reference data. In addition, Industry Members began reporting LTID account information. The following chart provides data regarding the average daily volume, cumulative total events, total compute hours and storage footprint of the CAT during FAM Period 2.[59]

	Date Range: 8/1/20–12/31/20
Average Daily Volume in Billions:	
Participant—Equities	6
Participant—Options	116
Industry Member—Equities	11
Industry Member—Options	0.98
SIP—Options & Equities	80
Average Total Daily Volume	282
Cumulative Total Events for the Period	2,170
Total Compute Hours for the Period	15,660,392
Storage Footprint at End of Period (Petabytes)	114.59

(II) Technology Costs—Operating Fees

Pursuant to the Plan Processor Agreement discussed above, FCAT continued in its role as the Plan Processor for the CAT during FAM Period 2. Accordingly, the $9,108,700 in technology costs for operating fees represent costs incurred for the services provided by FCAT under the Plan Processor Agreement during FAM Period 2. The fee arrangement for FCAT described above with regard to the Pre-FAM Period and FAM Period 1 continued in place during FAM Period 2 pursuant to the Plan Processor Agreement. During FAM Period 2, FCAT's activities with respect to the CAT included publishing the Technical Specifications for Phase 2d and overseeing the reporting of firm to firm and intrafirm linkages by Industry Members. In addition, FCAT also continued to engage in the following activities during FAM Period 2:

- Addressed compliance items, including drafting CAT policies and procedures, and addressing Regulation SCI requirements;
- Provided support to the Operating Committee, Compliance Subcommittee and CAT working groups;
- Assisted with interpretive efforts and exemptive requests regarding the CAT NMS Plan;
- Oversaw the development and implementation of the security of the CAT;
- Monitored the operation of the CAT, including with regard to Participant and Industry Member reporting;
- Provided support to subcontractors under the Plan Processor Agreement;
- Provided support in discussions with the Participants and the SEC and its staff;
- Operated the FINRA CAT Helpdesk;
- Facilitated communications with the industry, including via FAQs, CAT Alerts, meetings, presentations and webinars;
- Administered the CAT website and all of its content; and
- Provided technical support and assistance with connectivity, data access, and user support, including the use of CAT Data and query tools, for Participants and the SEC staff.

(III) Technology Costs—CAIS Operating Fees

Pursuant to the Plan Processor Agreement discussed above, Kingland continued in its role as a subcontractor for the development and implementation of CAIS during FAM Period 2. Accordingly, the $1,590,298 in technology costs for CAIS operating fees represent costs incurred for services provided by Kingland during FAM Period 2. The fee arrangement for Kingland described above with regard to the Pre-FAM Period and FAM Period 1 continued in place during FAM Period 2 pursuant to the Plan Processor Agreement. During FAM Period 2, Kingland continued the development of the CAIS Technical Specifications and building of CAIS. In addition, Kingland continued to work on the CAIS Technical Specifications and build related to the CCID Alternative, as well as the acceleration of the reporting of LTIDs.

[58] *See* definition of ''Full Implementation of Core Equity Reporting Requirements'' in Section 1.1 of the CAT NMS Plan.

[59] Note that the volume data described in this table does not include CAIS data.

(IV) Technology Costs—Change Request Fees

During FAM Period 2, CAT LLC engaged FCAT to pursue certain change requests in accordance with the Plan Processor Agreement. The change request costs were paid by CAT LLC to FCAT. Specifically, during FAM Period 2, CAT incurred costs of $51,823 related to a change request regarding the addition of functionality for exchange Participants to report rejected messages to the CAT.

(V) Technology Costs—Capitalized Developed Technology Costs

Capitalized developed technology costs for FAM Period 2 of $6,761,094 include capitalizable application development costs incurred in the development of the CAT by FCAT. Such costs include (1) development costs incurred during the application development stage to meet various agreed-upon milestones regarding the CAT, as defined in the agreement between CAT LLC and the Plan Processor; (2) costs related to certain modifications, upgrades, or other changes to the CAT that were not contemplated by the agreement between CAT LLC and the Plan Processor, including costs related to separate production and industry test entitlements, market maker reference data, and back-processing of exchange exception logic; (3) implementation fees; and (4) license fees.

(VI) Legal Costs

The legal costs of $2,766,644 represent the fees paid for legal services provided by two law firms, WilmerHale and Pillsbury during FAM Period 2.

Law Firm: WilmerHale. CAT LLC continued to employ WilmerHale during FAM Period 2 based on, among other things, their expertise and long history with the project. The hourly fee rates for this law firm were in line with market rates for specialized legal expertise. The legal fees during FAM Period 2 were paid by CAT LLC to WilmerHale. During FAM Period 2, the legal assistance provided by WilmerHale included providing legal advice regarding the following:

- Assisted with the development of the CAT funding model and drafting related amendments and rule filings;
- Drafted exemptive requests from CAT NMS Plan requirements regarding, for example, allocations, exchange activity, OTQT, initial data validation, error corrections and recordkeeping;
- Provided interpretations related to CAT NMS Plan requirements, including with regard to the Financial Accountability Milestone amendment, FAQs and technical specifications;
- Provided support for the Operating Committee, Compliance Subcommittees, working groups and Leadership Team, including with regard to meetings with the SEC staff;
- Assisted with the Implementation Plan and Quarterly Progress Reports required pursuant to Section 6.6 of the CAT NMS Plan;
- Drafted SRO rule filings related to the CAT Compliance Rule;
- Provided support for the Compliance Subcommittee, including with regard to responses to OCIE examinations and the annual assessment;
- Provided guidance regarding the SEC's proposed security amendments to the CAT NMS Plan;
- Provided guidance regarding SRO rule filings for the retirement of systems;
- Provided legal support for Operating Committee meetings, including drafting resolutions and other materials and voting advice;
- Assisted with third-party vendor agreements (*e.g.,* with regard to Anchin, Grant Thornton and insurance policies);
- Assisted with change requests; and
- Provided support with regard to discussions with the SEC and its staff, including with respect to addressing interpretive and implementation issues.

Law Firm: Pillsbury. CAT LLC continued to employ Pillsbury during FAM Period 2 based on, among other things, their expertise and history with the project. The hourly fee rates for this law firm were in line with market rates for specialized legal expertise. The legal fees during FAM Period 2 were paid by CAT LLC to Pillsbury. During FAM Period 2, Pillsbury provided legal assistance to the CAT regarding the CAT Reporter Agreement. During that period, Pillsbury advised CAT LLC regarding applicable legal matters and drafted and filed a proposed amendment to the CAT NMS Plan regarding liability matters. As discussed above, liability issues related to the CAT are important matters that needed to be resolved and clarified. CAT LLC's efforts to seek such resolution and clarity work to the benefit of Participants, Industry Members and other market participants.

(VII) Consulting Costs

The consulting costs of $532,146 represent the fees paid to Deloitte as project manager during FAM Period 2. CAT LLC continued to employ Deloitte during FAM Period 2 based on, among other things, their expertise and long history with the project. The fee rates for Deloitte during FAM Period 2 were negotiated and in line with market rates for this type of specialized consulting work. The consulting fees during FAM Period 2 were paid to Deloitte by CAT LLC. CAT LLC reviewed the consulting fees each month and approved the invoices. During FAM Period 2, Deloitte's CAT-related activities included the following:

- Implemented program operations for the CAT project;
- Provided support to the Operating Committee, the Chair of the Operating Committee and the Leadership Team, including project management support, coordination and planning for meetings and communications, and interfacing with law firms and the SEC;
- Assisted with cost and funding matters for the CAT, including the development of the CAT funding model and assistance with loans and the CAT bank account for CAT funding;
- Provided support for updating the SEC on the progress of the development of the CAT; and
- Provided support for third-party vendors for the CAT, including FCAT, Anchin and the law firms engaged by CAT LLC.

(VIII) Insurance

The insurance costs of $976,098 represent the fees paid for insurance during FAM Period 2. CAT LLC continued to maintain cyber security liability insurance, directors' and officers' liability insurance, and errors and omissions liability insurance offered by USI. After engaging in a process for renewing the coverage, CAT LLC determined to purchase these insurance policies from USI. The annual premiums for these policies were competitive for the coverage provided. The annual premiums were paid by CAT LLC to USI.

(IX) Professional and Administration Costs

The professional and administration costs of $438,523 represent the fees paid to Anchin and Grant Thornton for financial services provided during FAM Period 2.

Financial Advisory Firm: Anchin. CAT LLC continued to engage Anchin during FAM Period 2 based on, among other things, their expertise and history with the project. The hourly fee rates for this firm were in line with market rates for these types of financial advisory services. The fees for these services during FAM Period 2 were paid by CAT LLC to Anchin. During FAM Period 2, Anchin provided a variety of services, including the following:

- Updated and maintained internal controls;

• Provided cash management and treasury functions;
• Facilitated bill payments;
• Provided monthly bookkeeping;
• Reviewed vendor invoices and documentation in support of cash disbursements;
• Provided accounting research and consultations on various accounting, financial reporting and tax matters;
• Addressed not-for-profit tax and accounting considerations;
• Prepared tax returns;
• Addressed various accounting, financial reporting and operating inquiries from the Participants;
• Developed and maintained quarterly and annual operating and financial budgets, including budget to actual fluctuation analyses;
• Supported compliance with the CAT NMS Plan;
• Worked with and provided support to the Operating Committee and various CAT working groups;
• Prepared monthly, quarterly and annual financial statements;
• Supported the annual financial statement audit by an independent auditor; and
• Reviewed historical costs from inception.

Accounting Firm: Grant Thornton. CAT LLC continued to employ the accounting firm Grant Thornton during FAM Period 2 based on, among other things, its expertise and cumulative knowledge of CAT LLC. CAT LLC continued to believe that Grant Thornton was well qualified for its role and its fee rates were in line with market rates for these accounting services. The fees for these services during FAM Period 2 were paid by CAT LLC to Grant Thornton. During FAM Period 2, Grant Thornton performed a financial statement audit for CAT LLC as an independent accounting firm.

(X) Public Relations Costs

The public relations costs of $41,940 represent the fees paid to Peak Strategies during FAM Period 2. CAT LLC continued to employ Peak Strategies during FAM Period 2 based on, among other things, their expertise and history with the project. The fee rates for this firm were in line with market rates for these types of services. The fees for these services during FAM Period 2 were paid by CAT LLC to Peak Strategies. During FAM Period 2, Peak Strategies continued to provide professional communications services to CAT, including media relations consulting, strategy and execution. Specifically, the public relations firm provided services related to communications with the public regarding the CAT, including monitoring developments related to the CAT (*e.g.,* congressional efforts, public comments and reaction to proposals, press coverage of the CAT), reporting such developments to CAT LLC, and drafting and disseminating communications to the public regarding such developments as well as reporting on developments related to the CAT (*e.g.,* amendments to the CAT NMS Plan). As discussed above, such public relations services were important for various reasons, including monitoring comments made by market participants about the CAT and understanding issues related to the CAT discussed on the public record. By engaging a public relations firm, CAT LLC was better positioned to understand and address CAT matters to the benefit of all market participants.

(d) Historical CAT Costs Incurred in Financial Accountability Milestone Period 3

Historical CAT Costs 1 would include costs incurred by CAT and already funded by the Participants during Period 3 of the Financial Accountability Milestones (''FAM Period 3''),[60] which covers the period from January 1, 2021–December 31, 2021. Historical CAT Costs 1 would include costs for FAM Period 3 of $144,415,268. The Participants would remain responsible for one-third of this cost (which they have previously paid) ($48,138,423), and Industry Members would be responsible for the remaining two-thirds, with CEBBs paying one-third ($48,138,423) and CEBSs paying one-third ($48,138,423). The following table breaks down Historical CAT Costs 1 for FAM Period 3 into the categories set forth in Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

Operating expense	Historical CAT costs for FAM Period 3**
Capitalized Developed Technology Costs*	$10,763,372
Technology Costs	123,639,402
Cloud Hosting Services	94,574,759
Operating Fees	23,106,091
CAIS Operating Fees	5,562,383
Change Request Fees	396,169
Legal	6,333,248
Consulting	1,408,209
Insurance	1,582,714
Professional and administration	595,923
Public relations	92,400
Total Operating Expenses	144,415,268

* The non-cash amortization of these capitalized developed technology costs of $5,108,044 incurred during FAM Period 3 have been appropriately excluded from the above table.[61]
** The costs described in this table of costs for FAM Period 3 were calculated based upon CAT LLC's review of applicable bills and invoices and related financial statements. CAT LLC financial statements are available on the CAT website.

By the completion of FAM Period 3, CAT LLC was required to implement the following requirements with regard to the CAT: (a) reporting to the Order Audit Trail System (''OATS'') is no longer required for new orders; (b) Industry Member reporting for equities transactions and simple electronic options transactions, excluding Customer Account Information, Customer-ID, and Customer Identifying Information, with sufficient intra-firm linkage, inter-firm linkage, national securities exchange linkage, trade reporting facilities linkage, and

[60] Section 11.6(a)(i)(C) of the CAT NMS Plan.

[61] As discussed above, with respect to certain costs that were ''appropriately excluded,'' such excluded costs relate to the amortization of capitalized technology costs, which are amortized over the life of the Plan Processor Agreement. As such costs have already been otherwise reflected in the filing, their inclusion would double count the capitalized technology costs. In addition, amortization is a non-cash expense.

representative order linkages (including any equities allocation information provided in an Allocation Report) to permit the Participants and the Commission to analyze the full lifecycle of an order across the national market system, from order origination through order execution or order cancellation, is developed, tested, and implemented at a 5% Error Rate or less; (c) Industry Member reporting for manual options transactions and complex options transactions, excluding Customer Account Information, Customer-ID, and Customer Identifying Information, with all required linkages to permit the Participants and the Commission to analyze the full lifecycle of an order across the national market system, from order origination through order execution or order cancellation, including any options allocation information provided in an Allocation Report, is developed, tested, and fully implemented; (d) the query tool functionality required by Section 6.10(c)(i)(A) and Appendix D, Sections 8.1.1–8.1.3, Section 8.2.1, and Section 8.5 incorporates the data described in conditions (b)–(c) and is available to the Participants and to the Commission; and (e) the requirements of Section 6.10(a) are met.[62]

CAT LLC completed the requirements of FAM Period 3 by December 31, 2021. The following describes the costs for each of the categories for FAM Period 3.

(I) Technology Costs—Cloud Hosting Services

CAT LLC continued to utilize AWS in FAM Period 3 to provide a broad array of cloud hosting services for the CAT, including data ingestion, data management, and analytic tools. AWS continued to provide storage services, databases, compute services and other services (such as networking, management tools and DevOps tools), as well as various environments for CAT, such as development, performance testing, test, and production environments, during the FAM 3 Period. Accordingly, the $94,574,759 in technology costs for cloud hosting services represents costs incurred for services provided by AWS, as the cloud services provider, during FAM Period 3. The fee arrangement for AWS described above for the earlier periods continued in place during FAM Period 3 pursuant to the Plan Processor Agreement.

The cost for AWS cloud services for the CAT continued to be a function of the volume of CAT Data. During FAM Period 3, the volume of CAT Data continued to far exceed the original predictions for the CAT as set forth in the CAT NMS Plan. During this period, data submitted to the CAT included options and equities Participant Data, Phase 2a, Phase 2b, Phase 2c and Phase 2d Industry Member Data (including certain linkages), SIP Data, Other Data, including reference data, and LTID account information. The following chart provides data regarding the average daily volume, cumulative total events, total compute hours and storage footprint of the CAT during FAM Period 3.[63]

	Date range: 1/1/21 to 4/25/21	Date range: 4/26/21 to 12/31/21 *
Average Daily Volume in Billions:		
Participant—Equities	9	9
Participant—Options	135	136
Industry Member—Equities	20	19
Industry Member—Options	2	2
SIP—Options & Equities	129	137
Average Total Daily Volume	297	304
Cumulative Total Events for the Period	7,480	5,310
Total Compute Hours for the Period	15,860,304	33,487,318
Storage Footprint at End of Period (Petabytes)	180.22	284.62

[a] Start of Participant Equities in CAT format and SIP Equities on 4/26/21.

(II) Technology Costs—Operating Fees

Pursuant to the Plan Processor Agreement discussed above, FCAT continued in its role as the Plan Processor for the CAT during FAM Period 3. Accordingly, the $23,106,091 in technology costs for operating fees represent costs incurred for the services provided by FCAT under the Plan Processor Agreement during FAM Period 3. The fee arrangement for FCAT described above with regard to the prior Periods continued in place during FAM Period 3 pursuant to the Plan Processor Agreement. During FAM Period 3, FCAT's activities with respect to the CAT included the following:

- Facilitated Phase 2c and Phase 2d testing for Industry Members;
- Oversaw creation of linkages of the lifecycle of order events based on the received data through Phase 2d;
- Addressed compliance items, including drafting CAT policies and procedures, and addressing Regulation SCI requirements;
- Provided support to the Operating Committee, the Compliance Subcommittee and CAT working groups;
- Assisted with interpretive efforts and exemptive requests regarding the CAT NMS Plan;
- Oversaw the security of the CAT;
- Monitored the operation of the CAT, including with regard to Participant and Industry Member reporting;
- Provided support to subcontractors under the Plan Processor Agreement;
- Provided support in discussions with the Participants and the SEC and its staff;
- Operated the FINRA CAT Helpdesk;
- Facilitated communications with the industry, including via FAQs, CAT Alerts, meetings, presentations and webinars;
- Administered the CAT website and all of its content; and
- Provided technical support and assistance with connectivity, data access, and user support, including the use of CAT Data and query tools, for Participants and the SEC staff.

(III) Technology Costs—CAIS Operating Fees

Pursuant to the Plan Processor Agreement with FCAT discussed above, Kingland continued in its role as a subcontractor for the development and implementation of CAIS during FAM Period 3. Accordingly, the $5,562,383 in technology costs for CAIS operating fees represents costs incurred for services

[62] *See* definition of ''Full Availability and Regulatory Utilization of Transactional Database Functionality'' in Section 1.1 of the CAT NMS Plan.

[63] Note that the volume data described in this table does not include CAIS data.

provided by Kingland during FAM Period 3. The fee arrangement for Kingland described above with regard to the prior Periods continued in place during FAM Period 3 pursuant to the Plan Processor Agreement. During FAM Period 3, Kingland continued the development of the CAIS Technical Specifications and building of CAIS. In addition, Kingland continued to work on the CAIS Technical Specifications and build related to the CCID Alternative, as well as the acceleration of the reporting of LTIDs. The full CAIS Technical Specifications were published during FAM Period 3.

(IV) Technology Costs—Change Request Fees

During FAM Period 3, CAT LLC engaged FCAT to pursue certain change requests in accordance with the Plan Processor Agreement. The change request costs were paid by CAT LLC to FCAT. Specifically, during FAM Period 3, CAT incurred costs of $396,169 related to change requests, including the following: (1) the addition of functionality for exchange Participants to report rejected messages to the CAT; (2) the migration of MIRS query engine to AWS to reduce operational costs and increase resiliency; and (3) updating the Participant Technical Specifications to allow for two-sided Participant option quote reporting.

(V) Technology Costs—Capitalized Developed Technology Costs

Capitalized developed technology costs for FAM Period 3 of $10,763,372 include capitalizable application development costs incurred in the development of the CAT by FCAT. Such costs include (1) development costs incurred during the application development stage to meet various agreed-upon milestones regarding the CAT, as defined in the agreement between CAT LLC and the Plan Processor, including the transition from equity data received by FINRA pursuant to various regulatory services agreements between FINRA and Participant exchanges to the equity CAT Data, and the completion of the Industry Member Phase 2d options manual and complex orders go-live requirements; (2) costs related to certain modifications, upgrades, or other changes to the CAT that were not contemplated by the agreement between CAT LLC and the Plan Processor, including costs related to off-exchange volume concentration, Participant 24-hour trading and an external metastore; (3) implementation fees; and (4) license fees.

(VI) Legal Costs

The legal costs of $6,333,248 represent the fees paid for legal services provided by three law firms, WilmerHale, Pillsbury and Covington & Burling LLP (''Covington'') during FAM Period 3.

Law Firm: WilmerHale. CAT LLC continued to employ WilmerHale during FAM Period 3 based on, among other things, their expertise and long history with the project. The hourly fee rates for this law firm were in line with market rates for specialized legal expertise. The legal fees during FAM Period 3 were paid by CAT LLC to WilmerHale. During FAM Period 3, the legal assistance provided by WilmerHale included providing legal advice regarding the following:

- Assisted with the development of the CAT funding model and drafting related amendments and rule filings;
- Drafted exemptive requests from CAT NMS Plan requirements, including, for example, verbal activity regarding Phase 2c cutover, error reports, error corrections, Phase 2d Reporting, unique Order-ID on internal route events, reporting addresses, recordkeeping, and unique CCID for foreign customers;
- Provided interpretations related to CAT NMS Plan requirements, including with regard to the Financial Accountability Milestone amendment, FAQs, CAIS requirements, ADF, and technical specifications;
- Provided support for the Operating Committee, Compliance Subcommittee, working groups and Leadership Team, including with regard to meetings with the SEC staff;
- Assisted with the Implementation Plan and Quarterly Progress Reports required pursuant to Section 6.6(c) of the CAT NMS Plan;
- Drafted SRO rule filings related to the CAT Compliance Rule;
- Provided support for the Compliance Subcommittee, including with regard to responses to OCIE examinations and the annual assessment;
- Provided guidance regarding the SEC's proposed security amendments to the CAT NMS Plan;
- Provided guidance regarding SRO rule filings for the retirement of systems;
- Provided legal support for Operating Committee meetings, including drafting resolutions and other materials and voting advice;
- Provided assistance with change requests;
- Provided guidance and regulatory support for litigation regarding the response to the SEC's exemptive orders;
- Assisted with communications with the industry, including CAT Alerts and presentations;
- Provided guidance regarding the confidentiality of CAT Data, including third-party information requests;
- Assisted with cost management analysis and proposals; and
- Provided support with regard to discussions with the SEC and its staff, including with respect to addressing interpretive and implementation issues.

Law Firm: Pillsbury. CAT LLC continued to employ Pillsbury during FAM Period 3 based on, among other things, their expertise and history with the project. The hourly fee rates for this law firm were in line with market rates for specialized legal expertise. The legal fees during FAM Period 3 were paid by CAT LLC to Pillsbury. During FAM Period 3, Pillsbury provided legal assistance to the CAT regarding the CAT Reporter Agreement. During this period, Pillsbury advised CAT LLC regarding applicable legal matters, reviewed and responded to comment letters regarding the proposed Plan amendment, participated in meetings with senior SEC staff, responded to comments submitted following the SEC's April 6, 2021 order instituting proceedings,[64] and assessed legal matters regarding the SEC's October 29, 2021 order denying the proposed Plan amendment.[65]

Law Firm: Covington. CAT LLC hired Covington for litigation with the SEC regarding certain exemptive orders related to the CAT, including orders issued in December 2020.[66] CAT LLC interviewed this law firm as well as other potential law firms, considering a variety of factors in its analysis for choosing legal assistance, including the relevant expertise and fees of the potential lawyers. CAT LLC approved the engagement of Covington in January 2021. The fee rates for this law firm, which were calculated based on hourly rates, were in line with market rates for specialized services. The legal fees for FAM Period 3 for this firm were paid by CAT LLC to Covington.

After Covington was hired in 2021 through the end of 2021, the firm provided legal assistance regarding the litigation with the SEC regarding the 2020 Orders. These services included researching, drafting, and filing motions to stay the 2020 orders and related

[64] Securities Exchange Act Rel. No. 91487 (Apr. 6, 2021), 86 FR 19054 (Apr. 12, 2021).

[65] Securities Exchange Act Rel. No. 93484 (Oct. 29, 2021), 86 FR 60933 (Nov. 4, 2021).

[66] *See* Securities Exchange Act Rel. No. 90688 (Dec. 16, 2020), 85 FR 83634 (Dec. 22, 2020); and Securities Exchange Act Rel. No. 90689 (Dec. 16, 2020), 85 FR 83667 (Dec. 22, 2020) (collectively, the ''2020 Orders'').

materials in proceedings before the SEC, as well as researching, drafting, and filing petitions for judicial review of the 2020 Orders in proceedings before the U.S. Court of Appeals for the D.C. Circuit. Covington oversaw ongoing litigation proceedings on these matters, and also supported WilmerHale with respect to settlement negotiations with the SEC staff regarding the 2020 Orders.

In addition to these services, CAT LLC engaged Covington in November 2021 to provide assistance with respect to the SEC's disapproval of CAT NMS Plan amendments concerning a proposed limitation on liability in the event of a data breach or similar event. Covington provided advice concerning CAT's response to the SEC's disapproval order. This work accounted for a minority of Covington's fees in 2021.[67]

(VII) Consulting Costs

The consulting costs of $1,408,209 represent the fees paid to Deloitte as project manager during FAM Period 3. CAT LLC continued to employ Deloitte during FAM Period 3 based on, among other things, their expertise and long history with the project. The fee rates for Deloitte during FAM Period 3 were negotiated and in line with market rates for this type of specialized consulting work. The consulting fees during FAM Period 3 were paid to Deloitte by CAT LLC. CAT LLC reviewed the consulting fees each month and approved the invoices. During FAM Period 3, Deloitte's CAT-related activities included the following:

- Implemented program operations for the CAT project;
- Provided support to the Operating Committee, the Chair of the Operating Committee and the Leadership Team, including project management support, coordination and planning for meetings and communications, and interfacing with law firms and the SEC;
- Assisted with cost and funding matters for the CAT, including the development of the CAT funding model and assistance with loans and the CAT bank account for CAT funding;
- Provided support for updating the SEC on the progress of the development of the CAT; and
- Provided support for third-party vendors for the CAT, including FCAT, Anchin and the law firms engaged by CAT LLC.

[67] As discussed above with regard to Pillsbury's work on liability matters, liability issues related to the CAT are important matters that needed to be resolved and clarified. CAT LLC's efforts to seek such resolution and clarity work to the benefit of Participants, Industry Members and other market participants. Moreover, such activity is a necessary part of the operation of the CAT.

(VIII) Insurance

The insurance costs of $1,582,714 represent the fees paid for insurance during FAM Period 3. CAT LLC continued to maintain cyber security liability insurance, directors' and officers' liability insurance, and errors and omissions liability insurance offered by USI. After engaging in a process for renewing the coverage, CAT LLC determined to purchase these insurance policies from USI. The annual premiums for these policies were competitive for the coverage provided. The annual premiums were paid by CAT LLC to USI.

(IX) Professional and Administration Costs

The professional and administration costs of $595,923 represent the fees paid to Anchin and Grant Thornton for financial services during FAM Period 3.

Financial Advisory Firm: Anchin. CAT LLC continued to employ Anchin during FAM Period 3 based on, among other things, their expertise and history with the project. The hourly fee rates for this firm were in line with market rates for these financial advisory services. The fees for these services during FAM Period 3 were paid by CAT LLC to Anchin. During FAM Period 3, Anchin provided a variety of services, including the following:

- Updated and maintained internal controls;
- Provided cash management and treasury functions;
- Facilitated bill payments;
- Provided monthly bookkeeping;
- Reviewed vendor invoices and documentation in support of cash disbursements;
- Provided accounting research and consultations on various accounting, financial reporting and tax matters;
- Addressed not-for-profit tax and accounting considerations;
- Prepared tax returns;
- Addressed various accounting, financial reporting and operating inquiries from Participants;
- Developed and maintained quarterly and annual operating and financial budgets, including budget to actual fluctuation analyses;
- Supported compliance with the CAT NMS Plan;
- Worked with and provided support to the Operating Committee and various CAT working groups;
- Prepared monthly, quarterly and annual financial statements;
- Supported the annual financial statement audits by an independent auditor;
- Reviewed historical costs from inception; and
- Provided accounting and financial information in support of SEC filings.

Accounting Firm: Grant Thornton. CAT LLC continued to employ the accounting firm Grant Thornton during FAM Period 3 based on, among other things, their expertise and cumulative knowledge of CAT LLC. CAT LLC determined that Grant Thornton was well qualified for its role and that its fixed fee rates were in line with market rates for these accountant services. The fees for these services during FAM Period 3 were paid by CAT LLC to Grant Thornton. During FAM Period 3, Grant Thornton provided audited financial statements for CAT LLC.

(X) Public Relations Costs

The public relations costs of $92,400 represent the fees paid to Peak Strategies during FAM Period 3. CAT LLC continued to employ Peak Strategies during FAM Period 3 based on, among other things, their expertise and history with the project. The fee rates for this firm were in line with market rates for these types of services. The fees for these services during FAM Period 3 were paid by CAT LLC to Peak Strategies. During FAM Period 3, Peak Strategies continued to provide professional communications services to CAT, including media relations consulting, strategy and execution. Specifically, the public relations firm provided services related to communications with the public regarding the CAT, including monitoring developments related to the CAT (*e.g.,* congressional efforts, public comments and reaction to proposals, press coverage of the CAT), reporting such developments to CAT LLC, and drafting and disseminating communications to the public regarding such developments as well as reporting on developments related to the CAT (*e.g.,* amendments to the CAT NMS Plan). As discussed above, such public relations services were important for various reasons, including monitoring comments made by market participants about the CAT and understanding issues related to the CAT discussed on the public record. By engaging a public relations firm, CAT LLC was better positioned to understand and address CAT matters to the benefit of all market participants.

(e) Excluded Costs

Historical CAT Costs 1 would not include three categories of CAT costs (''Excluded Costs''): (1) $14,749,362 of costs related to the termination of the relationship with the Initial Plan Processor; (2) $48,874,937, which are all CAT costs incurred from November 15,

2017 through November 15, 2018; and (3) $19,628,791, which are costs paid to the Initial Plan Processor from November 16, 2018 through February 2019 when the relationship with the Initial Plan Processor was concluded. The Participants would remain responsible for 100% of these costs, which total $83,253,090. CAT LLC determined to exclude these Excluded Costs from Historical CAT Costs 1 because these costs relate to the delay in the start of reporting to the CAT and the conclusion of the relationship with the Initial Plan Processor.[68]

(I) Costs Related to Conclusion of Relationship With Initial Plan Processor

First, Historical CAT Costs 1 would not include $14,749,362 of costs related to the conclusion of the relationship with the Initial Plan Processor. Such costs include costs related to the American Arbitration Association, the legal assistance of Pillsbury with regard to the arbitration with the Initial Plan Processor, and the settlement costs related to the arbitration with the Initial Plan Processor. The Participants would remain responsible for 100% of these $14,749,362 in costs.

(II) Costs Incurred From November 15, 2017 Through November 15, 2018

Second, Historical CAT Costs 1 would not include all CAT costs incurred from November 15, 2017 through November 15, 2018. CAT LLC determined to exclude all costs during this one-year period of $48,874,937 from fees charged to Industry Members due to the delay in the start of reporting to the CAT. The Participants would remain responsible for 100% of these $48,874,937 in costs. The following table breaks down these costs into the categories set forth in Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

Operating expense	Excluded costs for November 15, 2017–November 15, 2018 *
Capitalized Developed Technology Costs	$37,852,083
Technology Costs:	
Cloud Hosting Services	
Operating Fees	
CAIS Operating Fees	
Change Request Fees	
Legal	6,143,278
Consulting	4,452,106
Insurance	
Professional and administration	340,145
Public relations	87,325
Total Operating Expenses	48,874,937

* The costs described in this table of Excluded Costs were calculated based upon CAT LLC's review of applicable bills and invoices and related financial statements. CAT LLC financial statements are available on the CAT website.

The following provides additional detail regarding the Excluded Costs.

(a) Technology Costs—Cloud Hosting Services, Operating Fees, CAIS Operating Fees and Change Request Fees

CAT LLC did not incur technology costs related to the categories of cloud hosting services, operating fees, CAIS operating fees or change requests during the period from November 15, 2017 through November 15, 2018.

(b) Technology Costs—Capitalized Developed Technology Costs

Capitalized developed technology costs for the period from November 15, 2017 through November 15, 2018 include capitalizable application development costs of $37,852,083 incurred in the development of the CAT by the Initial Plan Processor. Such costs include development costs incurred during the application development stage to meet various agreed-upon milestones regarding the CAT, as defined in the agreement between CAT LLC and the Initial Plan Processor. Such costs include costs related to Industry Member technical specifications for orders and transactions, the system security plan, testing and production for Participant CAT reporting, third-party security assessment and response, query portal, onboarding of the Chief Information Security Officer, and ingestion of FINRA TRF data and FINRA data related to halts and corporate actions.

(c) Legal Costs

The legal costs of $6,143,278 represent the fees paid to WilmerHale for legal services from November 15, 2017 through November 15, 2018. During this period, WilmerHale provided legal assistance to the CAT, including with regard to the following:

- Provided legal support for the governance of the CAT, including governance support for the Operating Committee, Advisory Committee, Compliance Subcommittee, and CAT working groups;
- Assisted with the development of the CAT funding model and drafted related amendments of the CAT NMS Plan;
- Provided assistance related to CAT security;
- Drafted exemptive requests, including requests related to PII;
- Assisted with the Implementation Plan required pursuant to Section 6.6(c)(i) of the CAT NMS Plan;
- Provided interpretations of and related to the CAT NMS Plan;
- Provided advice with regard to regulator access to the CAT;
- Assisted with the Plan Processor transition;
- Provided assistance regarding communications with the industry regarding the CAT;
- Provided advice regarding Customer Account Information and PII;
- Provided support for litigation related to SEC exemptive orders; and
- Provided support with regard to discussions with the SEC and its staff, including with respect to addressing interpretative and implementation issues.

[68] In approving the CAT Funding Model, the Commission states that ''the proposed exclusion of the excluded costs from Past CAT Costs is appropriate in the Commission's view because it would not require all costs incurred by the Participants to be recovered from Industry Members through the Historical CAT Assessment, specifically excluding those costs related to the delay in the start of reporting to the CAT and costs related to the conclusion of the relationship with the Initial Plan Processor.'' CAT Funding Model Approval Order at 13450.

(d) Consulting Costs

The consulting costs of $4,452,106 represent the fees paid to Deloitte for their role as project manager for the CAT from November 15, 2017 through November 15, 2018. During this period, Deloitte engaged in the following activities with respect to the CAT:

- Implemented program operations for the CAT project;
- Provided governance support to the Operating Committee, including support for Subcommittees and working groups of the Operating Committee (*e.g.,* Compliance Subcommittee, Cost and Funding Working Group, Technical Working Group, Industry Outreach Working Group, Security Working Group and Steering Committee);
- Assisted with cost and funding issues for the CAT, including the development of the CAT funding model and assistance with loans and the CAT bank account for CAT funding;
- Provided support for updating the SEC on the progress of the development of the CAT; and
- Provided active planning and coordination with and support for the Initial Plan Processor with regard to the development of the CAT, and reported to the Participants on the progress.

(e) Insurance

CAT LLC did not incur costs related to insurance during the period from November 15, 2017 through November 15, 2018.

(f) Professional and Administration Costs

The professional and administration costs of $340,145 represent the fees paid to Anchin, Exegy and RSM from November 15, 2017 through November 15, 2018.

Financial Advisory Firm: Anchin. From the commencement of its engagement in April 2018 through November 15, 2018, Anchin engaged in the following activities with respect to the CAT:

- Developed, updated and maintained internal controls;
- Provided cash management and treasury functions;
- Facilitated bill payments;
- Provided monthly bookkeeping;
- Reviewed vendor invoices and documentation in support of cash disbursements;
- Provided accounting research and consultations on various accounting, financial reporting and tax matters;
- Addressed not-for-profit tax and accounting considerations;
- Prepared tax returns;
- Addressed various accounting, financial reporting and operating inquiries from Participants;
- Developed and maintained quarterly and annual operating and financial budgets, including budget to actual fluctuation analyses;
- Addressed accounting and financial matters relating to the transition from CAT NMS, LLC to Consolidated Audit Trail, LLC, including supporting the dissolution of CAT NMS, LLC;
- Supported compliance with the CAT NMS Plan;
- Worked with and provided support to the Operating Committee and various CAT working groups;
- Prepared monthly, quarterly and annual financial statements;
- Supported the annual financial statement audits by an independent auditor;
- Reviewed historical costs from inception; and
- Provided accounting and financial information in support of SEC filings.

Market Data Provider: Exegy. From July 2018 through November 15, 2018, CAT LLC purchased market data from Exegy (as described in more detail above).

Security Assessment: RSM. From October 2018 through November 15, 2018, CAT LLC incurred costs for RSM's performance of a security assessment (as described in more detail above).

(g) Public Relations Costs

The public relations costs of $87,325 represent the fees paid to Sloane from November 15, 2017 through November 15, 2018. From the commencement of its engagment in March 2018 through November 15, 2018, Sloane provided professional communications services to CAT, including media relations consulting, strategy and execution. Specifically, Sloane provided services related to communications with the public regarding the CAT, including monitoring developments related to the CAT (*e.g.,* congressional efforts, public comments and reaction to proposals, press coverage of the CAT), reporting such developments to CAT LLC, and drafting and disseminating communications to the public regarding such developments as well as reporting on developments related to the CAT (*e.g.,* amendments to the CAT NMS Plan).

(III) Costs Paid to Initial Plan Processor From November 16, 2018 Through February 2019

Third, Historical CAT Costs 1 would not include the $19,628,791 in costs paid to the Initial Plan Processor from November 16, 2018 through February 2019 when CAT LLC's relationship with the Initial Plan Processor concluded. CAT LLC determined that Historical CAT Costs 1 would not include any fees paid to the Initial Plan Processor after November 15, 2017,[69] which was the date by which Participants were required to begin reporting to the CAT.[70] As discussed above, the Participants determined that Historical CAT Costs 1 would not include all CAT costs incurred from November 15, 2017 through November 15, 2018, which includes $37,852,083 in Initial Plan Processor costs incurred from November 15, 2017 through November 15, 2018 (as well as other CAT costs during this period). The remaining Initial Plan Processor costs incurred after November 15, 2018 are the $19,628,791 in costs for the period from November 16, 2018 through February 2019 incurred in the development of the CAT by the Initial Plan Processor, as well as a transition fee for the transition from the Initial Plan Processor to the successor Plan Processor. The Participants would remain responsible for 100% of these $19,628,791 in costs.

(ii) Previously Invoiced Costs for Historical CAT Costs 1

CEBBs and CEBSs collectively have been invoiced for $173,075,024 of the $212,039,879.34 of Historical CAT Costs 1 via Historical CAT Assessment 1, where $86,537,512 was invoiced collectively to CEBBs and $86,537,512 was invoiced collectively to CEBSs. Accordingly, Historical CAT Assessment 1A would seek to recover the remaining $38,964,855.34 of Historical CAT Costs 1 collectively from CEBBs and CEBSs, where CEBBs collectively will be responsible for $19,482,427.67, and CEBSs collectively will be responsible for $19,482,427.67.

(C) Historical Recovery Period 1A

Under the CAT NMS Plan, the Operating Committee is required to reasonably establish the length of the Historical Recovery Period used in calculating each Historical Fee Rate based upon the amount of the Historical CAT Costs to be recovered by the Historical CAT Assessment, and to

[69] As discussed below, CAT LLC believes that it is appropriate to recover costs related to the services performed by the Initial Plan Processor prior to November 15, 2017. *See* Section 3(a)(10)(E) below.

[70] The SEC approved the CAT NMS Plan on November 15, 2016, and Participant reporting was required to begin on the first anniversary of this date, November 15, 2017. *See* Section 6.3 of the CAT NMS Plan and CAT NMS Plan Approval Order.

describe the reasons for its length.[71] The Historical Recovery Period used in calculating the Historical Fee Rate may not be less than 24 months or more than five years.[72] The Operating Committee has determined to establish a Historical Recovery Period 1A of 24 months for Historical CAT Assessment 1A.

The Operating Committee determined that the length of Historical Recovery Period 1A appropriately weighs the need for a reasonable Historical Fee Rate 1A that spreads the Historical CAT Costs over an appropriate amount of time and the need to repay the loans to the Participants in a timely fashion. The Operating Committee determined that 24 months for Historical Recovery Period 1A would establish a fee rate that is lower than other transaction-based fees, including fees assessed pursuant to Section 31.[73] In addition, in establishing a Historical Recovery Period of 24 months, the Operating Committee recognized that the total costs for Historical CAT Assessment 1A were less than the total costs for 2022 and 2023,[74] and therefore it would be reasonable and appropriate to recover costs subject to this filing over an approximate two-year period.[75]

The length of the Historical Recovery Period 1A and the reasons for its length are provided in this filing in accordance with the requirement in the CAT NMS Plan to provide such information in a fee filing for a Historical CAT Assessment.[76]

(D) Projected Total Executed Equivalent Share Volume

The calculation of the fee rate for Historical CAT Assessment 1A also requires the determination of the projected total executed equivalent share volume of transactions in Eligible Securities for Historical Recovery Period 1A. Under the CAT NMS Plan, the Operating Committee is required to ''reasonably determine the projected total executed equivalent share volume of all transactions in Eligible Securities for each Historical Recovery Period based on the executed equivalent share volume of all transactions in Eligible Securities for the prior twelve months.'' [77] The Operating Committee is required to base its projection on the prior twelve months, but it may use its discretion to analyze the likely volume for the upcoming year. Such discretion would allow the Operating Committee to use its judgment when estimating projected total executed equivalent share volume if the volume over the prior twelve months was unusual or otherwise unfit to serve as the basis of a future volume estimate.[78]

The total executed equivalent share volume of transactions in Eligible Securities for the 12-month period from March 2025 through February 2026 was 5,980,937,549,360.49 executed equivalent shares. The Operating Committee has determined to calculate the projected total executed equivalent share volume for the 24 months of Historical Recovery Period 1A by doubling the executed equivalent share volume for the prior 12 months. The Operating Committee determined that such an approach was reasonable as the CAT's annual executed equivalent share volume has increased from prior years (*e.g.,* the executed equivalent share volume for 2024 was 4,295,884,600,069.4), and the Operating Committee believes that it is reasonable to conclude that the annual executed equivalent share volume will remain at the higher level. Accordingly, the projected total executed equivalent share volume for Historical Recovery Period 1A is projected to be 11,961,875,098,720.98 executed equivalent shares.[79]

The projected total executed equivalent share volume of all transactions in Eligible Securities for Historical Recovery Period 1A and a description of the calculation of the projection is provided in this filing in accordance with the requirement in the CAT NMS Plan to provide such information in a fee filing for a Historical CAT Assessment.[80]

(E) Fee Rate for Historical CAT Assessment 1A

The fee rate for Historical CAT Assessment 1A would be calculated by dividing the total amount of costs to be recovered by Historical CAT Assessment 1A by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for Historical Recovery Period 1A, and dividing by 2. Specifically, the fee rate for Historical CAT Assessment 1A would be calculated by dividing $38,964,855.34 by 11,961,875,098,720.98, and then dividing by 2, which equals $0.00000162871017371542 per executed equivalent shares. Rounding this to six decimal places results in a fee rate of $0.000002 per executed equivalent share.[81] This fee rate is provided in this filing in accordance with the requirement in the CAT NMS Plan to provide the Historical Fee Rate in a fee filing for a Historical CAT Assessment.[82]

(3) Past CAT Costs and Participants

Participants would not be required to pay any fees associated with Historical CAT Assessment 1A as the Participants previously have paid all Past CAT Costs. The CAT NMS Plan explains that:

Because Participants previously have paid Past CAT Costs via loans to the Company, Participants would not be required to pay any Historical CAT Assessment. In lieu of a Historical CAT Assessment, the Participants' one-third share of Historical CAT Costs and such other additional Past CAT Costs as reasonably determined by the Operating Committee will be paid by the cancellation of loans made to the Company on a pro rata basis based on the outstanding loan amounts due under the loans.[83]

The CAT NMS Plan further states that ''Historical CAT Assessments are designed to recover two-thirds of the Historical CAT Costs.'' [84]

[71] Section 11.3(b)(i)(D)(I) and Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

[72] Section 11.3(b)(i)(D)(I) of the CAT NMS Plan. In the CAT Funding Model Approval Order, the SEC stated that ''[i]n the Commission's view, it is appropriate for the Operating Committee to establish the length of the Historical Recovery Period to be no less than 24 months and no more than five years.'' CAT Funding Model Approval Order at 13451.

[73] For example, as the SEC noted in the CAT Funding Model Approval Order, recent Section 31 fees ranged from $0.00007 per share to $0.00072 per share. CAT Funding Model at 13469.

[74] The total CAT costs for 2022 were approximately $186 million and the total CAT costs for 2023 were approximately $233 million.

[75] Note that the proposed 24-month recovery period also recognizes the prohibition on the collection of Historical CAT Assessments after March 31, 2028 as set forth in Section 11.3(f) of the CAT NMS Plan.

[76] Section 11.3(b)(iii)(B)(II)(C) of the CAT NMS Plan.

[77] Section 11.3(b)(i)(E) of the CAT NMS Plan.

[78] CAT Funding Model Approval Order at 13452.

[79] This projection was calculated by multiplying 5,980,937,549,360.49 executed equivalent shares by two.

[80] Section 11.3(b)(iii)(B)(II)(D) of the CAT NMS Plan.

[81] As the SEC noted in approving the CAT Funding Model, the fee filing would provide the exact fee per executed equivalent share and describe the relevant number of decimal places for the fee rate. CAT Funding Model Approval Order at 13445, n.677. The Operating Committee determined to use six decimal places to balance the accuracy of the calculation with the potential systems and other impracticalities of using additional decimal places in the calculation.

[82] Section 11.3(b)(iii)(B)(II)(A) of the CAT NMS Plan.

[83] Section 11.3(b)(ii) of the CAT NMS Plan.

[84] *Id.* In approving the CAT Funding Model, the Commission stated that the proposed allocation of the Historical CAT Assessment solely to CEBSs and CEBBs is appropriate. The Historical CAT Assessment will still be divided into thirds, as the Participants' one-third share of Historical CAT

Continued

(4) Monthly Fees

CEBBs and CEBSs would be required to pay fees for Historical CAT Assessment 1A on a monthly basis for the period in which Historical CAT Assessment 1A is in effect.[85] A CEBB or CEBS's fee for each month would be calculated based on the transactions in Eligible Securities executed by the CEBB or CEBS from the prior month.[86] Proposed paragraph (a)(2)(A) of the fee schedule would state that each CAT Executing Broker would receive its first invoice in June 2026, and ''would receive an invoice each month thereafter in which Historical CAT Assessment 1A is in effect.'' Proposed paragraph (a)(2)(B) of the fee schedule would state that ''Consolidated Audit Trail, LLC shall provide each CAT Executing Broker with an invoice for Historical CAT Assessment 1A on a monthly basis.'' In addition, paragraph (b)(1) of the fee schedule states that each CEBB and CEBS is required to pay its CAT fees ''each month.''

(5) Actual Recovery Period for Historical CAT Assessment 1A

The CAT NMS Plan states that, ''[n]otwithstanding the length of the Historical Recovery Period used in calculating the Historical Fee Rate, each Historical CAT Assessment calculated using the Historical Fee Rate will remain in effect until all Historical CAT Costs for the Historical CAT Assessment are collected.'' [87] Accordingly, Historical CAT Assessment 1A will remain in effect until the remaining $38,964,855.34 of Historical CAT Costs 1 have been collected.[88] The actual recovery period for Historical CAT Assessment 1A may be shorter or longer than Historical Recovery Period 1A depending on the actual executed equivalent share volumes during the time that Historical CAT Assessment 1A is in effect and subject to any time limitation in the CAT NMS Plan.[89]

(6) Consolidated Audit Trail Funding Fees

To implement Historical CAT Assessment 1A, a new section would be added to the Exchange's fee schedule for ''Consolidated Audit Trail Funding Fees'', and it would include the proposed paragraphs described below.

(A) Fee Schedule for Historical CAT Assessment 1A

The CAT NMS Plan states that:

Each month in which a Historical CAT Assessment is in effect, each CEBB and each CEBS shall pay a fee for each transaction in Eligible Securities executed by the CEBB or CEBS from the prior month as set forth in CAT Data, where the Historical CAT Assessment for each transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Historical Fee Rate reasonably determined pursuant to paragraph (b)(i) of this Section 11.3.[90]

Accordingly, based on the factors discussed above, the Exchange proposes to add paragraph (a)(2) to the Consolidated Audit Trail Funding Fees section of its fee schedule. Proposed paragraph (a)(2) would state the following:

(A) Each CAT Executing Broker shall receive its first invoice for Historical CAT Assessment 1A in June 2026, which shall set forth the Historical CAT Assessment 1A fees calculated based on transactions in May 2026, and shall receive an invoice for Historical CAT Assessment 1A for each month thereafter in which Historical CAT Assessment 1A is in effect.

(B) Consolidated Audit Trail, LLC shall provide each CAT Executing Broker with an invoice for Historical CAT Assessment 1A on a monthly basis. Each month, such invoices shall set forth a fee for each transaction in Eligible Securities executed by the CAT Executing Broker in its capacity as a CAT Executing Broker for the Buyer (''CEBB'') and/or the CAT Executing Broker for the Seller (''CEBS'') (as applicable) from the prior month as set forth in CAT Data. The fee for each such transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by the fee rate of $0.000002 per executed equivalent share.

(C) Historical CAT Assessment 1A will remain in effect until $38,964,855.34 is collected from CAT Executing Brokers collectively, which is estimated to be approximately two years, but could be for a longer or shorter period of time. Consolidated Audit Trail, LLC will provide notice when Historical CAT Assessment 1A will no longer be in effect.

(D) Each CAT Executing Broker shall be required to pay each invoice for Historical CAT Assessment 1A in accordance with paragraph (b).

Proposed paragraph (a)(2)(B) of the fee schedule would set forth the fee rate of $0.000002 per executed equivalent share for Historical CAT Assessment 1A, which is calculated as discussed above.

The proposed language in paragraph (a)(2)(B) of the fee schedule would describe when CAT Executing Brokers would receive their first monthly invoice for Historical CAT Assessment 1A. Specifically, CAT Executing Brokers would receive their first monthly invoice for Historical CAT Assessment 1A in June 2026 and the fees set forth in that invoice would be calculated based on transactions executed in the prior month, that is, transactions executed in May 2026. The payment for the first invoice would be required within 30 days after the receipt of the first invoice (unless a longer period is indicated), as described in paragraph (b)(2) of the fee schedule.

Proposed paragraph (a)(2)(A) of the fee schedule also would describe the monthly cadence of the invoices for Historical CAT Assessment 1A. Specifically, after the first invoices are provided to CAT Executing Brokers in June 2026, invoices will be sent to CAT Executing Brokers each month thereafter while Historical CAT Assessment 1A is in effect.

Proposed paragraph (a)(2)(B) of the fee schedule would describe the invoices for Historical CAT Assessment 1A. Proposed paragraph (a)(2)(B) of the fee schedule would state that ''Consolidated Audit Trail, LLC shall provide each CAT Executing Broker with an invoice for Historical CAT Assessment 1A on a monthly basis.'' Proposed paragraph (a)(2)(B) of the fee schedule also would describe the fees to be set forth in the invoices for Historical CAT Assessment 1A. Specifically, it would state that ''[e]ach month, such invoices shall set forth a fee for each transaction in Eligible Securities executed by the CAT Executing Broker in its capacity as a CAT Executing Broker for the Buyer (''CEBB'') and/or the CAT Executing Broker for the Seller (''CEBS'') (as applicable) from the prior month as set forth in CAT Data. The fee for each such transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by the fee rate of $0.000002 per executed equivalent share.''

Costs will be paid by the cancellation of loans made to the Company. CAT Funding Model Approval Order at 13453.

[85] *See* Section 11.3(b)(iii)(A) of the CAT NMS Plan.

[86] *See* proposed paragraph (a)(2)(B) of the fee schedule.

[87] Section 11.3(b)(i)(D)(II) of the CAT NMS Plan.

[88] In approving the CAT Funding Model, the Commission stated that, ''[i]n the Commission's view, it is appropriate for Industry Members to be charged a Historical CAT Assessment until all Historical CAT Costs for the Historical CAT Assessment are collected.'' CAT Funding Model Approval Order at 13452.

[89] Section 11.3(f) of the CAT NMS Plan would prohibit the billing of Historical CAT Assessments after March 31, 2028.

[90] Section 11.3(b)(iii)(A) of the CAT NMS Plan.

Furthermore, proposed paragraph (a)(2)(C) of the fee schedule would describe how long Historical CAT Assessment 1A would remain in effect. It would state that ''Historical CAT Assessment 1A will remain in effect until $38,964,855.34 is collected from CAT Executing Brokers collectively, which is estimated to be approximately two years, but could be for a longer or shorter period of time.'' This proposed paragraph would further state that ''Consolidated Audit Trail, LLC will provide notice when Historical CAT Assessment 1A will no longer be in effect.''

Historical CAT Assessment 1A will be assessed for all transactions executed in each month through the end of the month in which $38,964,855.34 is assessed, and then CAT LLC will provide notice that Historical CAT Assessment 1A is no longer in effect. Since Historical CAT Assessment 1A is a monthly fee based on transaction volume from the prior month, Historical CAT Assessment 1A may collect more than $38,964,855.34. To the extent that occurs, any excess money collected during the final month in which Historical CAT Assessment 1A is in effect will be used to offset future fees and/or to fund the reserve for the CAT.

Finally, proposed paragraph (a)(2)(D) of the fee schedule sets forth the requirement for the CAT Executing Brokers to pay the invoices for Historical CAT Assessment 1A. It would state that ''[e]ach CAT Executing Broker shall be required to pay each invoice for Historical CAT Assessment 1A in accordance with paragraph (b).''

(B) Manner of Payment

Paragraph (b)(1) of the ''Consolidated Audit Trail Funding Fees'' section of its fee schedule describes the manner of payment of Industry Member CAT fees. Paragraph (b)(1) states that ''[e]ach CAT Executing Broker shall pay its CAT fees as required pursuant to paragraph (a) each month to the Consolidated Audit Trail, LLC in the manner prescribed by the Consolidated Audit Trail, LLC.'' The CAT NMS Plan requires the Operating Committee to establish a system for the collection of CAT fees.[91] The Plan Processor has established a billing system for CAT fees.[92] Therefore, the Exchange proposes to require CAT Executing Brokers to pay Historical CAT Assessment 1A in accordance with such system.

(C) Failure To Pay CAT Fees

The CAT NMS Plan further states that:

Participants shall require each Industry Member to pay all applicable fees authorized under this Article XI within thirty (30) days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). If an Industry Member fails to pay any such fee when due (as determined in accordance with the preceding sentence), such Industry Member shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of: (a) the Prime Rate plus 300 basis points; or (b) the maximum rate permitted by applicable law.[93]

Accordingly, the Exchange previously has added this requirement to the Exchange's fee schedule. Specifically, paragraph (b)(2) of the fee schedule states:

Each CAT Executing Broker shall pay the CAT fees required pursuant to paragraph (a) within thirty days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). If a CAT Executing Broker fails to pay any such CAT fee when due, such CAT Executing Broker shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of (i) the Prime Rate plus 300 basis points, or (ii) the maximum rate permitted by applicable law.

The requirements of paragraph (b)(2) would apply to Historical CAT Assessment 1A.

(7) Historical CAT Assessment Details

The CAT NMS Plan states that:

Details regarding the calculation of a CAT Executing Broker's Historical CAT Assessment will be provided upon request to such CAT Executing Broker. At a minimum, such details would include each CAT Executing Broker's executed equivalent share volume and corresponding fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.[94]

Such information would provide CEBBs and CEBSs with the ability to understand the details regarding the calculation of their Historical CAT Assessment.[95] CAT LLC will provide CAT Executing Brokers with these details regarding the calculation of their Historical CAT Assessments on their monthly invoice for the Historical CAT Assessment.

In addition, CAT LLC will make certain aggregate statistics regarding Historical CAT Assessments publicly available. Specifically, the CAT NMS Plan states that, ''[f]or each Historical CAT Assessment, at a minimum, CAT LLC will make publicly available the aggregate executed equivalent share volume and corresponding aggregate fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise on an exchange, and (3) by buy-side transactions and sell-side transactions.'' [96] Such aggregate statistics will be available on the CAT website.

Furthermore, CAT LLC will make publicly available on the CAT website the total amount invoiced each month that Historical CAT Assessment 1A is in effect as well as the total amount invoiced for Historical CAT Assessment 1A for all months since its commencement. CAT LLC also will make publicly available on the CAT website the total costs to be collected from Industry Members for Historical CAT Assessment 1A. By reviewing statistics regarding how much has been invoiced and how much remains to be invoiced for Historical CAT Assessment 1A, Industry Members would have sufficient information to reasonably track how much longer Historical CAT Assessment 1A is likely to be in place.

(8) Billing Implementation

To date, CAT LLC, via FCAT, has billed Industry Members for Historical CAT Assessment 1 and certain Prospective CAT Fees. Industry Members will be billed for Historical CAT Assessment 1A via the same processes established for Historical CAT Assessment 1 and the Prospective CAT

[91] Section 11.4 of the CAT NMS Plan.

[92] The billing process and system are described in CAT Alert 2023–02 as well as the CAT FAQs related to the billing of CAT fees, the Industry Member CAT Reporter Portal User Guide, the FCAT Industry Member Onboarding Guide, the FCAT Connectivity Supplement for Industry Members and the CAT Billing Webinars (dated Sept. 28, 2023, and Nov. 7, 2023), each available on the CAT website.

[93] Section 11.4 of the CAT NMS Plan.

[94] Section 11.3(a)(iv)(A) of the CAT NMS Plan.

[95] In approving the CAT Funding Model, the Commission stated that, ''[i]n the Commission's view, providing CAT Execut[ing] Brokers information regarding the calculation of their CAT Fees will aid in transparency and permit CAT Execut[ing] Brokers to confirm the accuracy of their invoices for CAT Fees.'' CAT Funding Model Approval Order at 13454.

[96] Section 11.3(a)(iv)(B) of the CAT NMS Plan. In approving the CAT Funding Model, the Commission stated that ''[t]he publication of the aggregate executed equivalent share volume and aggregate fee is appropriate because it would allow Participants and CAT Executing Brokers a high-level validation of executed volume and fees.'' CAT Funding Model Approval Order at 13454.

Fees. Accordingly, Industry Members have substantial experience with the CAT billing processes.

(9) Financial Accountability Milestones

The CAT NMS Plan states that ''[n]o Participant will make a filing with the SEC pursuant to Section 19(b) of the Exchange Act regarding any Historical CAT Assessment until any applicable Financial Accountability Milestone described in Section 11.6 has been satisfied.'' [97] The CAT NMS Plan further states that ''in all filings submitted by the Participants to the Commission under Section 19(b) of the Exchange Act, to establish or implement Post-Amendment Industry Member Fees pursuant to this Article, . . . the Participants shall clearly indicate whether such fees are related to Post-Amendment Expenses incurred during Period 1, Period 2, Period 3, or Period 4.'' [98] As discussed in detail below, all applicable Financial Accountability Milestones for Historical CAT Assessment 1A—that is, Period 1, Period 2 and Period 3 of the Financial Accountability Milestones—have been satisfied. Furthermore, as discussed below, this filing clearly indicates that Historical CAT Assessment 1A relates to Post-Amendment Expenses incurred during Periods 1, 2 and 3 of the Financial Accountability Milestones.

(A) Period 1 of the Financial Accountability Milestones

In accordance with Section 11.6(b) of the CAT NMS Plan, Historical CAT Assessment 1A seeks to recover costs that are related to ''all fees, costs, and expenses (including legal and consulting fees, costs, and expenses) incurred by or for the Company in connection with the development, implementation and operation of the CAT from the effective date of [Section 11.6 of the CAT NMS Plan] until such time as Full Implementation of CAT NMS Plan Requirements has been achieved'' [99] (''Post-Amendment Expenses'') incurred during FAM Period 1. FAM Period 1 began on June 22, 2020, the effective date of Section 11.6 of the CAT NMS Plan, and concluded on July 31, 2020, the date of Initial Industry Member Core Equity and Options Reporting. Section 1.1 of the CAT NMS Plan defines ''Initial Industry Member Core Equity and Options Reporting'' as:

The reporting by Industry Members (excluding Small Industry Members that are not OATS reporters) of both: (a) equities transaction data, excluding Customer Account Information, Customer-ID, and Customer Identifying Information; and (b) options transaction data, excluding Customer Account Information, Customer-ID and Customer Identifying Information.

Under Section 1.1 of the CAT NMS Plan, this Financial Accountability Milestone is considered complete as of the date identified in the Participants' Quarterly Progress Reports.[100] As indicated by the Participants' Quarterly Progress Report for the third quarter of 2020,[101] Initial Industry Member Core Equity and Option Reporting was completed on schedule on July 22, 2020, which is prior to the July 31, 2020 deadline.

Under the FAM Period 1 requirement of Initial Industry Member Core Equity and Options Reporting, Industry Members—excluding Small Industry Members that are not OATS reporters—were required to report two categories of data to the CAT: equites transaction data and options transaction data (both excluding Customer Account Information, Customer-ID, and Customer Identifying Information) by July 31, 2020. Pursuant to exemptive relief provided by the Commission, the Commission authorized the Participants' Compliance Rules to allow core equity reporting for Industry Members (Phase 2a) to begin on June 22, 2020 and core options reporting for Industry Members (Phase 2b) to begin on July 20, 2020.[102]

In adopting the FAMs, the Commission stated that the equities transaction reporting required for FAM Period 1 ''is consistent with the functionality that the Participants describe on the CAT NMS Plan website as 'Production Go-Live for Equities 2a file submission and data integrity validations.' '' [103] The Phase 2a Industry Member Data is described in detail in the SEC's Phased Reporting Exemptive Relief Order, and includes the following data related to Eligible Securities that are equities:

- All events and scenarios covered by OATS, which includes information related to the receipt or origination of orders, order transmittal, and order modifications, cancellations and executions;
- Reportable Events for: (1) proprietary orders, including market maker orders, for Eligible Securities that are equities; (2) electronic quotes in listed equity Eligible Securities (*i.e.,* NMS stocks) sent to a national securities exchange or FINRA's Alternative Display Facility (''ADF''); (3) electronic quotes in unlisted Eligible Securities (*i.e.,* OTC Equity Securities) received by an Industry Member operating an interdealer quotation system (''IDQS''); and (4) electronic quotes in unlisted Eligible Securities sent to an IDQS or other quotation system not operated by a Participant or Industry Member;
- Firm Designated IDs (''FDIDs''), which Industry Members must report to the CAT as required by Sections 6.3(d)(i)(A) and 6.4(d)(ii)(C) of the CAT NMS Plan;
- Industry Members would be required to report all street side representative orders, including both agency and proprietary orders and mark such orders as representative orders, except in certain limited exceptions as described in the Industry Member Technical Specifications;
- The link between the street side representative order and the order being represented when: (1) the representative order was originated specifically to represent a single order received either from a customer or another broker-dealer; and (2) there is (a) an existing direct electronic link in the Industry Member's system between the order being represented and the representative order and (b) any resulting executions are immediately and automatically applied to the represented order in the Industry Member's system;
- Manual and Electronic Capture Time for Manual Order Events;
- Special handling instructions for the original receipt or origination of an order during Phase 2a; and
- When routing an order, whether the order was routed as an intermarket sweep order (''ISO'').

In Phase 2a, Industry Members were not required to report modifications of

[97] Section 11.3(b)(iii)(B)(III) of the CAT NMS Plan.

[98] Section 11.6(b) of the CAT NMS Plan.

[99] Section 11.6 of the CAT NMS Plan.

[100] The Quarterly Progress Reports are available at *https://www.catnmsplan.com/implementation-plan.*

[101] *See* Q3 2020 Quarterly Progress Report (Oct. 30, 2020) and Updated Q3 2020 Quarterly Progress Report (Jan. 29, 2021).

[102] *See* Phased Reporting Exemptive Relief Order. Under the CAT NMS Plan as adopted, the Participants were required, through their Compliance Rules, to require their Large Industry Members to commence reporting Industry Member Data to the Central Repository by November 15, 2018, and to require their Small Industry Members to commence reporting Industry Member Data to the Central Repository by November 15, 2019. Sections 6.7(a)(v) and (vi) of the CAT NMS Plan. The SEC granted exemptive relief from these provisions of the CAT NMS Plan to allow for the phased implementation of Industry Member reporting via five phases addressing the reporting requirements for Phase 2a Industry Member Data, Phase 2b Industry Member Data, Phase 2c Industry Member Data, Phase 2d Industry Member Data and Phase 2e Industry Member Data.

[103] Securities Exchange Act Rel. No. 88890 (May 15, 2020), 85 FR 31322, 31330 n.97 (May 22, 2020) (''FAM Adopting Release'').

a previously routed order in certain limited instances, nor were they required to report a cancellation of an order received from a Customer after the order has been executed.[104]

The Quarterly Progress Report for the third quarter of 2020 states that ''Interim Step: Production Go-Live for Equities 2a file submission and data integrity validation (Large Industry Members and Small OATS Reporters)'' was completed on June 22, 2020. Accordingly, the FAM Period 1 requirement of reporting by Industry Members (excluding Small Industry Members that are not OATS reporters) of ''equities transaction data, excluding Customer Account Information, Customer-ID, and Customer Identifying Information'' was completed on June 22, 2020.

In adopting the FAMs, the Commission stated that the options transaction reporting required for FAM Period 1 is ''consistent with the functionality that the Participants describe on the CAT NMS Plan website as 'Production Go-Live for Options 2b file submission and data integrity validations.' '' [105] The Phase 2b Industry Member Data is described in detail in the SEC's Phased Reporting Exemptive Relief Order, and includes the Industry Member Data related to Eligible Securities that are options and related to simple electronic option orders, excluding electronic paired option orders. A simple electronic option order is an order to buy or sell a single option that is not related to or dependent on any other transaction for pricing and timing of execution that is either received or routed electronically by an Industry Member. Electronic receipt of an order is defined as the initial receipt of an order by an Industry Member in electronic form in standard format directly into an order handling or execution system. Electronic routing of an order is the routing of an order via electronic medium in standard format from one Industry Member's order handling or execution system to an exchange or another Industry Member. An electronic paired option order is an electronic option order that contains both the buy and sell side that is routed to another Industry Member or exchange for crossing and/or price improvement as a single transaction on an exchange. Responses to auctions of simple orders and paired simple orders would be reportable in Phase 2b. Furthermore, combined orders in options would be treated in Phase 2b in the same way as equity representative orders are treated in Phase 2a. A combined order would mean, as permitted by SRO rules, a single, simple order in Listed Options created by combining individual, simple orders in Listed Options from a customer with the same exchange origin code before routing to an exchange. During Phase 2b, the single combined order sent to an exchange must be reported and marked as a combined order, but the linkage to the underlying orders is not required to be reported until Phase 2d.[106]

The Quarterly Progress Report for the third quarter of 2020 states that ''Interim Step: Production Go-Live for Options 2b file submission and data integrity validations'' was completed on July 20, 2020. Accordingly, the FAM Period 1 requirement of reporting by Industry Members (excluding Small Industry Members that are not OATS reporters) of ''options transaction data, excluding Customer Account Information, Customer-ID and Customer Identifying Information'' was completed on July 20, 2020.

As discussed above, the remaining Historical CAT Costs 1 to be recovered via Historical CAT Assessment 1A would include fees, costs and expenses incurred by or for the Company in connection with the development, implementation and operation of the CAT during the period from June 22, 2020 through July 31, 2020. The total costs for this period, as discussed above, are $6,377,343. Participants would remain responsible for one-third of this cost (which they have previously paid), and Industry Members would be responsible for the remaining two-thirds, with CEBBs paying one-third ($2,125,781) and CEBSs paying one-third ($2,125,781) through Historical CAT Assessment 1 and Historical CAT Assessment 1A.

(B) Period 2 of the Financial Accountability Milestones

Historical CAT Assessment 1A seeks to recover costs that are related to Post-Amendment Expenses incurred during FAM Period 2. FAM Period 2 began on August 1, 2020, and concluded on December 31, 2020, the date of the Full Implementation of Core Equity Reporting. Section 1.1 of the CAT NMS Plan defines ''Full Implementation of Core Equity Reporting'' as:

the point at which: (a) Industry Member reporting (excluding reporting by Small Industry Members that are not OATS reporters) for equities transactions, excluding Customer Account Information, Customer-ID, and Customer Identifying Information, is developed, tested, and implemented at a 5% Error Rate or less and with sufficient intra-firm linkage, inter-firm linkage, national securities exchange linkage, and trade reporting facilities linkage to permit the Participants and the Commission to analyze the full lifecycle of an order across the national market system, excluding linkage of representative orders, from order origination through order execution or order cancellation; and (b) the query tool functionality required by Section 6.10(c)(i)(A) and Appendix D, Sections 8.1.1–8.1.3 and Section 8.2.1 incorporates the Industry Member equities transaction data described in condition (a) and is available to the Participants and to the Commission. This Financial Accountability Milestone shall be considered complete as of the date identified in a Quarterly Progress Report meeting the requirements of Section 6.6(c).

Under Section 1.1 of the CAT NMS Plan, this Financial Accountability Milestone is considered complete as of the date identified in the Participants' Quarterly Progress Reports. As indicated by the Participants' Quarterly Progress Report for the fourth quarter of 2020,[107] Full Implementation of Core Equity Reporting was completed on schedule by December 31, 2020.

Specifically, the Full Implementation of Core Equity Reporting requires the satisfaction of two prongs. The first prong requires Participants to have fully implemented the first phase of equities transaction reporting for Industry Members (excluding Small Industry Members that are not OATS reporters) at an Error Rate of less than 5%. In addition, equities transaction data produced by the CAT at this stage must also be sufficiently interlinked so as to permit full analysis of an order's lifecycle across the national market, excluding full linkage of representative orders. As CAT LLC reported on its Quarterly Progress Reports, Phase 2a was fully implemented as of October 26, 2020, including intra-firm, inter-firm, national securities exchange, and trade reporting facilities linkages.[108] In addition to the reporting of Phase 2a Industry Member Data as described above with regard to FAM Period 1, the following linkage data was added to the CAT as described in the Quarterly Progress Reports for the third and fourth quarter of 2020:

[104] Phased Reporting Exemptive Relief Order at 23076–78.

[105] FAM Adopting Release at 31330, n.98.

[106] Phased Reporting Exemptive Relief Order at 23078.

[107] Q4 2020 Quarterly Progress Report (Jan. 29, 2021).

[108] For a description of the requirements of Phases 2a, *see* Phased Reporting Exemptive Relief Order.

• ''Production Go-Live for Equities 2a Intrafirm Linkage validations'' was completed on 7/27/2020; [109]

• ''Production Go-Live for Firm to Firm Linkage validations for Equities 2a (Large Industry Members and Small OATS Reporters)'' was completed on October 26, 2020; and

• ''Production Go-Live for Equities 2a Exchange and TRF Linkage validations (Large Industry Members and Small OATS Reporters)'' was completed on October 26, 2020.

Furthermore, as CAT LLC reported on its Quarterly Progress Report for the fourth quarter of 2020, the average overall error rate for Phase 2a Industry Member Data was less than 5% as of December 31, 2020. The average overall error rate was calculated by dividing the compliance errors by processed records.

The second prong of this FAM requires that the equities transaction data collected by the CAT at this stage be made available to regulators through two basic query tools required by the CAT NMS Plan—a targeted query tool that will enable regulators to retrieve data via an online query screen with a variety of predefined selection criteria, and a user-defined direct query tool that will provide regulators with the ability to query data using all available attributes and data sources.[110] As CAT LLC reported on its Quarterly Progress Reports, the query tool functionality incorporating the data from Phase 2a was available to the Participants and the Commission as of December 31, 2020.[111]

The Commission has determined that the Participants have sufficiently complied with the conditions set forth in the 2020 Orders and with the technical requirements for Quarterly Progress Reports set forth in Section 6.6(c) of the CAT NMS Plan for purposes of determining compliance with this FAM.[112]

As discussed above, the remaining Historical CAT Costs 1 to be recovered via Historical CAT Assessment 1A would include fees, costs and expenses incurred by or for the Company in connection with the development, implementation and operation of the CAT during the period from August 1, 2020 through December 31, 2020. The total costs for this period, as discussed above, are $42,976,478. Participants would remain responsible for one-third of this cost (which they have previously paid), and Industry Members would be responsible for the remaining two-thirds, with CEBBs paying one-third ($14,325,492.70) and CEBSs paying one-third ($14,325,492.70) through Historical CAT Assessment 1 and Historical CAT Assessment 1A.

(C) Period 3 of the Financial Accountability Milestones

Historical CAT Assessment 1A seeks to recover costs that are related to Post-Amendment Expenses incurred during FAM Period 3. FAM Period 3 began on January 1, 2021, and concluded on December 31, 2021, the date of the Full Availability and Regulatory Utilization of Transactional Database Functionality. Section 1.1 of the CAT NMS Plan defines ''Full Availability and Regulatory Utilization of Transactional Database Functionality'' as:

the point at which: (a) reporting to the Order Audit Trail System (''OATS'') is no longer required for new orders; (b) Industry Member reporting for equities transactions and simple electronic options transactions, excluding Customer Account Information, Customer-ID, and Customer Identifying Information, with sufficient intra-firm linkage, inter-firm linkage, national securities exchange linkage, trade reporting facilities linkage, and representative order linkages (including any equities allocation information provided in an Allocation Report) to permit the Participants and the Commission to analyze the full lifecycle of an order across the national market system, from order origination through order execution or order cancellation, is developed, tested, and implemented at a 5% Error Rate or less; (c) Industry Member reporting for manual options transactions and complex options transactions, excluding Customer Account Information, Customer-ID, and Customer Identifying Information, with all required linkages to permit the Participants and the Commission to analyze the full lifecycle of an order across the national market system, from order origination through order execution or order cancellation, including any options allocation information provided in an Allocation Report, is developed, tested, and fully implemented; (d) the query tool functionality required by Section 6.10(c)(i)(A) and Appendix D, Sections 8.1.1–8.1.3, Section 8.2.1, and Section 8.5 incorporates the data described in conditions (b)–(c) and is available to the Participants and to the Commission; and (e) the requirements of Section 6.10(a) are met. This Financial Accountability Milestone shall be considered complete as of the date identified in a Quarterly Progress Report meeting the requirements of Section 6.6(c).

Under Section 1.1 of the CAT NMS Plan, this Financial Accountability Milestone is considered complete as of the date identified in the Participants' Quarterly Progress Reports. As indicated by the Participants' Quarterly Progress Report for the fourth quarter of 2021,[113] Full Availability and Regulatory Utilization of Transactional Database Functionality was completed on schedule by December 31, 2021.

Specifically, the ''Full Availability and Regulatory Utilization of Transactional Database Functionality'' requires the satisfaction of five prongs. The first prong requires that reporting to the Order Audit Trail System (''OATS'') is no longer required for new orders. As CAT LLC reported on its Quarterly Progress Report for the fourth quarter of 2021,[114] FINRA retired OATS effective September 1, 2021.[115] Accordingly, after the retirement of OATS, reporting to OATS was no longer required.

In addition to Phase 2a and Phase 2b Industry Member Data, the second and third prongs of ''Full Availability and Regulatory Utilization of Transactional Database Functionality'' require Industry Member reporting of Phase 2c Industry Member Data and Phase 2d Industry Member Data. The Phase 2c Industry Member Data is described in detail in the SEC's Phased Reporting Exemptive Relief Order. That Order states that ''Phase 2c Industry Member Data'' is Industry Member Data related to Eligible Securities that are equities other than Phase 2a Industry Member Data, Phase 2d Industry Member Data, or Phase 2e Industry Member Data. Specifically, the Phase 2c Industry Member Data includes Industry Member Data that is related to Eligible Securities that are equities and that is related to: (1) Allocation Reports as required to be recorded and reported to the Central Repository pursuant to Section 6.4(d)(ii)(A)(1) of the CAT NMS Plan; (2)

[109] Q3 2020 Quarterly Progress Report (Oct. 20, 2021).

[110] At the time of this FAM, Section 6.10(c)(i)(A) of the CAT NMS Plan required the Plan Processor to ''provide Participants and the SEC with access to all CAT Data stored in the Central Repository'' via an ''online targeted query tool,'' and Appendix D, Sections 8.1.1–8.1.3 of the CAT NMS Plan described the required functionality associated with this regulatory tool. Appendix D, Section 8.2.1 describes the required functionality associated with a user-defined direct query tool that will ''deliver large sets of data that can then be used in internal surveillance or market analysis applications.''

[111] *See* Q3 2020 Quarterly Progress Report (Oct. 30, 2020); Updated Q3 2020 Quarterly Progress Report (Jan. 29, 2021); and Q4 2020 Quarterly Progress Report (Jan. 29, 2021).

[112] Securities Exchange Act Rel. No. 98848 (Nov. 2, 2023), 88 FR 77128, 77129 n.13 (Nov. 8, 2023) (''Settlement Exemptive Order'').

[113] Q4 2021 Quarterly Progress Report (Jan. 17, 2022).

[114] *Id.*

[115] Securities Exchange Act Rel. No. 92239 (June 23, 2021), 86 FR 34293 (June 29, 2021).

quotes in unlisted Eligible Securities sent to an IDQS operated by a CAT Reporter (reportable by the Industry Member sending the quotes) (except for quotes reportable in Phase 2d, as discussed below); (3) electronic quotes in listed equity Eligible Securities (*i.e.,* NMS stocks) that are not sent to a national securities exchange or FINRA's Alternative Display Facility; (4) reporting changes to client instructions regarding modifications to algorithms; (5) marking as a representative order any order originated to work a customer order in price guarantee scenarios, such as a guaranteed VWAP; (6) flagging rejected external routes to indicate a route was not accepted by the receiving destination; (7) linkage of duplicate electronic messages related to a Manual Order Event between the electronic event and the original manual route; (8) special handling instructions on order route reports (other than the ISO, which is required to be reported in Phase 2a); (9) quote identifier on trade events; (10) reporting of LTIDs (if applicable) for accounts with Reportable Events that are reportable to CAT as of and including Phase 2c; (11) reporting of date account opened or Account Effective Date (as applicable) for accounts and reporting of a flag indicating the Firm Designated ID type as account or relationship; (12) order effective time for orders that are received by an Industry Member and do not become effective until a later time; (13) the modification or cancellation of an internal route of an order; and (14) linkages to the customer orders(s) being represented for representative order scenarios, including agency average price trades, net trades, aggregated orders, and disconnected Order Management System (''OMS'')—Execution Management System (''EMS'') scenarios, as required in the Industry Member Technical Specifications.[116]

Phase 2c Industry Member Data also includes electronic quotes that are provided by or received in a CAT Reporter's order/quote handling or execution systems in Eligible Securities that are equities and are provided by an Industry Member to other market participants off a national securities exchange under the following conditions: (1) an equity bid or offer is displayed publicly or has been communicated (a) for listed securities to the ADF operated by FINRA; or (b) for unlisted equity securities to an ''interdealer quotation system,'' as defined in FINRA Rule 6420(c); or (2) an equity bid or offer which is accessible electronically by customers or other market participants and is immediately actionable for execution or routing; *i.e.,* no further manual or electronic action is required by the responder providing the quote in order to execute or cause a trade to be executed). With respect to OTC Equity Securities, OTC Equity Securities quotes sent by an Industry Member to an IDQS operated by an Industry Member CAT Reporter (other than such an IDQS that does not match and execute orders) are reportable by the Industry Member sending them in Phase 2c. Accordingly, any response to a request for quote or other form of solicitation response provided in a standard electronic format (*e.g.,* FIX) that meets this quote definition (*i.e.,* an equity bid or offer which is accessible electronically by customers or other market participants and is immediately actionable for execution or routing) would be reportable in Phase 2c.[117]

The Phase 2d Industry Member Data is described in detail in the SEC's Phased Reporting Exemptive Relief Order. ''Phase 2d Industry Member Data'' is Industry Member Data that is related to Eligible Securities that are options other than Phase 2b Industry Member Data, Industry Member Data that is related to Eligible Securities that are equities other than Phase 2a Industry Member Data or Phase 2c Industry Member Data, and Industry Member Data other than Phase 2e Industry Member Data. Phase 2d Industry Member Data includes with respect to the Eligible Securities that are options: (1) simple manual orders; (2) electronic and manual paired orders; (3) all complex orders with linkages to all CAT-reportable legs; (4) LTIDs (if applicable) for accounts with Reportable Events for Phase 2d; (5) date account opened or Account Effective Date (as applicable) for accounts with an LTID and flag indicating the Firm Designated ID type as account or relationship for such accounts; (6) Allocation Reports as required to be recorded and reported to the Central Repository pursuant to Section 6.4(d)(ii)(A)(1) of the CAT NMS Plan; (7) the modification or cancellation of an internal route of an order; and (8) linkage between a combined order and the original customer orders. Phase 2d Industry Member Data also would include electronic quotes that are provided by or received in a CAT Reporter's order/quote handling or execution systems in Eligible Securities that are options and are provided by an Industry Member to other market participants off a national securities exchange under the following conditions: a listed option bid or offer which is accessible electronically by customers or other market participants and is immediately actionable (*i.e.,* no further action is required by the responder providing the quote in order to execute or cause a trade to be executed). Accordingly, any response to a request for quote or other form of solicitation response provided in standard electronic format (*e.g.,* FIX) that meets this definition is reportable in Phase 2d for options.[118]

Phase 2d Industry Member Data also includes with respect to Eligible Securities that are options or equities (1) receipt time of cancellation and modification instructions through Order Cancel Request and Order Modification Request events; (2) modifications of previously routed orders in certain instances; and (3) OTC Equity Securities quotes sent by an Industry Member to an IDQS operated by an Industry Member CAT Reporter that does not match and execute orders. In addition, subject to any exemptive or other relief, Phase 2d Industry Member Data will include verbal or manual quotes on an exchange floor or in the over-the-counter market, where verbal quotes and manual quotes are defined as bids or offers in Eligible Securities provided verbally or that are provided or received other than via a CAT Reporter's order handling and execution system (*e.g.,* quotations provided via email or instant messaging).[119]

The Quarterly Progress Report for the fourth quarter of 2021 states that ''Phase 2a was fully implemented as of October 26, 2020;'' ''Phase 2b was fully implemented as of January 4, 2021;'' ''Phase 2c was implemented as of April 26, 2021;'' and ''Phase 2d was fully implemented as of December 13, 2021.'' [120] The Quarterly Progress Reports for 2021 provide additional detail regarding the implementation of these steps including the following:

- ''Production Go-Live for Equities 2c reporting requirements (Large Industry Members)'' was completed on April 26, 2021;
- ''LTID Account Information Reporting Go-Live for Phases 2a, 2b and 2c (Large Industry Members)'' was completed on April 26, 2021;
- ''FCAT Plan Processor creates linkages of the lifecycle of order events based on the received data through Phase 2d Production Go-Live for Options 2d reporting requirements

[116] Phase Reporting Exemptive Relief Order at 23078–79.

[117] *Id.* at 23079.

[118] *Id.*

[119] *Id.* at 23079–80.

[120] *See* Q4 2021 Quarterly Progress Report (Jan. 17, 2022).

(Large Industry Members)'' was completed on December 13, 2021;

- ''Production Go-Live for Options 2d reporting requirements (Large Industry Members)'' was completed on December 13, 2021;
- ''Production Go-Live for Options 2b reporting requirements (Small OATS Reporters and Small Non-OATS Reporters)'' was completed on December 13, 2021;
- ''Production Go-Live for Equities 2c reporting requirements (Small OATS Reporters and Small Non-OATS Reporters)'' was completed on December 13, 2021;
- ''Production Go-Live for Options 2d reporting requirements (Small OATS Reporters and Small Non-OATS Reporters)'' was completed on December 13, 2021;
- ''LTID Account Information Reporting Go-Live for Phases 2d (Large Industry Members)'' was completed on December 13, 2021; and
- ''LTID Account Information Reporting Go-Live for Phases 2a, 2b, 2c and 2d (Small Industry Members)'' was completed on December 13, 2021.[121]

The third prong of ''Full Availability and Regulatory Utilization of Transactional Database Functionality'' also imposes an Error Rate requirement of 5% or less. The Quarterly Progress Report for the fourth quarter of 2021 states the average overall error rate was less than 5% as of December 31, 2021. The average overall error rate was calculated by dividing the compliance errors by processed records.

The fourth prong of ''Full Availability and Regulatory Utilization of Transactional Database Functionality'' requires that the data collected by the CAT at this stage be made available to regulators through an online targeted query tool and a user-defined direct query tool. As CAT LLC reported on its Quarterly Progress Report for the fourth quarter of 2021, the query tool functionality incorporating the data from Phases 2a, 2b, 2c and 2d was available to the Participants and to the Commission as of December 31, 2021.[122]

The fifth prong requires the requirements of Section 6.10(a) of the CAT NMS Plan to have been met. Section 6.10(a) of the CAT NMS Plan requires the Participants to use the tools described in Appendix D to ''develop and implement a surveillance system, or enhance existing surveillance systems, reasonably designed to make use of the consolidated information contained in the Central Repository.'' The Exchange implemented a surveillance system, or enhanced existing surveillance systems, reasonably designed to make use of the consolidated information contained in the Central Repository as of December 31, 2021 in accordance with Section 6.10(a) of the CAT NMS Plan.[123]

The Commission has determined that the Participants have sufficiently complied with the conditions set forth in the 2020 Orders and with the technical requirements for Quarterly Progress Reports set forth in Section 6.6(c) of the CAT NMS Plan for purposes of determining compliance with this FAM.[124]

As discussed above, the remaining Historical CAT Costs 1 to be recovered via Historical CAT Assessment 1A would include fees, costs and expenses incurred by or for the Company in connection with the development, implementation and operation of the CAT during the period from January 1, 2021 through December 31, 2021. The total costs for this period, as discussed above, are $144,415,268. Participants would remain responsible for one-third of this cost (which they have previously paid), and Industry Members would be responsible for the remain two-thirds, with CEBBs paying one-third ($48,138,422.70) and CEBSs paying one-third ($48,138,422.70) through Historical CAT Assessment 1 and Historical CAT Assessment 1A.

(D) Additional Considerations Related to the Financial Accountability Milestones

As discussed above, CAT LLC has satisfied the Financial Accountability Milestones (''FAMs'') for Periods 1 through 3.[125] As discussed below, none of the circumstances related to NIA Electronic RFQ Responses, the 2023 Verbal Quotes Exemption, the November 2023 Order, or Executing Broker reporting, affect the conclusion that the FAMs for Periods 1 through 3 were satisfied in a timely fashion.

(i) NIA Electronic RFQ Responses

CAT LLC does not believe that the exemptive relief relating to the reporting of electronic responses for quotes (''RFQs'') that are not immediately actionable (''NIA Electronic RFQ Responses'') affect the conclusion that FAMs 1 through 3 have been satisfied. The only reason CAT LLC pursued this relief is because certain Industry Members introduced concerns that NIA Electronic RFQ Responses could be considered ''orders'' reportable pursuant to Rule 613(j)(8) and some Industry Members were not prepared to report such orders to CAT. Thus, the relief was requested on behalf of Industry Members. CAT LLC itself has not taken any position on whether NIA Electronic RFQ Responses are ''orders,'' as the definition of ''order'' is an SEC rule and the trading processes for NIA Electronic RFQ Responses are the Industry Members', not those of the Participants or CAT LLC. Accordingly, CAT LLC stated in its letter that ''Industry Members must determine whether trading interest falls within the definition of an 'order' for CAT purposes. To the extent an NIA Electronic RFQ Response is not considered an 'order'' as defined in Rule 613(j)(8) and the CAT NMS Plan, it would not be reportable to CAT.'' [126]

Only ''orders'' as defined in SEC Rule 613(j)(8) are reportable to CAT. There is no agreement across the industry or among regulators as to whether NIA Electronic RFQ Responses are ''orders'' reportable to CAT. Certain Industry Members have raised the question as to whether NIA Electronic RFQ Responses are orders, but others have argued that they are not orders under Rule 613(j)(8).[127] Indeed, members of the Advisory Committee, which CAT LLC relies upon for guidance with regard to Industry Member issues, have not had a definitive view on whether NIA Electronic RFQ Responses are orders. As Rule 613(j)(8) is an SEC rule, CAT LLC believes that only the SEC can provide a definitive determination as to if, and under what circumstances, an NIA Electronic RFQ Response is considered an ''order'' reportable to CAT. The issue has persisted for some time. As a result, CAT LLC filed an exemptive request regarding NIA Electronic RFQ Responses for clarity on the interpretive issue. As recently as April 2024,

[121] *See* Q2 2021 Quarterly Progress Report (July 27, 2021); and Q4 2021 Quarterly Progress Report (Jan. 17, 2022).

[122] *See* Q4 2021 Quarterly Progress Report (Jan. 17, 2022).

[123] *See* Q1 2021 Quarterly Progress Report (Apr. 30, 2021); Q2 2021 Quarterly Progress Report (July 27, 2021); Q3 2021 Quarterly Progress Report (Nov. 1, 2021); and Q4 2021 Quarterly Progress Report (Jan. 17, 2022).

[124] Settlement Exemptive Order at 77129 n.13.

[125] In May 2020, the Commission adopted amendments to the CAT NMS Plan that establish four Financial Accountability Milestones and set target deadlines by which these milestones must be achieved. These amendments also reduce the amount of any fees, costs, and expenses that may be recovered from Industry Members if the Participants fail to meet the target deadlines. FAM Adopting Release.

[126] *See* Letter from Brandon Becker, Chair, CAT NMS Plan Operating Committee to Vanessa Countryman, Secretary, Commission (Feb. 13, 2024) at 2.

[127] *See, e.g.,* Letter from Howard Meyerson, Managing Director, FIF, to Sai Rao, Counsel for Trading and Markets, Office of the Chair (Apr. 25, 2024).

Industry Members have re-raised this issue stating that the SEC agrees that it must provide additional guidance on this interpretive issue to resolve the CAT reporting issue for NIA Electronic RFQ Responses:

As further discussed in the prior FIF letters, even if the Commission had the legal authority to require the reporting of NIA RFQ responses to CAT without an amendment to Rule 613, the Commission has not provided guidance to industry members as to the conditions under which NIA RFQ responses would be reportable to CAT. In subsequent discussions with industry members, Commission representatives have agreed that, prior to NIA RFQ responses being reportable to CAT, it would be necessary for the Commission to provide further guidance to industry members as to the conditions under which NIA RFQ responses would be reportable to CAT.[128]

On May 20, 2024, the Commission granted CAT LLC's request for exemptive relief from certain CAT reporting requirements pertaining to NIA Electronic RFQ Responses to the extent such responses are considered ''orders'' reportable pursuant to Rule 613(j)(8).[129] The Commission, however, did not provide additional guidance regarding the conditions under which NIA Electronic RFQ Responses would be reportable to CAT. The Commission stated in its exemptive order that ''[t]o the extent that the Participants are availing themselves of exemptive relief from a CAT NMS Plan requirement, such requirement shall not be included in the requirements for the Financial Accountability Milestones, provided that any conditions of the exemption are satisfied.'' [130]

When the Commission proposed the FAMs, the Participants expressed concern that, ''by conditioning the ability of CAT LLC and the Participants to collect Post-Amendment Industry Member Fees on factors dependent on the efforts of Industry Members, the Commission's proposals inadvertently establish a perverse incentive for Industry Members to devote less than maximum efforts to comply with their obligations related to the CAT as they will pay less fees in such instances.'' [131] The Participants further warned that ''Industry Members may request or require unanticipated reporting delays to address Industry Member implementation issues or concerns,'' but that, ''[f]aced with financial penalties for missed deadlines, the Participants may not be able to fully address legitimate industry concerns or accommodate requests for delays with respect to future deadlines.'' [132] CAT LLC has engaged in good faith to help address NIA Electronic RFQ Responses and other concerns relevant to the ability of Industry Members to meet their CAT reporting obligations. CAT LLC should not be penalized financially for seeking in good faith to resolve a difficult interpretive issue for the benefit of Industry Members.

(ii) 2023 Verbal Quotes Exemption

CAT LLC does not believe that the Commission's May 19, 2023 order granting temporary exemptive relief relating to certain verbal floor activity and unstructured verbal and electronic upstairs activity (the ''2023 Verbal Quotes Exemption'') affects the conclusion that FAMs 1 through 3 have been satisfied. The 2023 Verbal Quotes Exemption, which was issued on May 19, 2023, is not relevant for purposes of FAM Periods 1 through 3, which only cover the period through December 31, 2021. The relevant exemption for this time period is the Commission's November 12, 2020 order, which granted relief for the same activity through July 31, 2023 (the ''2020 Verbal Quotes Order'').[133] The Commission has stated that, ''to the extent that the Participants are availing themselves of exemptive relief from a CAT NMS Plan requirement, such requirement shall not be included in the requirements for a Financial Accountability Milestone, provided that the conditions of the exemption are satisfied.'' [134] Here, the 2020 Verbal Quotes Order was in effect and the conditions of the exemption were satisfied as of December 31, 2021, and therefore may be relied upon for purposes of determining compliance with FAM Periods 1 through 3.[135]

(iii) November 2023 Order

CAT LLC does not believe that the Commission's November 2, 2023 order granting relief from certain CAT NMS Plan requirements (the ''November 2023 Order'') affects the conclusion that FAMs 1 through 3 have been satisfied. The November 2023 Order is not relevant for purposes of FAM Periods 1 through 3, which only cover the period through December 31, 2021. As described in the November 2023 Order, the relevant exemptive orders for this time period were issued on December 16, 2020, which also states that ''the Commission has determined that the Participants have sufficiently complied with the conditions set forth in the prior Orders and with the technical requirements for Quarterly Progress Reports set forth in section 6.6(c) of the CAT NMS Plan, including for purposes of determining compliance with any applicable Financial Accountability Milestones.'' [136] The November 2023 Exemption Order is consistent with the Commission's repeated statements in the FAM adopting release that it would have ''authority to grant exemptive relief from any requirement associated with a particular Financial Accountability Milestone,'' citing Section 36 of the Exchange Act and Rule 608.[137] Similarly, the CAT NMS Plan expressly contemplates the Commission's ability to grant exemptive relief from any CAT NMS Plan requirement.[138]

[128] *Id.*

[129] Securities Exchange Act Rel. No. 100181 (May 20, 2024), 89 FR 45715 (May 23, 2024).

[130] *Id.* at n.11.

[131] *See* Letter from Michael Simon, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission at 9 (Oct. 28, 2019).

[132] *Id.* at 10.

[133] Securities Exchange Act Rel. No. 90405, 85 FR 73544 (Nov. 18, 2020) (the ''2020 Verbal Quotes Exemption'').

[134] *See, e.g.,* Securities Exchange Act Rel. No. 89051 (June 11, 2020), 85 FR 36631, 36633 (June 17, 2020). The straightforward reading of the Commission's statement is that compliance with the conditions of an exemption will be measured as of the deadline for a particular FAM Period.

[135] As a condition to the 2020 Verbal Quotes Exemption, the Commission required that the Participants provide a written status update on the reporting of these quotes and orders by July 31, 2022, including the estimated costs of reporting these quotes and orders and an implementation plan for the reporting of these quotes and orders. As noted, the 2020 Verbal Quotes Order was in effect and the conditions of the exemption were satisfied as of December 31, 2021, and therefore may be relied upon for purposes of determining compliance with FAM Periods 1 through 3. In any event, on June 3, 2022, the Participants provided the required written status update. *See* Letter from Michael Simon, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission (June 3, 2022).

[136] *Id.* at 77129 n.12.

[137] FAM Adopting Release at 31335 (May 22, 2020). Section 36 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.'' 15 U.S.C. 78mm(a)(1). Under Rule 608(e) of Regulation NMS, the Commission may ''exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanism of, a national market system.'' 17 CFR 242.608(e).

[138] Section 12.3 of the CAT NMS Plan (''[T]o the extent the SEC grants exemptive relief applicable to any provision of this Agreement, Participants and Industry Members shall be entitled to comply with such provision pursuant to the terms of the exemptive relief so granted at the time such relief

Continued

(iv) Executing Broker Reporting

CAT LLC also completed the requirements of FAM Period 2, including the required linkages, by December 31, 2020. Although Participant exchanges may report the Executing Broker to CAT differently in certain situations, these reporting differences are irrelevant for linkage purposes as the fields used for CAT Executing Broker are not used for linkage.

(10) Additional Support for Reasonableness of Historical CAT Costs

The CAT Funding Model approved by the Commission permits the recovery of reasonable costs in each of the categories of CAT costs sought to be recovered via Historical CAT Assessment 1A.[139] As described in detail above and in further detail below, the CAT costs to be recovered for each category are reasonable. The following discusses in further detail how each of the following costs are reasonable: (1) costs incurred prior to the effective date of the CAT NMS Plan; (2) cloud hosting services costs; (3) costs related to funding model filings; (4) costs related to litigation with the SEC regarding the CAT NMS Plan; (5) costs related to the Initial Plan Processor; (6) CAIS implementation costs; (7) public relations costs; (8) legal costs related to the limitation of liability provision in the CAT Reporter agreements; and (9) costs for the Chair of CAT Operating Committee. As discussed in detail below, each of these costs is reasonable and should be recoverable in accordance with the CAT Funding Model.

(A) Costs Incurred Prior to the Effective Date of CAT NMS Plan

CAT LLC believes that it is reasonable to seek recovery of costs incurred prior to when the CAT NMS Plan became effective in November 2016, such as legal and consulting fees incurred to create the CAT NMS Plan. Rule 613 specifically mandates that the CAT be created, implemented and maintained, and further provides that the CAT NMS Plan include a proposed allocation of estimated costs to fund the creation, implementation and maintenance of the CAT among the Participants (referred to as ''plan sponsors''), and between the Participants and Industry Members (referred to as ''members of the plan sponsors'').[140] Consistent with Rule 613, the CAT NMS Plan, as approved by the Commission, specifically authorizes charging Industry Members fees for costs reasonably incurred prior to the date of the approval of the CAT NMS Plan by the Commission in November 2016, including legal and consulting costs. Section 11.1(c) of the CAT NMS Plan states that:

[i]n determining fees on Participants and Industry Members the Operating Committee shall take into account fees, costs and expenses (including legal and consulting fees and expenses) reasonably incurred by Participants on behalf of the Company prior to the Effective Date in connection with the creation and implementation of the CAT.

Accordingly, the CAT NMS Plan specifically permits the recovery of costs, including legal and consulting costs, reasonably incurred prior to November 2016 in connection with the creation and implementation of the CAT.

Furthermore, the costs incurred to create and implement the CAT prior to the effective date of the CAT NMS Plan (''Pre-Formation Costs'') were reasonable both in scope and amount, in accordance with the requirements of Section 11.1(c) of the CAT NMS Plan. During the four-year period from 2012 to 2016, a total of $13,842,881 in Pre-Formation Costs were incurred. This is an average of approximately $3.5 million per year over this period. The Pre-Formation Costs fell into three categories: legal costs, consulting costs and public relations costs. This includes legal costs of $3,196,434; consulting costs of $10,589,273; and public relations costs of $57,174. The legal, consulting and public relations services were performed by WilmerHale, Deloitte and Peppercomm, respectively. The selection considerations and fees for these three firms are described in detail above and are described further below. The Pre-Formation Costs are direct costs of CAT, which have been funded entirely by the Participants through non-interest-bearing notes. The Pre-Formation Costs do not include the significant costs incurred by each of the individual Participants in responding to the adoption of Rule 613.

The Pre-Formation Costs are reasonable and appropriate as they reflect the extensive efforts that were necessary to create the CAT NMS Plan as mandated after the SEC's adoption of Rule 613. As described in more detail below, these efforts included, among other things, developing a plan for selecting the Plan Processor, soliciting and evaluating bids, engaging a diverse set of market participants and the SEC in the development of the Plan, interacting with the SEC in their oversight of the development of the Plan, and seeking appropriate exemptive relief to address areas of concern in Rule 613.[141]

(i) Request for Proposal (''RFP'')

The Participants determined to utilize an RFP to ensure that potential alternative solutions for creating the Plan could be presented and considered, and that a detailed and meaningful cost-benefit analysis could be performed. The SEC supported the use of an RFP, and approved its use as it is described in extensive detail in the CAT NMS Plan.[142]

In the context of the SEC's adoption of Rule 613, commenters urged the Commission to utilize an RFP process to assist in the planning and design of the NMS plan.[143] Specifically, the Commission explained:

In this regard, several commenters suggested that the Commission undergo a RFP or request for information (''RFI'') process to create and implement a consolidated audit trail. Specifically, FIF urged the Commission to perform a RFP process ''to determine the best technical solution for developing a consolidated audit trail.'' FIF suggested that the Commission ''should outline a set of goals and guiding principles they are striving to achieve as part of the adopted CAT filing and leave the determination of data elements and other technical requirements to [an] industry working group.'' Similarly, Direct Edge suggested that Commission staff should form and engage in a working group to develop an RFP for publication by the Commission. DirectEdge explained that an RFP process would facilitate the identification of the costs and benefits of the audit trail, as well as the consideration of a wider range of

is granted irrespective of whether this Agreement has been amended.'')

[139] *See* Sections 11.1(a)(i) and 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

[140] *See, e.g.,* Rule 613(a)(1)(vii)(D) of the CAT NMS Plan.

[141] The Participants described in detail the process for drafting the CAT NMS Plan in its original filing of the CAT NMS Plan. *See* Letter from Mike Simon, on behalf of the Participants of the CAT NMS Plan, to Brent J. Fields, Secretary, Commission (Sept. 30, 2014). A non-exclusive list of filings and activities associated with CAT, including certain pre-2016 filings, are available on the SEC's website: *https://www.sec.gov/divisions/marketreg/rule613-info.*

[142] *See* detailed discussion of RFP questions in Appendix C of the CAT NMS Plan, and incorporation of RFP requirements in Appendix D at D–2.

[143] For example, in its comments on proposed Rule 613, FIF suggested ''that the SROs should select the processor through a 'request for proposal.' '' Rule 613 Adopting Release at 45785.

technological solutions. Further, commenters, including Broadridge Financial Solutions, Inc., a technology provider, also requested more specific information about the audit trail system to better assess the Commission's initial cost estimates and to determine the best approach to the consolidated audit trail.[144]

In response to these comments, the Commission modified Rule 613 to require the Participants to address certain important considerations regarding the features and details of the NMS plan and to extend the timeframe for submission of the CAT NMS Plan by the Participants from the 90 days as originally proposed to 270 days, in part, to accommodate a process that would address these considerations.[145] As the SEC noted, ''[i]n light of the numerous specific requirements of Rule 613, the Participants concluded that publication of a request for proposal ('RFP') was necessary to ensure that potential alternative solutions to creating the consolidated audit trail can be presented and considered by the Participants and that a detailed and meaningful cost/benefit analysis can be performed, both of which are required considerations to be addressed in the CAT NMS Plan.'' [146]

The SEC specifically recognized that the Participants planned to use an RFP when it approved the Selection Plan, and stated that the RFP was a reasonable approach.[147] As the SEC described in its approval order for the Selection Plan, ''[t]he Participants filed the [Selection] Plan to govern how the SROs will proceed with formulating and submitting the CAT NMS Plan—and, as part of that process, how to review, evaluate, and narrow down the bids submitted in response to the RFP ('Bids')—and ultimately choosing the plan processor that will build, operate, and maintain the consolidated audit trail ('Plan Processor').'' [148] After evaluating the Selection Plan, including the use of an RFP process, the Commission stated that it ''believes the [Selection] Plan is reasonably designed to govern the process by which the SROs will formulate and submit the CAT NMS Plan, including the review, evaluation, and narrowing down of Bids in response to the RFP, and ultimately choosing the Plan Processor that will build, operate, and maintain the consolidated audit trail.'' [149]

On February 26, 2013, the Participants published an RFP soliciting bids from parties interested in serving as the plan processor for the CAT. Initially, 31 firms submitted intentions to bid. In the following months, the Participants engaged with potential bidders with respect to, among other things, the selection process, selection criteria, and potential bidders' questions and concerns. On March 21, 2014, the Participants received ten bids in response to the RFP.

(ii) Selection Plan

On September 4, 2013, the Participants filed with the Commission a national market system plan to govern the process for Participant review of the bids submitted in response to the RFP, the procedures for evaluating the bids, and, ultimately, selection of the plan processor (the ''Selection Plan'').[150] The Commission approved the Selection Plan as filed on February 21, 2014.[151] In approving the Selection Plan, the Commission concluded that ''it is reasonably designed to achieve its objective of facilitating the development of the CAT NMS Plan and the selection of the Plan Processor.'' [152]

The Selection Plan divided the review and evaluation of bids, and the selection of the plan processor, into various stages. Specifically, pursuant to the Selection Plan, a selection committee reviewed all bids and determined which bids contained sufficient information to allow the Participants to meaningfully assess and evaluate the bids. The ten submitted bids were deemed ''Qualified Bids,'' and so passed to the next stage, in which each bidder presented its bids to the Participants on a confidential basis. On July 1, 2014, after conducting careful analysis and comparison of the bids, the Selection Committee voted and selected a shortlist of six eligible bidders. The Selection Committee determined which shortlisted bidders would be provided the opportunity to revise their bids. After the Selection Committee assessed and evaluated the revised bids, the Selection Committee selected the plan processor via two rounds of voting by the Participants, as described in the Selection Plan.

The Selection Plan established an Operating Committee responsible for formulating, drafting, and filing with the Commission the CAT NMS Plan and for ensuring that the Participants' joint obligations under Rule 613 were met in a timely and efficient manner. In formulating the CAT NMS Plan, the Participants also engaged multiple persons across a wide range of roles and expertise, engaged the consulting firm Deloitte as project manager, and engaged the law firm WilmerHale to serve as legal counsel in drafting the Plan. Within this structure, the Participants focused on, among other things, comparative analyses of the proposed technologies and operating models, development of funding models to support the building and operation of the CAT, and detailed review of governance considerations. Given the complexity and scope of developing the CAT NMS Plan, these efforts were extensive.

When it approved the CAT NMS Plan in 2016, the Commission reiterated its belief that the Selection Plan remains a ''reasonable approach,'' that ''the competitive bidding process to select the Plan Processor is a reasonable and effective way to choose a Plan Processor,'' and that ''the process set forth in the Selection Plan should be permitted to continue'':

In approving the Selection Plan, the Commission stated that the Selection Plan is reasonably designed to achieve its objective of facilitating the development of the CAT NMS Plan and the selection of the Plan Processor. The Commission also found that the Selection Plan is reasonably designed to govern the process by which the SROs will formulate and submit the CAT NMS Plan, including the review, evaluation, and narrowing down of Bids in response to the RFP, and ultimately choosing the Plan Processor that will build, operate, and maintain the consolidated audit trail. The Commission believes that the process set out in the Selection Plan for selecting a Plan Processor remains a reasonable approach, which will facilitate the selection of Plan Processor through a fair, transparent and competitive process and that no modifications to the Selection Plan are required to meet the approval standard. . . . In response to the comment that offered support for a specific Bidder, the Commission agrees with the Participants that the competitive bidding process to select the Plan Processor is a reasonable and effective way to choose a Plan Processor and thus believes that the process set forth in the Selection Plan should be permitted to continue.[153]

[144] Rule 613 Adopting Release at 45738–39.

[145] Rule 613 Adopting Release at 45739.

[146] Securities Exchange Act Rel. No. 71596 (Feb. 21, 2014), 79 FR 11152, 11152 (Feb. 27, 2014) (''Selection Plan Approval Order'').

[147] *Id.*

[148] *Id.* at 11153

[149] *Id.* at 11159.

[150] *See* Securities Exchange Act Rel. No. 70892 (Nov. 15, 2013), 78 FR 69910 (Nov. 21, 2013).

[151] *See* Selection Plan Approval Order.

[152] Selection Plan Approval Order at 11160.

[153] *See* CAT NMS Plan Approval Order at 84737.

(iii) Engagement With Market Participants and SEC

During the process of developing the CAT NMS Plan, the Participants engaged in extensive and meaningful dialogue with market participants and the SEC. To this end, the Participants created a website to update the public on the progress of the CAT NMS Plan, published a request for comment on multiple issues related to the Plan, held multiple public events to inform the industry of the progress of the CAT and to address inquiries, and formed, and later expanded, a DAG to solicit more input from a representative industry group.[154]

The DAG included representatives of Participants and Industry Members and conducted meetings to discuss, among other things, technical and operational aspects the Participants were considering for the Plan. The Participants issued press releases soliciting participants for the DAG, and a wide spectrum of firms was deliberately chosen to provide insight from various industry segments affected by CAT. The DAG meetings included discussions of topics such as option market maker quote reporting, requirements for capturing Customer IDs, timestamps and clock synchronization, reporting requirements for order handling scenarios, costs and funding, error handling and corrections, and potential elimination of systems made redundant by the CAT. From the inception of the DAG through September 2014, the DAG participated in 36 meetings, as well as a variety of DAG subcommittee meetings.

(iv) Request for Exemption From Certain Requirements Under Rule 613

Following multiple discussions between the Participants and both the DAG and the bidders, as well as among the Participants themselves, the Participants recognized that some provisions of Rule 613 would not permit certain solutions to be included in the Plan that the Participants, in coordination with the DAG, determined advisable to effectuate the most efficient and cost-effective CAT. Specifically, ''the SROs reached the conclusion that additional flexibility in certain of the minimum requirements specified in Rule 613 would allow them to propose a more efficient and cost-effective approach without adversely affecting the reliability or accuracy of CAT Data, or its security and confidentiality.'' [155] Consequently, the Participants submitted a request for exemptive relief from certain provisions of Rule 613 regarding: (1) options market maker quotes; (2) Customer-IDs; (3) CAT-Reporter-IDs; (4) CAT-Order-IDs on allocation reports; and (5) timestamp granularity.[156] The Participants filed two supplements to the request for exemptive relief.[157]

After reviewing the exemptive request, the Commission determined that it was appropriate in the public interest and consistent with the protection of investors to grant the requested exemptive relief.[158] In granting the exemptive relief, the Commission stated:

[T]he Commission is persuaded to provide flexibility in the discrete areas discussed in the Exemption Request so that the alternative approaches can be included in the CAT NMS Plan and subject to notice and comment. Doing so could allow for more efficient and cost-effective approaches than otherwise would be permitted. The Commission at this stage is not deciding whether the proposed approaches detailed below are more efficient or effective than those in Rule 613. However, the Commission believes the proposed approaches should be within the permissible range of alternatives available to the SROs.[159]

The Commission further stated that the requested exemptive relief is consistent with the protection of investors. The Commission noted that:

Doing so will provide the public an opportunity to consider and comment on whether these proposed alternative approaches would indeed be more efficient and cost-effective than those otherwise required by Rule 613, and whether such approaches would adversely affect the reliability or accuracy of CAT Data or otherwise undermine the goals of Rule 613. Moreover, if—as the SROs represent—efficiency gains and cost savings would result from including the proposed approaches in the CAT NMS Plan without adverse effects, then the resultant benefits could potentially flow to investors (*e.g.,* lower broker-dealer reporting costs resulting in fewer costs passed on to Customers).[160]

The Participants incorporated the exemptive relief into the proposed CAT NMS Plan, which was noticed for comment, and the Commission ultimately approved the CAT NMS Plan with the more efficient and cost-effective alternative approaches described in the exemptive relief. Accordingly, the Participants believe that the costs incurred in developing the exemptive request were critical to the creation of a better CAT than was originally contemplated by Rule 613, and therefore should be recoverable as part of Historical CAT Assessment 1A.

(v) Request for Extensions for Filing the CAT NMS Plan

Rule 613(a)(1) under Regulation NMS required the Participants to jointly file the CAT NMS Plan on or before April 28, 2013, less than a year after the adoption of Rule 613. In recognition of the complexity of the project to create the CAT NMS Plan as well as industry interest in limiting or eliminating certain requirements of Rule 613 (*e.g.,* addressing the reporting of options market maker quotes), the Participants requested two extensions of the deadline to file the CAT NMS Plan. The Participants described the need for additional time as follows:

The SROs stated in their Request Letter that they do not believe that the 270-day time period provided for in Rule 613(a)(1) provides sufficient time for the development of the RFP, formulation and submission of bids, and review and evaluation of such bids. The SROs also stated that they believe additional time beyond the 270 days provided for in Rule 613(a)(1) is necessary in order to provide sufficient time for effective consultation with and input from the industry and the public on the proposed solution chosen by the SROs for the creation of the consolidated audit trail at the conclusion of the RFP process and the NMS plan itself.[161]

In recognition of the need for additional time to refine the technical description of and requirements for the CAT and to allow for additional evaluation of the proposed cost and funding considerations, the SEC granted two extensions of this deadline.[162] The SEC determined that both extensions

[154] *See* Section D(11) of Appendix C of the CAT NMS Plan.

[155] Securities Exchange Rel. No. 77265 (Mar. 1, 2016), 81 FR 11856 (Mar. 7, 2016) (''2016 Exemptive Order'').

[156] Letter from Robert Colby, FINRA, on behalf of the SROs, to Brent J. Fields, Secretary, Commission (Jan. 30, 2015).

[157] *See* Letter from Robert Colby, FINRA, on behalf of the SROs, to Brent J. Fields, Secretary, Commission (Apr. 3, 2015); Letter from the SROs to Brent J. Fields, Secretary, Commission (Sept. 2, 2015).

[158] *See* 2016 Exemptive Order.

[159] *Id.* at 11857.

[160] *Id.*

[161] Securities Exchange Act Rel. No. 69060 (Mar. 7, 2013),78 FR 15771, 15772 (Mar. 12, 2013) (''March 2013 Exemptive Order'').

[162] *See* March 2013 Exemptive Order; Securities Exchange Act Rel. No. 71018 (Dec. 6, 2013), 78 FR 75669 (Dec. 12, 2013) (''December 2013 Exemptive Order'').

were appropriate, in the public interest, and consistent with the protection of investors.[163] In reaching this conclusion, the Commission stated that ''it understands that the creation of a consolidated audit trail is a significant undertaking and that a proposed NMS plan must include detailed information and discussion about many things.'' [164] The SEC also noted the following:

This additional time to complete the RFP process should allow the SROs to engage in a more thoughtful and comprehensive process for the development of an NMS plan. In this regard, the Commission notes that the additional time to solicit comment from the industry and the public at certain key points in the development of the NMS plan could identify issues that can be resolved earlier in the development of the consolidated audit trail and prior to filing the NMS plan with the Commission.[165]

Given the Commission's recognition of the reasonableness and value of the extension of the deadline to file the CAT NMS Plan, the Participants believe that the costs incurred in developing the extension request were important to the process of developing the CAT NMS Plan, and therefore should be recoverable as part of Historical CAT Assessment 1A.

(vi) Submission and Approval of the CAT NMS Plan

After extensive analyses and discussions with the DAG, bidders, market participants and the SEC staff, the Participants finalized the draft of the CAT NMS Plan and filed the CAT NMS Plan with the SEC on September 30, 2014. Following additional discussions, the Participants filed several amendments to the CAT NMS Plan during 2015 and 2016. With these additional changes, the SEC published the CAT NMS Plan for notice and comment in May 2016.[166] Following the comment period, the SEC approved the Plan in November 2016.[167]

(vii) Legal Costs Incurred Prior to the Effective Date of the CAT NMS Plan

The Pre-Formation Costs include legal costs of $3,196,434. The legal services were performed by WilmerHale. The selection considerations and fees for WilmerHale were described in detail above. Prior to the creation of CAT LLC, WilmerHale was engaged to represent the consortium of SROs, not the individual Participants. For administrative purposes, FINRA agreed to receive such legal bills, although such costs were shared among the Participants. Therefore, the legal costs incurred with respect to WilmerHale do not include legal costs incurred by the individual Participants. These pre-formation legal costs are described in detail above and are further described below:

- Analyzed various legal matters associated with the Selection Plan and drafted an amendment to Selection Plan;
- Assisted with the RFP and bidding process for the CAT Plan Processor;
- Analyzed legal matters related to the DAG;
- Drafted the CAT NMS Plan, analyzed various items related to the CAT NMS Plan, and responded to comment letters on the CAT NMS Plan;
- Provided legal support for the formation of the legal entity, the governance of the CAT, including governance support prior to the adoption of the CAT NMS Plan, which involved support for the full committee of exchanges and FINRA as well as subcommittees of this group (*e.g.,* Joint Subcommittee Group, Technical, Industry Outreach, Cost and Funding, and Other Products) and the DAG, and governance support during the transition to the new governance structure under the CAT NMS Plan;
- Drafted exemptive requests;
- Provided interpretations related to the CAT NMS Plan;
- Provided support with regard to discussions among the exchanges, FINRA and other third parties, such as Deloitte;
- Provided tax advice with regard to CAT's status as a tax-exempt organization; and
- Provided support with regard to discussions with the SEC and its staff, including with

respect to addressing interpretive and implementation issues.

(viii) Consulting Costs Incurred Prior to the Effective Date of the CAT NMS Plan

The Pre-Formation Costs include consulting costs of $10,589,273. The consulting services were performed by Deloitte. The selection considerations and fees for Deloitte were described in detail above. Prior to the creation of CAT LLC, for administrative purposes, Deloitte was engaged by FINRA to provide consulting services related to CAT, but the costs were shared by the consortium of SROs per agreement. Therefore, the consulting costs incurred with respect to Deloitte do not include consulting costs incurred by the individual Participants. The pre-formation consulting costs include the following:

- Established and implemented program operations for the CAT project, including the program management office and workstream design;
- Assisted with the Plan Processor selection process, including but not limited to, the development of the RFP and the bidder evaluation process, and facilitation and consolidation of the Participants' independent reviews;
- Assisted with the development and drafting of the CAT NMS Plan, including conducting cost-benefit studies, reviewing technical requirements of other NMS plans, analyzing OATS and CAT requirements, and drafting appendices to the Plan;
- Provided governance support to the CAT, including governance support prior to the adoption of the CAT NMS Plan, which involved support for the full committee of exchanges and FINRA as well as subcommittees of this group (*e.g.,* Joint Subcommittee Group, Technical, Industry Outreach, Cost and Funding, and Other Products) and the DAG;
- Provided support for updating the SEC on the progress of the development of the CAT;
- Provided support for industry outreach sessions, including with regard to program design and agenda development, program support and logistics and coordination; and
- Provided support in fact finding, drafting content and meeting coordination for WilmerHale with regard to the CAT and the development of the CAT NMS Plan.

Such Pre-Formation Costs did not include costs related to the Chair of the CAT NMS Plan Operating Committee, as the CAT NMS Plan had not yet been adopted.

(ix) Public Relations Costs Incurred Prior to the Effective Date of the CAT NMS Plan

The Pre-Formation Costs include public relations costs of $57,174. The public relations services were performed by Peppercomm. The selection considerations and fees for Peppercomm are described in detail above. The costs related to Peppercomm were shared among the SROs. Therefore, the public relations costs do not include public relations costs incurred by the individual Participants. The pre-formation public relations costs include services related to communications with the public regarding the CAT, including monitoring developments related to the CAT (*e.g.,* congressional efforts, public

[163] March 2013 Exemptive Order at 15772; December 2013 Exemptive Order at 75670.

[164] March 2013 Exemptive Order at 15772.

[165] *Id.* at 15773.

[166] *See* Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614 (May 17, 2016).

[167] *See* CAT NMS Plan Approval Order.

comments and reaction to proposals, press coverage of the CAT), reporting such developments to CAT LLC, and drafting and disseminating communications to the public regarding such developments as well as reporting on developments related to the CAT.

(B) Cloud Hosting Services

In approving the CAT Funding Model, the Commission recognized that it is appropriate to recover reasonable costs related to cloud hosting services as a part of Historical CAT Assessments. CAT LLC believes that the costs related to cloud hosting services described in detail above are reasonable and appropriate given the strict data processing timelines and storage requirements imposed by the Commission-approved CAT NMS Plan and should be recoverable as a part of Historical CAT Assessment 1A.

(i) Reasonableness of AWS Costs Given the Requirements of the CAT NMS Plan

CAT LLC believes that the costs for the cloud hosting services are reasonable, both in terms of the level of the fees paid by CAT LLC for cloud hosting services provided by AWS and the scope of the services performed by AWS for CAT LLC. CAT LLC believes that both the scope and amount of the costs for cloud hosting services are reasonable given the current requirements of the CAT NMS Plan adopted pursuant to Rule 613, including the strict data processing timeline, storage and other technical requirements under the Commission-approved CAT NMS Plan.

CAT LLC believes that the level of fees for the cloud hosting services is reasonable, taking into consideration a variety of factors, including the expected volume of data and the breadth of services provided and market rates for similar services.

CAT LLC also believes that the scope of services provided by AWS for the CAT are appropriate given the current requirements of the Commission-approved CAT NMS Plan. As described above, the cloud hosting services costs reflect a variety of factors including, among other things:

- *Breadth of Cloud Activities.* AWS was engaged by FCAT, the Plan Processor, to provide a broad range of services to the CAT, including data ingestion, data management, and analytic tools. Services provided by AWS necessary to the CAT include storage services, databases, compute services, and other services (such as networking, management tools and development operations (''DevOps'') tools). AWS also was engaged to provide the various environments for CAT, such as the development, performance testing, test and production environments, which are required by the CAT NMS Plan.
- *High Data Volume.* The cost for AWS services for the CAT is a function of the volume of CAT Data. While it is not linear, the greater the amount of CAT Data, the greater the cost of AWS services to the CAT. The data volume handled by AWS now far exceeds the original volume estimates for the CAT.
- *Plan Requirements.* The cost for AWS services also reflects the technical requirements necessary to meet the stringent performance and other requirements for processing CAT Data. These Plan-dictated processing timelines, storage, testing, security and other technical requirements are significant drivers of AWS costs.
- *Cost Avoidance Efforts.* CAT LLC and FCAT have engaged in ongoing efforts to seek to avoid and minimize AWS costs where permissible under the Plan. Accordingly, these cost avoidance efforts have limited the extent of AWS costs.

In addition, various requirements of the CAT NMS Plan adopted pursuant to Rule 613 contribute to the significant cloud hosting services costs, and that various Plan requirements could be amended or removed without affecting the regulatory purpose of the CAT. Indeed, CAT LLC has repeatedly sought exemptive relief and filed amendments to the CAT NMS Plan, and has even filed suit against the Commission, to seek to revise or eliminate certain costly requirements related to the CAT. However, despite these efforts, absent the Commission granting exemptive relief or approving cost savings amendments to the CAT NMS Plan, CAT LLC, the Participants and Industry Members are all required to comply with such requirements.

(ii) Effect of CAT Design on CAT Costs

(a) Efficient CAT Design

CAT is reasonably designed to efficiently and effectively utilize cloud computing and storage services, given the requirements of the Commission-approved CAT NMS Plan, including requirements related to security, operational reliance and quality assurance, and maintainability.

The Plan Processor uses state-of-the-art software that meets the strict security standards of the CAT NMS Plan. CAT utilizes a big data processing framework that is extensively used by large data processing companies, such as Apple, Meta, Netflix, IBM and Google. As such, it has substantial commercial support and support in the open-source community. It is also well suited for use with regard to iterative types of algorithms and query functions and analytics that the CAT requires, and it provides the heightened security necessary for the CAT.

The development and implementation of the design of CAT is not and has not been static. CAT LLC and the Plan Processor are always evaluating new innovations and service offerings from AWS and other providers to seek to maximize efficiency and cost avoidance while still satisfying the requirements of the CAT NMS Plan. These efforts have led to substantial savings to date. The cloud hosting costs for 2023 were less than the cloud hosting costs for 2022 by $8 million despite processing seven trillion more events in 2023 due to the efficiency and cost avoidance efforts for cloud hosting services. For example, when AWS introduced new storage options, FCAT adopted the cost-efficient new storage option after establishing that the new offering would satisfy the security and other standards of the CAT NMS Plan. This change led to millions of dollars of savings in storage costs. Similarly, when AWS introduced a new compute processor, FCAT adopted this new compute processor, which lead to millions of dollars in savings in compute costs. However, in other cases, new cloud technology developments could not be implemented in CAT because they would not satisfy the security or other requirements of the CAT NMS Plan.

When evaluating the design of the CAT, it must be kept in mind that the CAT is not a typical commercial technology project. The ability to make use of technology approaches that may lead to cost avoidance is also subject to the restrictive requirements of the CAT NMS Plan, such as processing timeframes, requirements for retention of data versions, query requirements, and security standards. Because such requirements are set forth in the CAT NMS Plan, any modification of such requirements are subject to the time-consuming process of amending the CAT NMS Plan or seeking an exemption from the relevant requirement. For example, CAT LLC recently has filed an amendment to address several of these expensive Plan requirements.[168]

[168] *See, e.g.,* Securities Exchange Act Rel. No. 99938 (Apr.10, 2024), 89 FR 26983 (Apr. 16, 2024); Letter from Brandon Becker, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission (Mar. 27, 2024) (proposing amendments to the CAT NMS Plan for $23 million in annual savings).

(b) CAT Was Designed To Minimize Industry Member Effort

The CAT System also was designed to minimize the extent to which Industry Members would need to alter their systems to report to CAT. During the design process, Industry Member groups argued that it would make more sense financially for the CAT to accommodate differences in industry systems, than for all Industry Members to change their systems. Moreover, such design choices would facilitate consistency, uniformity and accuracy in reporting. Requiring the CAT to make such accommodations may increase CAT costs while accommodating CAT Reporters.

Based on the requirements in the CAT NMS Plan and/or in response to industry requests for functionality to be embedded with the Plan Processor to streamline or limit Industry Member system changes, the CAT has been designed to limit the effect on Industry Members. The following provides examples of such accommodations:

• *Industry Member Reporting.* In light of the complexity of Industry Member market activity, the CAT's order reporting and linkage scenarios document for Industry Members is over 800 pages in length, addressing nearly 200 scenarios.[169] The Industry Member Technical Specifications allow for dozens of specific event types, which drive complexity for the Plan Processor, but streamline reporting for Industry Members. Furthermore, the Plan Processor greatly expanded Industry Member linkage requirements to support, among other things, child events and supplemental events, allowing for ''stateless as-you-go'' and ''batch end-of-day'' reporting when all data is available. Accordingly, CAT takes on the significant cost and effort of providing the required linkages between CAT events; correspondingly, Industry Members are not required to perform this costly task.

• *File Submission Process.* The CAT was designed to accommodate the varying needs of CAT Reporters with regard to the file submission process. For example, in a 2018 letter, FIF stated that ''[t]he SFTP-based submission process is cumbersome, exposes industry members to unnecessary complexity, and puts the burden of support on the CAT Reporter rather than imbedding more functionality into the Plan Processor.'' [170] Currently, FCAT provides two mechanisms for submitting files: SFTP via a private network, and the Web via Reporter Web Portal.

• *Error Corrections.* The industry also emphasized the need for the CAT to provide error correction tools and functionalities to identify, rectify and re-submit corrections within the required timeframe. For example, FIF stated in a 2018 letter the following:

To be clear, if OATS-like error correction tools are not made available on Day 1, hundreds of firms will be required to create and test their own tools or obtain vendor alternatives prior to the CAT Go-Live Date. Proprietary tools will require additional system builds, access to and ingestion of CAT data to perform system validation, and testing which will further stress the limited number of subject matter experts (''SMEs'') dedicated to the implementation of CAT reporting. Should this occur, inevitably firms (especially small firms who lack the necessary IT staff to write code and develop proprietary systems), may be put in the position of passing onto investors the cost required to build hundreds of redundant systems.[171]

CAT provides various tools to help Industry Members identify and rectify errors.

• *Data Ingestion Format.* The industry also recommended that CAT adopt a flexible input format that provides an option for Industry Members to submit data in formats that are already in use to reduce costs and potential reporting errors. For example, FIF argued the following:

FIF CAT WG is not proposing a specific format; rather, we are proposing flexibility of input formats which includes support of existing formats (*e.g.,* OATS, FIX) as well as a baseline specification where all fields are defined, and normalized. The input formats must be clearly and thoroughly defined in Technical Specifications, including FAQs.

Mandating a uniform format for reporting data to the CAT simplifies the task for the Central Repository of consolidating/storing data, but it puts the burden on each CAT Reporter to accurately translate their current (*e.g.,* OATS) reporting information into a uniform CAT interface. However, that is likely to yield more errors because it is very dependent on accurate, complete and timely information (Technical Specifications, FAQs, meta-data, competent CAT help desk) available to CAT Reporters, availability of sophisticated CAT test tools to validate interface protocols, and the skill levels of the estimated 300+ unique CAT Reporters/Submitters during Phase 1 of CAT. Concentrating the responsibility of data conversions with the Central Repository is a reasonable trade-off that should yield fewer errors, and greater accuracy.[172]

CAT provides such a flexible input format.

(c) Effect of Initial Plan Processor Design

The costs for cloud hosting services are appropriate and have not been adversely affected by the original design and approaches of the Initial Plan Processor. FCAT's design costs are the result of the requirements of the Commission-approved CAT NMS Plan.

When FCAT took over as the Plan Processor from Thesys, it utilized certain aspects of the technical specifications created by Thesys in its design. However, FCAT has not maintained aspects of the original design that would not be appropriate for the CAT. FCAT revised and enhanced the original technical specifications of the CAT System to increase its efficiency and efficacy, and to ensure its compliance with the CAT NMS Plan. For example, the Initial Plan Processor's approach utilized many more fields than FCAT's approach, which relies on additional linkages. With the additional linkages, the CAT System takes on more of the CAT-related burdens than the Industry Members. Such an approach serves to facilitate consistency, uniformity and accuracy in reporting.

Moreover, FCAT did not utilize the system built by the Initial Plan Processor; it rebuilt the CAT System based on revised technical specifications. For example, the Initial Plan Processor used an on-premises processing approach which was not geared toward the huge amounts of data stored in the CAT, while FCAT adopted a cloud-based solution in response to such data demands.

Furthermore, given the very short timeframe to develop the CAT System and the prior optimization of certain query tools (*e.g.,* Diver) for regulatory use with significant amounts of data, FCAT determined to rely upon certain existing FINRA tools and adapt them for use with the CAT.

(iii) Consideration of AWS Alternatives

CAT LLC continues to support the selection of AWS as the cloud hosting services provider for CAT given the compliance, operational, and security requirements of the CAT. Independent analyses confirm these conclusions, noting that ''AWS is an excellent choice for either strategic or tactical use and recommends considering AWS for

[169] *See* CAT Industry Member Reporting Scenarios v.4.10 (Oct. 21, 2022).

[170] Letter from Janet Early, FIF, to Thesys CAT (Mar. 29, 2018).

[171] Letter from Christopher Bok, FIF, to Jay Clayton, Chair, Commission at 4 (Dec. 11, 2018).

[172] Letter from Mary Lou Von Kaenel, Managing Director, FIF, to Brent Fields, Secretary, Commission at 92 (July 18, 2016), *https://www.sec.gov/comments/4-698/4698-13.pdf.*

almost all cloud IaaS or IaaS+PaaS scenarios.'' [173] AWS provides the following benefits to CAT, among others:

- *Broad Suitability.* AWS has a long track record of successfully serving cloud customers with mission-critical projects.
- *Proven Scalability.* AWS has demonstrated that it is capable of building and delivering services on a large scale.
- *Track Record of Innovation.* AWS continues to rapidly innovate, both in terms of new domains of capability and at a fundamental level, thereby facilitating innovation for its customers.
- *Resiliency/Dependability.* Another benefit of AWS is its resiliency; it has a strong track record of stable services. As noted in a review of cloud service providers, ''[c]ustomers like to have a broad set of options for resilience and for their cloud providers to have a strong track record of stable services (continuously available, without operational quirks). Only AWS fulfills both desires.'' [174]
- *Technical and Customer Support.* AWS consistently provides high-quality technical and customer support and engagement. Given the size, scope and regulatory importance of CAT, customer support and engagement that CAT has with the highest levels of AWS are very important to the success of the CAT.
- *Scale.* AWS is capable of supporting large-scale solutions, which is critical given the size and magnitude of the CAT.
- *Security.* AWS provides the security features necessary for the CAT.

In addition, the nature of the CAT, including the amount of data it must process and the size of its data footprint, does not allow for a multi-cloud solution as this would be cost prohibitive and greatly increase the security boundary and associated risk profile of the CAT. For example, a multi-cloud hosting option would increase costs, complexity, and risk for operations with regard to, for example, DevOps, production support, and networking. Similarly, with regard to security, a multi-cloud solution would increase risk, including with regard to the need for data transfers between cloud providers and the expansion of the security boundary. With regard to labor, a multi-cloud solution would lose economies of scale due to the need to support unique cloud requirements. Accordingly, the use of a single-cloud solution continues to provide advantages with regard to cost, complexity, and risk. Indeed, ''[t]he best practice is to focus on a single primary strategic provider.'' [175]

Furthermore, if another cloud service provider were determined to be a better match for the CAT at some future date, switching cloud service providers would be a very significant, expensive and time-consuming effort. Such an effort would likely be a 10-to-15-year commitment at a substantial expense. Such a move would require the replication or redesign of the underlying cloud environments (*e.g.,* organizational setup, identify management, accounts, environments, DevOps tooling likes release management/config management/network management), as the new provider likely would not have the same infrastructure and software. Once that process has been completed, an exabyte of CAT data would need to be securely migrated to the new platform.

(C) Funding Model Filings

CAT LLC believes that the recovery of costs related to the development of the funding model is appropriate, and that the amount and scope of such costs, as described above, are reasonable.

Funding the CAT is a critical aspect of Rule 613 and the CAT NMS Plan. Article XI of the CAT NMS Plan describes in detail the requirements for funding the CAT, and the Participants are required to comply with and enforce compliance with the funding requirements of the CAT NMS Plan, just as with other aspects of the Plan. Accordingly, the development and implementation of a funding model for the CAT is as much a part of the requirements of the CAT NMS Plan as the development and operation of the CAT System. CAT LLC sees no reason to distinguish the efforts to develop a funding model from, for example, efforts to develop the CAT System, in seeking to recover reasonable CAT costs.

Moreover, in approving the CAT Funding Model, the Commission recognized that it is appropriate to recover reasonable costs for legal services as a part of Historical CAT Assessments. As approved by the SEC, the CAT NMS Plan states that ''the reasonably budgeted CAT costs shall include . . . legal costs.'' [176] In addition, the CAT NMS Plan also requires Participants to include in their fee filings ''a brief description of the amount and type of the Historical CAT Costs, including . . . legal . . . costs.'' [177] In keeping with these provisions, this filing provides a brief description of reasonably budgeted legal costs above. These legal costs include costs related to the development of the CAT Funding Model.

In addition, the legal costs incurred for the assistance in developing the CAT Funding Model are reasonable in both amount and scope and should be recoverable as a part of Historical CAT Assessment 1A. As described above, the specialized services were performed by experienced counsel at negotiated rates for such services that reflect both the extent of the services and market rates. Moreover, the scope of the legal costs associated with the development of the funding model reflect the complexity of the task in satisfying the detailed requirements of the CAT NMS Plan, the standards of the Exchange Act, and the many perspectives of the different market constituents potentially affected by or interested in the funding model, including Industry Members, Participants and investors. The many and varied comments by market participants on CAT funding over the years demonstrate the complexity of the task.

(D) Costs Related to Litigation With the SEC

CAT LLC believes that the recovery of legal costs related to the litigation with the SEC regarding the CAT NMS Plan is appropriate, and that the amount and scope of such costs, as described above, are reasonable.

As a preliminary matter, as discussed above, the Commission recognized that it is appropriate to recover reasonable costs for legal services as a part of Historical CAT Assessments.[178] Moreover, CAT LLC initiated such litigation, and incurred the related legal costs, because it was critical to address the Commission's interpretations of the CAT NMS Plan. Among other things, such interpretations threatened to impose unnecessary costs on the CAT, which would be borne by the Participants and Industry Members. Indeed, in response to the litigation, the Commission provided exemptive relief that allowed alternative, more cost-effective approaches to the implementation of the CAT. Specifically, in the 2023 exemptive order, the Commission stated:

The conditional exemptive relief in this Order allows for the

[173] *See, e.g.,* Lydia Leong and Adrian Wong, Solution Comparison for Strategic Cloud Integrated IaaS and PaaS Providers (July 28, 2023) (''Strategic Cloud Assessment Article'').

[174] Strategic Cloud Assessment Article.

[175] *Id.*

[176] Section 11.1(a)(i) of the CAT NMS Plan.

[177] Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

[178] *See* Sections 11.1(a)(i) and 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

implementation of alternative regulatory solutions that continue to advance the regulatory goals that Rule 613 and the CAT NMS Plan were intended to promote, while reducing the implementation and operational costs, burdens, and/or difficulties that would otherwise be incurred by the Participants and Industry Members that must fund the CAT.[179]

CAT LLC believes it is reasonable and appropriate to incur costs to limit the need to incur even greater costs due to certain interpretations of the Plan.

In addition, the legal costs incurred during the litigation are reasonable in both amount and scope and should be recoverable as a part of Historical CAT Assessment 1A. As described above, the specialized services were performed by experienced counsel at market rates for such services. As such, the legal costs related to this litigation incurred during the period covered by Historical CAT Assessment 1A were reasonable.

Finally, Industry Members will directly benefit from the result of the litigation because it has addressed CAT NMS Plan requirements that would have imposed significantly greater costs on the CAT. Accordingly, it is reasonable and appropriate that the costs of such litigation be included in Historical CAT Costs 1.

(E) Costs Related to the Initial Plan Processor

CAT LLC believes that it is appropriate to recover costs related to the services performed by the Initial Plan Processor prior to November 15, 2017, which was the date by which Participants were required to begin reporting to the CAT, due to the delay in the commencement of reporting to the CAT. As discussed above, the Participants determined to exclude all CAT costs incurred from November 15, 2017 through November 15, 2018, which includes $37,852,083 in Thesys costs incurred from November 15, 2017 through November 15, 2018 (as well as other CAT costs during this period). The remaining Thesys costs incurred after November 15, 2018 are the $19,628,791 in capitalized developed technology costs for the period from November 16, 2018 through February 2019 incurred in the development of the CAT by the Initial Plan Processor, as well as a transition fee for the transition from the Initial Plan Processor to the successor Plan Processor. The Participants would remain responsible for 100% of these $19,628,791 in costs.

CAT LLC believes that it is appropriate to recover costs related to the services performed by the Initial Plan Processor prior to November 15, 2017. CAT LLC notes that the development and implementation of the CAT System, while unprecedented in scope and design, is like any other large and innovative technology project in that, inevitably, there were adjustments and refinements in the technical approach as the project developed, even with substantial planning efforts and oversight prior to the build. This is even more likely when the project faces a very tight implementation schedule, such as the one imposed by the Commission in Rule 613 and the CAT NMS Plan. However, an adjusted approach does not mean that the funds were not valid expenditures and should not be recovered.

The reasonableness of Thesys costs should be evaluated by the Commission as of the time they were incurred, not in hindsight. As detailed above, the Commission concluded in 2016 that ''the competitive bidding process to select the Plan Processor is a reasonable and effective way to choose a Plan Processor,'' and that ''the process set forth in the Selection Plan should be permitted to continue.'' [180] Following this process, the Participants notified the Commission of the selection of Thesys as the Initial Plan Processor on January 17, 2017.[181] At the time, neither the Commission nor the industry argued that the selection of the Initial Plan Processor was unreasonable or otherwise inconsistent with the CAT NMS Plan, nor did they predict the selection would result in unanticipated delays in the implementation of the CAT System. On the contrary, on April 4, 2017, the President of SIFMA wrote that ''SIFMA looks forward to commencing work with the SROs and Thesys.'' [182]

As noted in the CAT Funding Model Approval Order, the Commission recognized that ''[t]he CAT NMS Plan contemplates that the costs of the CAT are to be allocated between the Participants and Industry Members.'' [183] If the CAT Funding Model had existed on Day 1, the risk of any unanticipated costs or challenges associated with the Initial Plan Processor would have been fairly and reasonably shared among the Participants and Industry Members on an ongoing basis. Given that the Commission concluded in 2012 that the costs of the CAT would be shared by the Participants and Industry Members, it is not fair or reasonable to determine in hindsight that all of the risk involved in developing the CAT should be allocated entirely to the Participants.

(F) CAIS Implementation Costs

CAT LLC believes that the recovery of CAIS-related costs is appropriate, and that the amount and scope of such costs, as described above, are reasonable, and that the reasonableness of historical costs should be evaluated by the Commission as of the time they were incurred, not in hindsight.

In approving the CAT Funding Model, the Commission recognized that it is appropriate to recover reasonable CAIS operating costs as a part of Historical CAT Assessments. As approved by the SEC, the CAT NMS Plan states that ''the reasonably budgeted CAT costs shall include . . . CAIS operating fees.'' [184] In addition, the CAT NMS Plan also requires Participants to include in their fee filings ''a brief description of the amount and type of the Historical CAT Costs, including . . . CAIS operating fees.'' [185] In keeping with these provisions, this filing provides a brief description of reasonably budgeted CAIS operating fees.

In addition, CAT LLC determined that the CAIS operating fees described above are reasonable in both amount and scope and should be recoverable as a part of Historical CAT Assessment 1A. The ''CAIS Operating Costs'' for Historical CAT Costs 1 total $9,480,587, with Pre-FAM costs of $2,072,908, FAM 1 costs of $254,998, FAM 2 costs of $1,590,298, and FAM 3 costs of $5,562,383. As described above, the CAIS operating fees were incurred with regard to two categories of CAIS-related efforts: (1) the acceleration of the reporting of LTIDs; and (2) the development of the CAIS Technical Specifications and the building of CAIS. These two categories of costs are discussed in more detail below.

(i) LTID Reporting

During the period covered by Historical CAT Assessment 1A, the CAIS operating costs included costs related to the acceleration of the reporting of LTIDs earlier than originally contemplated during this period at the request of the SEC and in accordance with exemptive relief

[179] Settlement Exemptive Order at 77129–30.

[180] CAT NMS Plan Approval Order at 84737.

[181] Letter from the Participants to Brent J. Fields, Secretary, SEC (Jan. 18, 2017), *https://www.sec.gov/divisions/marketreg/rule613-info-notice-of-plan-processor-selection.pdf*.

[182] Letter from Kenneth E. Bentsen, Jr., SIFMA, to Participants re: Selection of Thesys as CAT Processor (Apr. 4, 2017), *https://www.sifma.org/wp-content/uploads/2017/05/SIFMA-Submits-Comment-Letter-to-SRO-on-the-selection-of-Thesys-as-the-CAT-Processor.pdf*.

[183] CAT Funding Model Approval Order at 13421.

[184] Section 11.1(a)(i) of the CAT NMS Plan.

[185] Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

granted by the SEC.[186] As the SEC approved in this exemptive relief, the Participants proposed ''to require the reporting of LTIDs to the CAT in Phases 2c and 2d, instead of with the rest of Customer Account Information in Phase 2e, which potentially could result in an earlier elimination of broker-dealer recordkeeping, reporting and monitoring requirements of the Large Trader Rule.'' [187] To implement the reporting of LTIDs to the CAT, the following steps were taken during the period covered by Historical CAT Assessment 1A:

- After FCAT developed the LTID Technical Specifications, the LTID Technical Specifications were published on January 31, 2020, with additional updates provided to the LTID Technical Specifications through April 2021.[188]
- The LTID account information testing environment opened on August 24, 2020.
- The LTID account information reporting production environment opened on December 14, 2020.
- CAT Reporters were required to request their production readiness certification for account information related to LTIDs by the deadline of April 9, 2021.
- The LTID account information reporting for Phases 2a, 2b and 2c for Large Industry Members went live on April 26, 2021.
- The LTID account information reporting for Phases 2d for Large Industry Members went live on December 13, 2021.
- The LTID account information reporting for Phases 2a, 2b, 2c and 2d for Small Industry Members went live on April 26, 2021.

Throughout this project, FCAT and CAT LLC worked closely with the industry on LTID and CAIS reporting. Between December 2019 and December 2021, at least 57 checkpoint calls, webinars, and technical working group meetings with industry representatives were hosted to address issues and to educate CAT Reporters regarding LTID and CAIS reporting.[189]

The LTID reporting project was successfully completed in a timely fashion, and the fees related to the project were reasonable. Accordingly, CAT LLC appropriately seeks to recover such costs via Historical CAT Assessment 1A.

(ii) CAIS Reporting

During the period covered by Historical CAT Assessment 1A, FCAT began the development of the full CAIS Technical Specifications and the building of CAIS. The CAIS Technical Specifications were developed during this period as follows:

- Iterative drafts of the CAIS Technical Specifications were published on June 30, 2020, December 1, 2020, and January 1, 2021.[190]
- The full, final CAIS Technical Specifications were published on January 29, 2021.
- Updated versions of the CAIS Technical Specifications were published throughout 2021.[191]

As discussed above, FCAT and CAT LLC frequently engaged with the industry regarding the development of CAIS, hosting regular checkpoint calls, webinars, and technical working group meetings with industry representatives to address any issues, including addressing the interplay between Industry Members' existing customer systems and CAIS, and to educate CAT Reporters regarding LTID and CAIS reporting. Such engagement was critical to the CAIS development process as the CAIS project was unprecedented in terms of its content, scope and complexity.

During this period, FCAT also commenced the building of the CAIS system in accordance with the CAIS Technical Specifications during the period covered by Historical CAT Assessment 1A. The CAIS system was ready for industry testing shortly after the end of this period in January 2022.

The CAIS Technical Specifications and the CAIS system, as developed during this period, continue to be used. Industry Members have been required to report, and have continuously reported, required data to CAIS on a daily basis since November 7, 2022, consistent with interim reporting obligations. The CAIS system accepts and validates the CAIS data submitted by Industry Members and provides Industry Members with initial feedback on data errors. In light of the unprecedented nature of the CAIS system, certain changes to the system, such as changes related to error corrections and the CAIS regulatory portal, were necessary to finalize CAIS reporting. FCAT worked to address these remaining issues,[192] and, as of May 31, 2024, FCAT indicated that it had achieved the final CAIS reporting milestone. Accordingly, CAT LLC appropriately seeks to recover CAIS operating costs via Historical CAT Assessment 1A.

(G) Public Relations Costs

CAT LLC believes that the recovery of public relations costs is appropriate and that the amount and scope of such costs, as described above, are reasonable.

The Commission has long recognized that external public relations costs are reasonably associated with creating, implementing and maintaining the CAT. In the CAT NMS Plan Approval Order, the Commission estimated that the Participants had collectively spent approximately $2,400,000 in preparation of the CAT NMS Plan on external public relations, legal, and consulting costs, and estimated that the Participants would continue to incur external public relations costs associated with maintaining the CAT upon approval of the CAT NMS Plan.[193]

In approving the CAT Funding Model, the Commission recognized that it is appropriate to recover reasonable costs for public relations services as a part of Historical CAT Assessments. As approved by the SEC, the CAT NMS Plan states that ''the reasonably budgeted CAT costs shall include . . . public relations costs.'' [194] In addition, the CAT NMS Plan also requires Participants to include in their fee filings ''a brief description of the amount and type of the Historical CAT Costs, including . . . public relations costs.'' [195] In keeping with these provisions, a brief description of reasonable public relations costs are described above.

In addition, CAT LLC determined that the public relations costs described above are reasonable in both amount and scope and should be recoverable as a part of Historical CAT Assessment 1A. The services performed by the public relations firms through 2021 were limited in scope to assist CAT LLC, which has no employees of its own, to be better positioned to understand and address CAT matters to the benefit of all

[186] *See* Phased Reporting Exemptive Relief Order at 23079–80.

[187] *Id.* at 23078–79, n.70.

[188] The LTID Technical Specifications, including original drafts and updated versions, are available on the Industry Member Specifications page of the CAT website (*https://www.catnmsplan.com/specifications/im*).

[189] Such contact points with the industry are described in detail on the Events web page of the CAT website (*https://www.catnmsplan.com/events*).

[190] The CAIS Technical Specifications, including original drafts and updated versions, are available on the Industry Member Specifications page of the CAT website (*https://www.catnmsplan.com/specifications/im*).

[191] Six updated versions of the CAIS Technical Specifications were published during 2021, in March, May, June, August, October and December.

[192] *See, e.g.,* CAT Q4 2023 Quarterly Progress Report (Jan. 30, 2024) (*https://www.catnmsplan.com/sites/default/files/2024-01/CAT-Q4-2023-QPR.pdf*).

[193] CAT NMS Plan Approval Order at 84917–18.

[194] Section 11.1(a)(i) of the CAT NMS Plan.

[195] Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

market participants and to communicate on important CAT topics with the public. In addition, the costs for these services were appropriately limited. During the 10-year period covered by Historical CAT Assessment 1A, the average cost per year for these services was approximately $36,000.

(H) Legal Costs Related to the Limitation of Liability Provision in CAT Reporter Agreements

CAT LLC believes that the recovery of legal costs related to the limitation of liability provision, including costs related to the proceedings before the SEC and costs related to the proposed amendment to the Consolidated Audit Trail Reporter Agreement and the Consolidated Audit Trail Reporting Agent Agreement (the ''Reporting Agreements'') is appropriate and that the amount and scope of such costs as described above are reasonable.

As a preliminary matter, as discussed above, the Commission recognized that it is appropriate to recover reasonable costs for legal services as a part of Historical CAT Assessments.[196] In addition, CAT LLC determined that the legal costs incurred for the assistance with regard to the limitation of liability provisions are reasonable in both amount and scope and should be recoverable as a part of Historical CAT Assessment 1A.

Moreover, it is critical that CAT LLC, which has no employees of its own, have the ability to fund a legal defense in litigation and other legal proceedings against it. In response to CAT LLC requiring Industry Members to agree to the limitation of liability provision to submit data to the CAT, SIFMA filed an application for review of actions taken by CAT LLC and the Participants pursuant to Sections 19(d) and 19(f) of the Exchange Act. Contemporaneously with the filing of this proceeding, SIFMA moved for a stay of the requirement that Industry Members sign a Reporter Agreement, or in the alternative, asked the Commission to further delay the launch of CAT reporting on June 22, 2020. CAT LLC must have the resources to defend itself from litigious actions by others, like these.

Although a limitation of liability provision ultimately was not adopted as proposed, it was a reasonable provision to propose for the CAT Reporter Agreements, given that such provisions are in accordance with industry norms. Limitations of liability are ubiquitous within the securities industry and have long governed the economic relationships between self-regulatory organizations and the entities that they regulate. For example, U.S. securities exchanges have adopted rules to limit their liability for losses that Industry Members incur through their use of exchange facilities.[197] Similarly, FINRA's former order audit trail, OATS, which has functioned as an integrated audit trail of order, quote, and trade data for equity securities, required FINRA members to acknowledge an agreement that includes a limitation of liability provision.[198] In addition, such a provision was intended to ensure the financial stability of the CAT. Accordingly, it was reasonable for CAT LLC to propose the use of such a provision.[199]

Furthermore, as described above, the specialized services were performed by experienced counsel at market rates for such services. Accordingly, the legal costs for the efforts related to the limitation of liability provision were reasonable.

(I) Costs for the Chair of the CAT Operating Committee

CAT LLC believes that the recovery of consulting costs related to the Chair of the CAT Operating Committee is appropriate and that the amount and scope of such costs are reasonable.

As a preliminary matter, the selection of the Chair of the Operating Committee complies with the requirements of Section 4.2 of the CAT NMS Plan. The initial Chair that served during the period covered by Historical CAT Assessment 1A was designated by a Participant as the Participant's alternate voting member. Accordingly, the Chair is a representative of the Participants, as required by the CAT NMS Plan.

In addition, in approving the CAT Funding Model, the Commission recognized that it is appropriate to recover reasonable costs for consulting as a part of Historical CAT Assessments. As approved by the SEC, the CAT NMS Plan states that ''the reasonably budgeted CAT costs shall include . . . consulting . . . '' costs.[200] In addition, the CAT NMS Plan also requires Participants to include in their fee filings ''a brief description of the amount and type of the Historical CAT Costs, including . . . consulting'' [201] costs. In keeping with these provisions, a brief description of reasonable consulting costs is included in this filing, and such reasonable consulting costs include the costs related to the Chair position.

The Participants determined that the position of the Chair was a critical role for the implementation of the CAT, and an independent Chair would appropriately consider and address the views of each of the Participants. The Participants also determined that it was important to have a Chair with a strong background regarding issues related to the regulatory obligations of self-regulatory organizations, including their obligations under national market system plans. The compensation paid to the Chair is appropriate for a person with such background and skills. The average annual amount paid to the Chair from 2017 through the end of FAM 3 was $292,733.30. Separate from the Chair, CAT LLC relies upon a Leadership Team of representatives of the SROs to oversee the day-to-day implementation of the CAT NMS Plan. CAT LLC does not compensate any member of the Leadership Team.

(11) Fee Implementation Assistance for Industry Members

(A) Reconciliation of CAT Invoices

(i) Reconciliation of CAT Invoices to Underlying Trades Provided by CAT

CAT LLC understands that there are three types of reconciliation processes related to the invoices:

- *Reconciliation of CAT Invoices to Underlying Trades:* Reconciling the CAT invoice amount to the underlying trades provided by CAT;
- *Matching Trades to Books and Records:* Providing the means to match the underlying trades provided by CAT with CAT invoices to other books and records independently maintained by individual CAT Reporters (*e.g.,* exchange trade journals/acknowledgements) and data sources of self-regulatory organizations independent of CAT; and
- *Order Originator Identification:* Providing the ability to identify the order originator for the underlying trades provided by CAT with CAT invoices, which would facilitate firms' ability to pass through CAT Fees to their customers.

[196] *See* Sections 11.1(a)(i) and 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

[197] *See, e.g.,* NASDAQ Equities Rule 4626.

[198] FINRA Rule 1013(a)(1)(R) requires all applicants for FINRA Membership to acknowledge the FINRA Entitlement Program Agreement and Terms of Use, which applies to OATS. Industry Members click to indicate that they agree to its terms—including its limitation of liability provision—every time they access FINRA's OATS system to report trade information (*i.e.,* repeatedly over the course of a trading day for many Industry Members).

[199] *See* Letter from Michael Simon, Chair, CAT Operating Committee, to Vanessa Countryman, Secretary, Commission (Dec. 18, 2020).

[200] Section 11.1(a)(i) of the CAT NMS Plan.

[201] Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan.

As discussed further below, CAT LLC only considers the first type of process to be a ''reconciliation'' and the only type of process that is required under the CAT NMS Plan. CAT LLC provides the means to reconcile the CAT invoice amount to the underlying trades provided by CAT.

The CAT NMS Plan does not require CAT LLC to facilitate the second type of process: matching underlying trades for a CAT invoice with a firm's internal books and records. CAT LLC has access only to the underlying trades provided by CAT; it does not have access to a firm's internal books and records. Although beyond the requirements of the CAT NMS Plan and involving firm specific considerations, CAT LLC voluntarily has provided guidance and processes to assist CAT Reporters in their efforts to match the underlying trades with their own books and records.

The CAT NMS Plan also does not require CAT LLC to provide the ability to identify the order originator for the underlying trades for the CAT invoices. Accordingly, the billing guidance and processes do not provide CAT Reporters with the ability to identify the order originator for the underlying trades provided by CAT with CAT invoices. CAT LLC has been working closely with CAT Reporters to explain its billing approach and to address any outstanding billing questions. But, it should not be lost that CAT LLC provides information sufficient to allow CAT Reporters to reconcile CAT invoice amounts with the underlying trades provided by CAT LLC.

(ii) Match the Underlying Trades Provided by CAT With CAT Invoices to Firms' Internal Books and Records Independent of CAT

The CAT NMS Plan does not require CAT LLC to facilitate the matching of underlying trades for a CAT invoice with a firm's internal books and records, which may consist of trading data from various sources external to CAT. Although beyond the requirements of the CAT NMS Plan and involving firm specific considerations, CAT LLC voluntarily has provided guidance and processes to assist CAT Reporters in their efforts to match the underlying trades with their own books and records.

In this regard, it is important to recognize that CAT LLC has developed a billing approach that greatly improves upon existing billing practices for similar regulatory fees (*e.g.,* fees related to Section 31). Accordingly, with the additional information voluntarily provided by CAT LLC, CAT Reporters generally will have sufficient information to match their underlying trades provided by CAT with their own internal books and records that are independent of CAT or to SRO data that is independent of CAT data. However, CAT LLC emphasizes that providing such additional information is not required by the CAT NMS Plan.

To facilitate the introduction of CAT fees, CAT LLC has worked with FCAT to develop an approach to CAT billing that is consistent with existing billing constructs used with regard to Section 31-related sales values fees, subject to certain enhancements. Under this billing approach, FCAT is providing additional linkage elements, not necessarily provided in the Section 31-sales value fee context, to facilitate CAT Reporters' ability to match the underlying trades provided by CAT with their internal books and records and to reduce the complexity of that process. Specifically, FCAT is providing various key elements of the trade itself, such as the tradeID and branch sequence,[202] to CAT Reporters in the trade billing details provided with their CAT invoices (''Additional Trade Details''). As a result, CAT Reporters now have numerous alternative methods for matching a trade with their internal books and records where they previously did not have such matching methods in other fee contexts.

With the Additional Trade Details, CAT LLC and FCAT believe that the overwhelming majority of underlying trades provided by CAT bills can be matched with a CAT Reporter's internal books and records. CAT LLC recognizes that there may be certain cases in which such matching is more difficult given various firm-specific considerations, but believes that such instances are significantly more limited than with regard to the SRO fees charged in relation to Section 31.[203] By providing Additional Trade Details that are not available in other fee contexts, FCAT enhances the Industry Members' ability to match the underlying trades provided with CAT invoices with books and records and SRO data, both of which are independent of CAT data.

(iii) CAT LLC is Not Required to Facilitate CAT Reporters' Ability to Pass Through Fees to Their Customers

Similar to other regulatory fees, the CAT NMS Plan does not address the manner or extent to which CAT Executing Brokers may seek to pass any CAT fees on to their customers, nor does it impose any obligation on CAT LLC or the Plan Processor to facilitate firms' ability to do so. Accordingly, Historical CAT Assessment 1A does not address the process by which any CAT Reporters may pass through the fee to their customers. Likewise, the CAT billing approach provided by the Plan Processor is designed to address the needs of CAT Reporters with regard to the reconciliation of CAT invoices with the underlying trades provided by CAT LLC with the invoices; they are not designed to address issues related to any pass-through fees. Accordingly, facilitating CAT Reporters' ability to pass through fees to their clients is outside the scope of this fee filing. Nevertheless, as described below, CAT LLC and the Plan Processor have expended significant efforts to provide technical assistance to Industry Members regarding the implementation of Historical CAT Assessment 1A, including providing Additional Trade Details that provide significant details about each underlying trade.

(a) Originating Brokers Versus Executing Brokers

In its approval of the CAT Funding Model, the Commission approved charging CAT fees to the CAT Executing Broker, rather than the originating broker. This fee filing must comply with the requirements of the CAT Funding Model, and, therefore, charges the Historical CAT Assessment 1A to CAT Executing Brokers.

Moreover, charging originating brokers would introduce significant complexity to the billing process from the CAT's perspective, and would increase the costs of implementing CAT fees. Charging the CAT Executing Broker is simple and straightforward, and leverages a one-to-one relationship between billable events (trades) and billable parties, similar to other transaction-based fees. In contrast, for a single trade event, there may be many originating brokers, and each trade must be broken down on a pro-rata basis, to

[202] *See* CAT Technical Specifications for Billing Trade Details; Trade Details Schema (*https://catnmsplan.com/sites/default/files/2024-02/02.05.24-Billing-Trade-Details-Schema.json*); CAT Billing Scenarios, Version 1.0 (Nov. 30, 2023) (*https://www.catnmsplan.com/sites/default/files/2024-01/01.12.2024-CAT-Billing-Scenarios-v1.0.pdf*).

[203] For years, broker-dealers have faced similar reconciliation issues with regard to SRO fees related to Section 31. Broker-dealers have responded to this issue in the Section 31 context by exercising their discretion as to whether and the manner and extent to which they pass on those fees (*e.g.,* by rounding up its fees to the nearest cent, or decide to charge for, or not charge for, certain transactions, or assess a specific fee or incorporate the costs into other fee programs). *See, e.g.,* Securities Exchange Act Rel. No. 49928 (June 28, 2004), 69 FR 41060, 41072 (July 7, 2004) (noting that broker-dealers may ''over-collect'' Section 31-related fees charged to their clients due to rounding practices, and double-counting with regard to certain transactions).

account for one or more layers of aggregation, disaggregation, and representation of the underlying orders. While CAT is indeed designed to capture and unwind complex aggregation scenarios, the data and linkages are structured to facilitate regulatory use, and not a billing mechanism that assesses fees on a distinct set of executed trades; it is not simply a matter of using existing CAT linkages. Furthermore, charging originating brokers would implicate issues related to lifecycle linkage rates, and issues related to corrections, cancellations and allocations, while charging CAT Executing Brokers would avoid such issues.

(b) Identification of Order Originator for Underlying Trades

As noted, the CAT NMS Plan does not address the manner or extent to which CAT Executing Brokers may seek to pass any CAT Fees on to their customers, nor does it impose any obligation on CAT LLC or the Plan Processor to facilitate firms' ability to do so. Nevertheless, the Additional Trade Details provided with regard to the underlying trades on CAT invoices may assist with this process. Like with Section 31-related sales value fees, however, it is not always possible to trace every fee on a transaction back to the originating party. Industry Members have faced these issues under Section 31-related sales values fees for many years.[204] However, with the Additional Trade Details provided under the CAT billing approach, in many cases, CAT Reporters will be able to identify the order originator for the underlying trades provided by CAT with CAT invoices. In some cases, CAT LLC believes that certain issues related to certain types of market activity may implicate CAT Reporters' ability to identify the order originator for a limited set of underlying trades for the CAT invoices. Although CAT LLC does not believe that it is required to address these issues, CAT LLC and FCAT have been carefully researching and analyzing these types of issues as they are identified, and have been working voluntarily to assist CAT Reporters with these issues as necessary and when possible. In addition, CAT LLC intends to continue to provide CAT Reporters with billing guidance through FAQs, CAT Alerts and Helpdesk responses to address outstanding billing questions.

(B) Significant Technical Assistance

CAT LLC has worked with FCAT to provide significant technical assistance to Industry Members to allow the Industry Members to understand how Historical CAT Assessments will be implemented and billed, including webinars, CAT alerts, mock invoices, and responses to questions posed to the FCAT Help Desk.

- *Technical Specifications and Scenarios.* CAT LLC has provided detailed technical documentation for CAT billing, including (1) technical specifications, which describe the CAT Billing Trade Details Files associated with monthly CAT invoices, including detailed information about data elements and file formats as well as access instructions, network and transport options; [205] (2) trade details schemas; [206] and (3) CAT billing scenarios.[207]
- *Industry Webinars.* CAT LLC has hosted two industry webinars specifically dedicated to CAT billing. The first webinar, hosted on September 28, 2023, discussed the operational implementation of the CAT Reporter billing process.[208] The second webinar, hosted on November 7, 2023, provided (1) a demonstration of the CAT Reporter Portal and how to access CAT billing documents, including CAT invoices; and (2) additional information on underlying trade details in relation to the CAT Reporter billing process and an overview of the CAT Contact Management System.[209] 485 participants and 394 participants attended the two webinars, respectively.
- *CAT Alert.* CAT LLC has published a detailed CAT Alert that describes how FCAT, as the Plan Processor acting on behalf of CAT LLC, will calculate applicable fees, issue invoices to and collect payment from CAT Executing Brokers.[210]
- *Frequently Asked Questions (FAQs).* CAT LLC also has continued to engage with the industry on billing issues by making responses to billing FAQs available on the CAT website. The FAQs address a broad range of frequently asked questions, including, for example, which Industry Members will receive invoices, how fees are calculated, when and how fees are required to be paid, how to access invoices, and how to update the billing contact. To date, responses to 31 FAQs are available on the CAT website, and CAT LLC will provide additional responses to FAQs as warranted.[211]
- *Substantial Past Experience with CAT Billing Processes.* To date, CAT LLC, via FCAT, has billed Industry Members for Historical CAT Assessment 1 and certain Prospective CAT Fees. Industry Members will be billed for Historical CAT Assessment 1A via the same processes established for Historical CAT Assessment 1 and the Prospective CAT Fees. Accordingly, Industry Members have substantial experience with the CAT billing processes.
- *Help Desk Assistance.* CAT LLC also provides detailed, individualized assistance to Industry Members regarding CAT fees and the billing process through the FCAT Help Desk.[212] For example, the Help Desk assisted with 406 cases related to the billing of CAT fees from July 2023 through March 2024.

By providing such detailed and sustained assistance to Industry Members regarding CAT fees and billing, CAT LLC has successfully addressed questions raised by Industry Members regarding the CAT fees and billing processes.

(C) Notice to Industry Members

In keeping with past practice, CAT LLC provided notice of the proposed Historical CAT Assessment 1A via CAT Fee Alert on April 1, 2026,[213] one

[204] "FINRA charges a Regulatory Transaction Fee ('RTF') to industry members to reimburse FINRA for the Section 31 fees that FINRA pays to the Commission. FINRA does not currently provide industry members with the data that industry members require for proper reconciliation of RTF fees. This has been a major problem for the industry for many years." Letter from Howard Meyerson, Managing Director, FIF, to Robert Cook, Chief Executive Officer, FINRA at 2 (Dec. 15. 2023) (*https://fif.com/index.php/working-groups/category/271-comment-letters?download=2820:fif-letter-to-finra-on-pass-through-of-finra-cat-fees&view=category*).

[205] CAT Technical Specifications for Billing Trade Details, Version 1.0 r1 (Dec. 8. 2023) (*https://catnmsplan.com/sites/default/files/2023-12/12.07.2023-CAT-Techical-Specifications-for-Billing-Trade-Details-v1.0r1_CLEAN.pdf*).

[206] Trade Details Schema (*https://catnmsplan.com/sites/default/files/2024-02/02.05.24-Billing-Trade-Details-Schema.json*).

[207] CAT Billing Scenarios, Version 1.0 (Nov. 30, 2023) (*https://www.catnmsplan.com/sites/default/files/2024-01/01.12.2024-CAT-Billing-Scenarios-v1.0.pdf*).

[208] CAT Billing Webinar, Part 1 (Sept. 28, 2023) (*https://www.catnmsplan.com/events/part-1-cat-billing-webinar*).

[209] CAT Billing Webinar, Part 2 (Nov. 7, 2023) (*https://www.catnmsplan.com/events/part-2-cat-billing-webinar*).

[210] *See* CAT Alert 2023–02 (Oct. 12, 2023) (*https://www.catnmsplan.com/sites/default/files/2023-10/10.12.23-CAT-Alert-2023-02.pdf*).

[211] *See* CAT Billing FAQs, Section V of CAT FAQs (*https://www.catnmsplan.com/faq?search_api_fulltext=&field_topics=271&sort_by=field_faq_number*).

[212] The CAT NMS Plan requires that the Plan Processor "staff a CAT help desk, as described in Appendix D, CAT Help Desk, to provide technical expertise." Section 6.10(c)(vi) of the CAT NMS Plan. *See also* Section 10.3 of Appendix D of the CAT NMS Plan for a description of the Plan requirements for the CAT Help Desk.

[213] CAT Fee Alert 2026–1 (Apr. 1, 2026) (*https://www.catnmsplan.com/sites/default/files/2026-04/04.01.26-CAT-Fee-Alert-2026-1.pdf*).

month prior to the effective date of Historical CAT Assessment 1A on May 1, 2026. Such notice provides Industry Members with sufficient time to address any technological or other requirements necessary for implementing Historical CAT Assessment 1A.

2. *Statutory Basis*

The Exchange believes the proposed rule change is consistent with the requirements of the Exchange Act. The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[214] which requires, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and not designed to permit unfair discrimination between customers, issuers, brokers and dealers. The Exchange also believes that the proposed rule change is consistent with the provisions of Section 6(b)(4) of the Act,[215] because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(8) of the Act,[216] which requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. These provisions also require that the Exchange be ''so organized and [have] the capacity to be able to carry out the purposes'' of the Act and ''to comply, and . . . to enforce compliance by its members and persons associated with its members,'' with the provisions of the Exchange Act.[217] Accordingly, a reasonable reading of the Act indicates that it intended that regulatory funding be sufficient to permit an exchange to fulfill its statutory responsibility under the Act, and contemplated that such funding would be achieved through equitable assessments on the members, issuers, and other users of an exchange's facilities.

The Exchange believes that this proposal is consistent with the Act because it implements provisions of the Plan and is designed to assist the Exchange in meeting regulatory obligations pursuant to the Plan. In approving the Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [218] To the extent that this proposal implements the Plan and applies specific requirements to Industry Members, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Act.

The Exchange believes that the proposed fees paid by the CEBBs and CEBSs are reasonable, equitably allocated and not unfairly discriminatory. First, the Historical CAT Assessment 1A fees to be collected are directly associated with the costs of establishing and maintaining the CAT, where such costs include Plan Processor costs and costs related to technology, legal, consulting, insurance, professional and administration, and public relations costs. The Exchange has already incurred such development and implementation costs and the proposed Historical CAT Assessment 1A fees, therefore, would allow the Exchange to collect certain of such costs in a fair and reasonable manner from Industry Members, as contemplated by the CAT NMS Plan.

The proposed Historical CAT Assessment 1A fees would be charged to Industry Members in support of the maintenance of a consolidated audit trail for regulatory purposes. The proposed fees, therefore, are consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. The proposed fees would not cover Exchange services unrelated to the CAT. In addition, any surplus would be used as a reserve to offset future fees. Given the direct relationship between CAT fees and CAT costs, the Exchange believes that the proposed fees are reasonable, equitable and not unfairly discriminatory.

As further discussed below, the SEC approved the CAT Funding Model, finding it was reasonable and that it equitably allocates fees among Participants and Industry Members. The Exchange believes that the proposed fees adopted pursuant to the CAT Funding Model approved by the SEC are reasonable, equitably allocated and not unfairly discriminatory.

(1) Implementation of CAT Funding Model in CAT NMS Plan

Section 11.1(b) of the CAT NMS Plan states that ''[t]he Participants shall file with the SEC under Section 19(b) of the Exchange Act any such fees on Industry Members that the Operating Committee approves.'' Per Section 11.1(b) of the CAT NMS Plan, the Exchange has filed this fee filing to implement the Industry Member CAT fees included in the CAT Funding Model. The Exchange believes that this proposal is consistent with the Exchange Act because it is consistent with, and implements, the CAT Funding Model in the CAT NMS Plan, and is designed to assist the Exchange and its Industry Members in meeting regulatory obligations pursuant to the CAT NMS Plan. In approving the CAT NMS Plan, the SEC noted that the Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [219] Similarly, in approving the CAT Funding Model, the SEC concluded that the CAT Funding Model met this standard.[220] As this proposal implements the Plan and the CAT Funding Model described therein, and applies specific requirements to Industry Members in compliance with the Plan, the Exchange believes that this proposal furthers the objectives of the Plan, as identified by the SEC, and is therefore consistent with the Exchange Act.

(2) Calculation of Fee Rate for Historical CAT Assessment 1A is Reasonable

The SEC has determined that the CAT Funding Model is reasonable and satisfies the requirements of the Exchange Act. Specifically, the SEC has concluded that the method for determining Historical CAT Assessments as set forth in Section 11.3 of the CAT NMS Plan, including the formula for calculating the Historical Fee Rate, the identification of the parties responsible for payment and the transactions subject to the fee rate for the Historical CAT Assessment, is reasonable and satisfies the Exchange Act.[221] In each respect, as discussed above, Historical CAT Assessment 1A is calculated, and would be applied, in accordance with the requirements applicable to Historical CAT Assessments as set forth in the CAT NMS Plan. Furthermore, as discussed

[214] 15 U.S.C. 78f(b)(6).

[215] 15 U.S.C. 78f(b)(4).

[216] 15 U.S.C. 78f(b)(8).

[217] *See* Section 6(b)(1) of the Exchange Act.

[218] CAT NMS Plan Approval Order at 84697.

[219] CAT NMS Plan Approval Order at 84696.

[220] CAT Funding Model Approval Order at 13481.

[221] *Id.*

below, the Exchange believes that each of the figures for the variables in the SEC-approved formula for calculating the fee rate for Historical CAT Assessment 1A is reasonable and consistent with the Exchange Act. Calculation of the fee rate for Historical CAT Assessment 1A requires the figures for the Historical CAT Costs 1, the executed equivalent share volume for the prior twelve months, the determination of Historical Recovery Period 1A, and the projection of the executed equivalent share volume for Historical Recovery Period 1A. Each of these variables is reasonable and satisfies the Exchange Act, as discussed throughout this filing.

(A) Historical CAT Costs 1

The formula for calculating a Historical Fee Rate requires the amount of Historical CAT Costs to be recovered. Specifically, Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan requires a fee filing to provide:

a brief description of the amount and type of the Historical CAT Costs, including (1) the technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees, and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration and (6) public relations costs.

In accordance with this requirement, the Exchange has set forth the amount and type of Historical CAT Costs 1 for each of these categories of costs above.

Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan also requires that the fee filing provide ''sufficient detail to demonstrate that the Historical CAT Costs are reasonable and appropriate.'' As discussed below, the Exchange believes that the amounts set forth in this filing for each of these cost categories is ''reasonable and appropriate.'' Each of the costs included in Historical CAT Costs 1 are reasonable and appropriate because the costs are consistent with standard industry practice, based on the need to comply with the requirements of the CAT NMS Plan, incurred subject to negotiations performed on an arm's length basis, and/or are consistent with the needs of any legal entity, particularly one with no employees.

(i) Technology: Cloud Hosting Services

In approving the CAT Funding Model, the Commission recognized that it is appropriate to recover costs related to cloud hosting services as a part of Historical CAT Assessments.[222] CAT LLC determined that the costs related to cloud hosting services described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. As described above, the cloud hosting services costs reflect, among other things, the breadth of the CAT cloud activities, data volume far in excess of the original volume estimates, the need for specialized cloud services given the volume and unique nature of the CAT, the processing time requirements of the Plan, and regular efforts to seek to minimize costs where permissible under the Plan. CAT LLC determined that use of cloud hosting services is necessary for implementation of the CAT, particularly given the substantial data volumes associated with the CAT, and that the fees for cloud hosting services negotiated by FCAT were reasonable, taking into consideration a variety of factors, including the expected volume of data and the breadth of services provided and market rates for similar services.[223] Indeed, the actual costs of the CAT are far in excess of the original estimated costs of the CAT due to various factors, including the higher volumes and greater complexity of the CAT than anticipated when Rule 613 was originally adopted.

To comply with the requirements of the Plan, the breadth of the cloud activities related to the CAT is substantial. The cloud services not only include the production environment for the CAT, but they also include two industry testing environments, support environments for quality assurance and stress testing and disaster recovery capabilities. Moreover, the cloud storage costs are driven by the requirements of the Plan, which requires the storage of multiple versions of the data, from the original submitted version of the data through various processing steps, to the final version of the data.

Data volume is a significant driver of costs for cloud hosting services. When the Commission adopted the CAT NMS Plan in 2016, it estimated that the CAT would need to receive 58 billion records per day[224] and that annual operating costs for the CAT would range from $36.5 million to $55 million.[225] Through 2021, the actual data volumes have been five times that original estimate. The data volumes for each period are set forth in detail above.[226]

In addition to the effect of the data volume on the cloud hosting costs, the processing timelines set forth in the Plan contribute to the cloud hosting costs. Although CAT LLC has proactively sought to manage cloud hosting costs while complying with the Plan, including through requests to the Commission for exemptive relief and an amendment to the CAT NMS Plan, stringent CAT NMS Plan requirements do not allow for any material flexibility in cloud architecture design choices, processing timelines (*e.g.,* the use of non-peak processing windows), or lower-cost storage tiers. As a result, the required CAT processing timelines contribute to the cloud hosting costs of the CAT.

The costs for cloud hosting services also reflect the need for specialized cloud hosting services given the data volume and unique processing needs of the CAT. The data volume as well as the data processing needs of the CAT necessitate the use of cloud hosting services. The equipment, power and services required for an on-premises data model, the alternative to cloud hosting services, would be cost prohibitive. Moreover, as CAT was being developed, there were limited cloud hosting providers that could satisfy all the necessary CAT requirements, including the operational and security criteria. Over time more providers offering cloud hosting services that would satisfy these criteria have entered the market. CAT LLC will continue to evaluate alternative cloud hosting services, recognizing that the time and cost to move to an alternative cloud provider would be substantial.

The reasonableness of the cloud hosting services costs is further supported by key cost discipline mechanisms for the CAT—a cost-based funding structure, cost transparency, cost management efforts (including regular efforts to lower compute and storage costs where permitted by the Plan) and oversight. Together, these mechanisms help ensure the ongoing reasonableness of the CAT's costs and the level of fees assessed to support those costs.[227]

(ii) Technology: Operating Fees

In approving the CAT Funding Model, the SEC recognized that it is appropriate

[222] Section 11.3(b)(iii)(B)(II)(B)(1) of the CAT NMS Plan.

[223] For a discussion of the amount and type of cloud hosting services fees, *see* Sections 3(a)(2)(B)(i)(a)(I), 3(a)(2)(B)(i)(b)(I), 3(a)(2)(B)(i)(c)(I) and 3(a)(2)(B)(i)(d)(I) above.

[224] Appendix D–4 of the CAT NMS Plan at n.262.

[225] CAT NMS Plan Approval Order at 84801.

[226] *See* Sections 3(a)(2)(B)(i)(a)(I), 3(a)(2)(B)(i)(b)(I), 3(a)(2)(B)(i)(c)(I) and 3(a)(2)(B)(i)(d)(I) above.

[227] *See* Securities Exchange Act Rel. No. 97151 (Mar. 15, 2023), 88 FR 17086, 17117 (Mar. 21, 2023) (describing key cost discipline mechanisms for the CAT).

to recover costs related to operating fees as a part of Historical CAT Assessments.[228] CAT LLC determined that the costs related to operating fees described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. The operating fees include the negotiated fees paid by CAT LLC to the Plan Processor to operate and maintain the system for order-related information and to perform business operations related to the system, including compliance, security, testing, training, communications with the industry (*e.g.,* management of the FINRA CAT Helpdesk, FAQs, website and webinars) and program management. CAT LLC determined that the selection of FCAT as the Plan Processor was reasonable and appropriate given its expertise with securities regulatory reporting, after a process of considering other potential candidates.[229] CAT LLC also determined that the fixed price contract, negotiated on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan and Rule 613, was reasonable and appropriate, taking into consideration a variety of factors, including the breadth of services provided and market rates for similar types of activity.[230] The services performed by FCAT for each period and the costs related to such services are described above.[231]

(iii) Technology: CAIS Operating Fees

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover costs related to CAIS operating fees as a part of Historical CAT Assessments.[232] CAT LLC determined that the costs related to CAIS operating fees described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. The CAIS operating fees include the fees paid to the Plan Processor to operate and maintain CAIS and to perform the business operations related to the system, including compliance, security, testing, training, communications with the industry (*e.g.,* management of the FINRA CAT Helpdesk, FAQs, website and webinars) and program management. CAT LLC determined that the FCAT-negotiated fees for Kingland's CAIS-related services, negotiated on an arm's length basis with the goals of managing costs and receiving services required to comply with the CAT NMS Plan, taking into consideration a variety of factors, including the services to be provided and market rates for similar types of activity, were reasonable and appropriate.[233] The services performed by Kingland for each period and the costs for each period are described above.[234]

(iv) Technology: Change Request Fees

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover costs related to change request fees as a part of Historical CAT Assessments.[235] CAT LLC determined that the costs related to change request fees described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. It is common practice to utilize a change request process to address evolving needs in technology projects. This is particularly true for a project like CAT that is the first of its kind, both in substance and in scale. The substance and costs of each of the change requests are evaluated by the Operating Committee, and approved in accordance with the requirements for Operating Committee meetings. In each case, CAT LLC determined that the change requests were necessary to implement the CAT. As described above, the change requests cover various technology changes, including, for example, changes related to CAT reporting, data feeds and exchange functionality. CAT LLC also determined that the costs for each change request were appropriate for the relevant technology change. A description of the change requests for each FAM Period and their total costs is described above.[236] As noted above, the total costs for change requests through FAM Period 3 represent a small percentage of Historical CAT Costs 1—that is, 0.25% of Historical CAT Costs 1.

(v) Capitalized Developed Technology Costs

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover costs related to capitalized developed technology costs as a part of Historical CAT Assessments.[237] Capitalized developed technology costs include costs related to certain development costs, costs related to certain modifications, upgrades and other changes to the CAT, CAIS implementation fees and license fees. The amount and type of costs for each period are described in more detail above.[238] CAT LLC determined that these costs are reasonable and should be included as a part of Historical CAT Costs 1.

These costs involve the activity of both the Initial Plan Processor and FCAT, as the successor Plan Processor.[239] With regard to the Initial Plan Processor, the Participants utilized an RFP to seek proposals to build and operate the CAT, receiving a number of proposals in response to the RFP. The Participants carefully reviewed and considered each of the proposals, including holding in-person meetings with each of the Bidders. After several rounds of review, the Participants selected the Initial Plan Processor in accordance with the CAT NMS Plan. CAT LLC entered into an agreement with the Initial Plan Processor in which CAT LLC would pay the Initial Plan Processor a negotiated, fixed price fee.[240] In addition, as described above, CAT LLC determined that is was appropriate to enter into an agreement with FCAT as the successor Plan Processor.[241]

(vi) Legal

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover costs related to legal fees as a part of Historical CAT Assessments.[242] CAT LLC determined that the legal costs described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. Given the unique nature of the CAT, the number of parties involved with the CAT (including, for example, the SEC, Participants, Industry Members, and vendors) and the many regulatory issues associated with the CAT, the scope of the necessary legal services is substantial. CAT LLC determined that the scope of the legal services is necessary to implement and maintain the CAT and that the legal rates reflect the specialized services necessary for

[228] Section 11.3(b)(iii)(B)(II)(B)(1) of the CAT NMS Plan.

[229] *See* Section 3(a)(2)(B)(i)(a)(II) above.

[230] *See* Sections 3(a)(2)(B)(i)(a)(II), 3(a)(2)(B)(i)(b)(II), 3(a)(2)(B)(i)(c)(II) and 3(a)(2)(B)(i)(d)(II) above.

[231] *Id.*

[232] Section 11.3(b)(iii)(B)(II)(B)(1) of the CAT NMS Plan.

[233] *See* Sections 3(a)(2)(B)(i)(a)(III), 3(a)(2)(B)(i)(b)(III), 3(a)(2)(B)(i)(c)(III) and 3(a)(2)(B)(i)(d)(III) above.

[234] *Id.*

[235] Section 11.3(b)(iii)(B)(II)(B)(1) of the CAT NMS Plan.

[236] *See* Sections 3(a)(2)(B)(i)(a)(IV), 3(a)(2)(B)(i)(b)(IV), 3(a)(2)(B)(i)(c)(IV) and 3(a)(2)(B)(i)(d)(IV) above.

[237] Section 11.3(b)(iii)(B)(II)(B)(1) of the CAT NMS Plan.

[238] *See* Sections 3(a)(2)(B)(i)(a)(V), 3(a)(2)(B)(i)(b)(V), 3(a)(2)(B)(i)(c)(V) and 3(a)(2)(B)(i)(d)(V) above.

[239] *Id.*

[240] *See* Section 3(a)(2)(B)(i)(a)(V) above.

[241] *See* Section 3(a)(2)(B)(i)(a)(II) above.

[242] Section 11.3(b)(iii)(B)(II)(B)(2) of the CAT NMS Plan.

such a project. When hiring each law firm for a CAT project, CAT LLC interviewed multiple firms, and determined to hire each firm based on a variety of factors, including the relevant expertise and fees. In each case, CAT LLC determined that the hourly fee rates were in line with market rates for the specialized legal expertise. In addition, CAT LLC determined that the total costs incurred for each CAT project were appropriate given the breadth of services provided. The services performed by each law firm for each period and the costs related to such services are described above.[243]

(vii) Consulting

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover consulting costs as a part of Historical CAT Assessments.[244] CAT LLC determined that the consulting costs described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. Because there are no CAT employees [245] and because of the significant number of issues associated with the CAT, the consultants provided assistance in the management of various CAT matters and the processes related to such matters.[246] CAT LLC considered a variety of factors in choosing a consulting firm and determined to select Deloitte after an interview process.[247] CAT LLC also determined that the consulting services were provided at reasonable market rates, as the fees were negotiated annually and comparable to the rates charged by other consulting firms for similar work.[248] Moreover, the total costs for such consulting services were appropriate in light of the breadth of services provided by Deloitte. The services performed by Deloitte and the costs related to such services are described above.[249]

(viii) Insurance

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover insurance costs as a part of Historical CAT Assessments.[250] CAT LLC determined that the insurance costs described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. CAT LLC determined that it is common practice to have directors' and officers' liability insurance, and errors and omissions liability insurance. CAT LLC further determined that it was important to have cyber security insurance given the nature of the CAT, and such a decision is consistent with the CAT NMS Plan, which states that the cyber incident response plan may include ''[i]nsurance against security breaches.'' [251] In selecting the insurance providers for these policies, CAT LLC engaged in an evaluation of alternative insurers, including a comparison of the pricing offered by the alternative insurers.[252] Based on this analysis, CAT LLC determined that the selected insurance policies provided appropriate coverage at reasonable market rates.[253]

(ix) Professional and Administration

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover professional and administration costs as a part of Historical CAT Assessments.[254] CAT LLC determined that the professional and administration costs described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. Because there are no CAT employees, all required accounting, financial, tax, cash management and treasury functions for CAT LLC have been outsourced at market rates. In addition, the required annual financial statement audit of CAT LLC is included in professional and administration costs, which costs are also at market rates.

CAT LLC determined to hire a financial advisory firm, Anchin, to assist with financial matters for the CAT. CAT LLC interviewed Anchin as well as other potential financial advisory firms to assist with the CAT project, considering a variety of factors in its analysis, including the firm's relevant expertise and fees.[255] The hourly fee rates for this firm were in line with market rates for the financial advisory services provided.[256] Moreover, the total costs for such financial advisory services was appropriate in light of the breadth of services provided by Anchin. The services performed by Anchin and the costs related to such services are described above.[257]

CAT LLC also determined to engage an independent accounting firm, Grant Thornton, to complete the audit of CAT LLC's financial statements, in accordance with the requirements of the CAT NMS Plan. CAT LLC interviewed this firm as well as another potential accounting firm to audit CAT LLC's financial statements, considering a variety of factors in its analysis, including the relevant expertise and fees of each of the firms. CAT LLC determined that Grant Thornton was well-qualified for the role given the balance of these considerations.[258] Grant Thornton's fixed fee rate compensation arrangement was reasonable and appropriate, and in line with the market rates charged for these types of accounting services.[259] Moreover, the total costs for such financial advisory services was appropriate in light of the breadth of services provided by Grant Thornton. The services performed by Grant Thornton and the costs related to such services are described above.[260]

The professional and administrative costs also include costs related to the receipt of certain market data from Exegy. After performing an analysis of the available market data vendors to confirm that the data provided met the SIP Data requirements of the CAT NMS Plan and comparing the costs of the vendors providing the required SIP Data, CAT LLC determined to purchase market data from Exegy. Exegy provided the data elements required by the CAT NMS Plan, and the fees were reasonable and in line with market rates for the market data received.[261]

The professional and administrative costs also include costs related to a third party security assessment of the CAT performed by RSM. The assessment was designed to verify and validate the effective design, implementation and operation of the controls specified by NIST Special Publication 800–53, Revision 4 and related standards and

[243] *See* Sections 3(a)(2)(B)(i)(a)(VI), 3(a)(2)(B)(i)(b)(VI), 3(a)(2)(B)(i)(c)(VI) and 3(a)(2)(B)(i)(d)(VI) above.

[244] Section 11.3(b)(iii)(B)(II)(B)(3) of the CAT NMS Plan.

[245] As stated in the filing of the proposed CAT NMS Plan, ''[i]t is the intent of the Participants that the Company have no employees.'' Securities Exchange Act Rel. No. 77724 (Apr. 27, 2016), 81 FR 30614, 30621 (May 17, 2016).

[246] CAT LLC uses certain third parties to perform tasks that may be performed by administrators for other NMS Plans. *See, e.g.,* CTA Plan and CQ Plan.

[247] *See* Section 3(a)(2)(B)(i)(a)(VII) above.

[248] *See* Sections 3(a)(2)(B)(i)(a)(VII), 3(a)(2)(B)(i)(b)(VII), 3(a)(2)(B)(i)(c)(VII) and 3(a)(2)(B)(i)(d)(VII) above.

[249] *Id.*

[250] Section 11.3(b)(iii)(B)(II)(B)(4) of the CAT NMS Plan.

[251] Section 4.1.5 of Appendix D of the CAT NMS Plan.

[252] *See* Sections 3(a)(2)(B)(i)(a)(VIII), 3(a)(2)(B)(i)(b)(VIII), 3(a)(2)(B)(i)(c)(VIII) and 3(a)(2)(B)(i)(d)(VIII) above.

[253] *Id.*

[254] Section 11.3(b)(iii)(B)(II)(B)(5) of the CAT NMS Plan.

[255] *See* Section 3(a)(2)(B)(i)(a)(IX) above.

[256] *See* Sections 3(a)(2)(B)(i)(a)(IX), 3(a)(2)(B)(i)(b)(IX), 3(a)(2)(B)(i)(c)(IX) and 3(a)(2)(B)(i)(d)(IX) above.

[257] *Id.*

[258] *See* Section 3(a)(2)(B)(i)(a)(IX) above.

[259] *See* Sections 3(a)(2)(B)(i)(a)(IX), 3(a)(2)(B)(i)(b)(IX), 3(a)(2)(B)(i)(c)(IX) and 3(a)(2)(B)(i)(d)(IX) above.

[260] *Id.*

[261] *See* Section 3(a)(2)(B)(i)(a)(IX) above.

guidelines. Such a security assessment is in line with industry practice and important given the data included in the CAT. CAT LLC determined to engage RSM to perform the security assessment, after considering a variety of factors in its analysis, including the firm's relevant expertise and fees. The fees were reasonable and in line with market rates for such an assessment.[262]

(x) Public Relations Costs

In approving the CAT Funding Model, the SEC recognized that it is appropriate to recover public relations costs as a part of Historical CAT Assessments.[263] CAT LLC determined that the public relations costs described in this filing are reasonable and should be included as a part of Historical CAT Costs 1. CAT LLC determined that the types of public relations services utilized were beneficial to the CAT and market participants more generally. Public relations services were important for various reasons, including monitoring comments made by market participants about CAT and understanding issues related to the CAT discussed on the public record.[264] By engaging a public relations firm, CAT LLC was better positioned to understand and address CAT issues to the benefit of all market participants.[265] Moreover, CAT LLC determined that the rates charged for such services were in line with market rates.[266] As noted above, the total public relations costs through FAM Period 3 represent a small percentage of Historical CAT Costs 1—that is, 0.1% of Historical CAT Costs 1.

(B) Total Executed Equivalent Share Volume for the Prior 12 Months

The total executed equivalent share volume of transactions in Eligible Securities for the 12-month period from March 2025 through February 2026 was 5,980,937,549,360.49 executed equivalent shares. CAT LLC determined the total executed equivalent share volume for the prior twelve months by counting executed equivalent shares in the same manner as it will count executed equivalent shares for CAT billing purposes.

(C) Historical Recovery Period 1A

CAT LLC has determined to establish a Historical Recovery Period of 24 months for Historical CAT Assessment 1A and that such length is reasonable. CAT LLC determined that the length of Historical Recovery Period 1A appropriately weighs the need for a reasonable fee rate for Historical CAT Assessment 1A that spreads the Historical CAT Costs over an appropriate amount of time and the need to repay the loans notes to the Participants in a timely fashion. CAT LLC determined that 24 months for Historical Recovery Period 1A would establish a fee rate that is lower than other transaction-based fees, including fees assessed pursuant to Section 31.[267] In addition, in establishing a Historical Recovery Period of 24 months, CAT LLC recognized that the total cost for Historical CAT Assessment 1A was less than the total costs for 2022 and 2023, and therefore it would be appropriate to recover those costs in two years.

(D) Projected Executed Equivalent Share Volume for Historical Recovery Period 1A

CAT LLC has determined to calculate the projected total executed equivalent share volume for the 24 months of Historical Recovery Period 1A by doubling the executed equivalent share volume for the prior 12 months. The Operating Committee determined that such an approach was reasonable as the CAT's annual executed equivalent share volume has increased from prior years (*e.g.,* the executed equivalent share volume for 2024 was 4,295,884,600,069.4) and the Operating Committee believes that it is reasonable to conclude that the annual executed equivalent share volume will remain at the higher level. Accordingly, the projected total executed equivalent share volume for Historical Recovery Period 1A is projected to be 11,961,875,098,720.98 executed equivalent shares.[268]

(E) Actual Fee Rate for Historical CAT Assessment 1A

(i) Decimal Places

As noted in the Plan amendment for the CAT Funding Model, as a practical matter, the fee filing for a Historical CAT Assessment would provide the exact fee per executed equivalent share to be paid for each Historical CAT Assessment, and describe the relevant number of decimal places for the fee rate.[269] Accordingly, proposed paragraph (a)(2)(B) of the fee schedule would set forth a fee rate of $0.000002 per executed equivalent share. CAT LLC determined that the use of six decimal places is reasonable as it balances the accuracy of the calculation with the potential systems and other impracticalities of using additional decimal places in the calculation.

(ii) Reasonable Fee Level

The Exchange believes that imposing Historical CAT Assessment 1A with a fee rate of $0.000002 per executed equivalent share is reasonable because it provides for a revenue stream for the Company that is aligned with the remaining Historical CAT Costs 1 and such costs would be spread out over an appropriate recovery period, as discussed above. Moreover, the Exchange believes that the level of the fee rate is reasonable, as it is comparable to other transaction-based fees. Indeed, Historical CAT Assessment 1A is significantly lower than fees assessed pursuant to Section 31 (*e.g.,* $0.00007 per share to $0.00072 per share),[270] and, as a result, the magnitude of Historical CAT Assessment 1A is small, and therefore will mitigate any potential adverse economic effects or inefficiencies. Furthermore, the reasonable fee rate for Historical CAT Assessment 1A further supports CAT LLC's decision to seek to recover all Historical CAT Costs prior to 2022, rather than establishing separate Historical CAT Assessments for pre-FAM, FAM 1, FAM 2 and FAM 3 costs.

(3) Historical CAT Assessment 1A Provides for an Equitable Allocation of Fees

Historical CAT Assessment 1A provides for an equitable allocation of fees, as it equitably allocates CAT costs between and among the Participants and Industry Members. The SEC approved the CAT Funding Model, finding that each aspect of the CAT Funding Model satisfied the requirements of the Exchange Act, including the formula for calculating Historical CAT Assessments as well as the Industry Members to be charged the Historical CAT Assessments.[271] In approving the CAT Funding Model, the SEC stated that ''[t]he Participants have sufficiently demonstrated that the proposed allocation of fees is appropriate.'' [272] Accordingly, the CAT Funding Model

[262] *Id.*

[263] Section 11.3(b)(iii)(B)(II)(B)(6) of the CAT NMS Plan.

[264] *See* Section 3(a)(2)(B)(i)(a)(X) above.

[265] *See* Sections 3(a)(2)(B)(i)(a)(X), 3(a)(2)(B)(i)(b)(X), 3(a)(2)(B)(i)(c)(X) and 3(a)(2)(B)(i)(d)(X) above.

[266] *Id.*

[267] As the SEC noted in the CAT Funding Model Approval Order, recent Section 31 fees ranged from $0.00007 per share to $0.00072 per share. CAT Funding Model Approval Order at 13469.

[268] This projection was calculated by multiplying 5,980,937,549,360.49 executed equivalent shares by two.

[269] CAT Funding Model Approval Order at 13445, n.677.

[270] *Id.* at 13469.

[271] *See* Section 11.3(b) of the CAT NMS Plan.

[272] CAT Funding Model Approval Order at 13412.

sets forth the requirements for allocating fees related to Historical CAT Costs among Participants and Industry Members, and the fee filings for Historical CAT Assessments must comply with those requirements.

Historical CAT Assessment 1A provides for an equitable allocation of fees as it complies with the requirements regarding the calculation of Historical CAT Assessments as set forth in the CAT NMS Plan. For example, as described above, the calculation of Historical CAT Assessment 1A complies with the formula set forth in Section 11.3(b) of the CAT NMS Plan. In addition, Historical CAT Assessment 1A would be charged to CEBBs and CEBSs in accordance with Section 11.3(b) of the CAT NMS Plan. Furthermore, the Participants would continue to remain responsible for their designated share of Past CAT Costs through the cancellation of loans made by the Participants to CAT LLC.

In addition, as discussed above, each of the inputs into the calculation of Historical CAT Assessment 1A—Historical CAT Costs 1 (including Excluded Costs) and the exclusion of costs previously invoiced via Historical CAT Assessment 1, the count for the executed equivalent share volume for the prior 12 months, the length of the Historical Recovery Period, and the projected executed equivalent share volume for the Historical Recovery Period—are reasonable. Moreover, these inputs lead to a reasonable fee rate for Historical CAT Assessment 1A that is lower than other fee rates for transaction-based fees. A reasonable fee rate allocated in accordance with the requirements of the CAT Funding Model provides for an equitable allocation of fees.

(4) Historical CAT Assessment 1A is Not Unfairly Discriminatory

Historical CAT Assessment 1A is not an unfairly discriminatory fee. The SEC approved the CAT Funding Model, finding that each aspect of the CAT Funding Model satisfied the requirements of the Exchange Act. In reaching this conclusion, the SEC analyzed the potential effect of Historical CAT Assessments calculated pursuant to the CAT Funding Model on affected categories of market participants, including Participants (including exchanges and FINRA), Industry Members (including subcategories of Industry Members, such as alternative trading systems, CAT Executing Brokers and market makers), and investors generally, and considered market effects related to equities and options, among other things. Historical CAT Assessment 1A complies with the requirements regarding the calculation of Historical CAT Assessments as set forth in the CAT NMS Plan. In addition, as discussed above, each of the inputs into the calculation of Historical CAT Assessment 1A and the resulting fee rate for Historical CAT Assessment 1A is reasonable. Therefore, Historical CAT Assessment 1A does not impose an unfairly discriminatory fee on Industry Members.

Finally, the Exchange believes the proposed fees established pursuant to the CAT Funding Model promote just and equitable principles of trade, and, in general, protect investors and the public interest, and are provided in a transparent manner and specificity in the fee schedule. The Exchange also believes that the proposed fees are reasonable because they would provide ease of calculation, ease of billing and other administrative functions, and predictability of a fee based on fixed rate per executed equivalent share. Such factors are crucial to estimating a reliable revenue stream for CAT LLC and for permitting Exchange members to reasonably predict their payment obligations for budgeting purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 6(b)(8) of the Act [273] requires that the Exchange's rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. The Exchange 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. The Exchange notes that Historical CAT Assessment 1A implements provisions of the CAT NMS Plan that were approved by the Commission and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan.

In addition, all Participants (including exchanges and FINRA) are proposing to introduce Historical CAT Assessment 1A on behalf of CAT LLC to implement the requirements of the CAT NMS Plan. Therefore, this is not a competitive fee filing, and, therefore, it does not raise competition issues between and among the Participants.

Furthermore, in approving the CAT Funding Model, the SEC analyzed the potential competitive impact of the CAT Funding Model, including competitive issues related to market services, trading services and regulatory services, efficiency concerns, and capital formation.[274] The SEC also analyzed the potential effect of CAT fees calculated pursuant to the CAT Funding Model on affected categories of market participants, including Participants (including exchanges and FINRA), Industry Members (including subcategories of Industry Members, such as alternative trading systems, CAT Executing Brokers and market makers), and investors generally, and considered market effects related to equities and options, among other things. Based on this analysis, the SEC approved the CAT Funding Model as compliant with the Exchange Act. Historical CAT Assessment 1A is calculated and implemented in accordance with the CAT Funding Model as approved by the SEC.

As discussed above, each of the inputs into the calculation of Historical CAT Assessment 1A is reasonable and the resulting fee rate for Historical CAT Assessment 1A calculated in accordance with the CAT Funding Model is reasonable. Therefore, Historical CAT Assessment 1A would not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule change establishes dues, fees or other charges among its members and, as such, may take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act [275] and paragraph (f)(2) of Rule 19b–4 thereunder.[276] Accordingly, the proposed rule change would take effect upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

[273] 15 U.S.C. 78f(b)(8).

[274] CAT Funding Model Approval Order at 13479–13481.

[275] 15 U.S.C. 78s(b)(3)(A)(ii).

[276] 17 CFR 240.19b–4(f)(2).

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–LTSE–2026–14 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–LTSE–2026–14. 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–LTSE–2026–14 and should be submitted on or before June 17, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[277]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10454 Filed 5–26–26; 8:45 am]

BILLING CODE 8011–01–P

[277] 17 CFR 200.30–3(a)(12).

FEDERAL REGISTER

Vol. 91 Wednesday,

No. 101 May 27, 2026

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Parts 32 and 71

National Wildlife Refuge System; 2026–2027 Station-Specific Hunting and Sport Fishing Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 32 and 71

[Docket No. FWS–HQ–NWRS–2026–1223; FXRS12610900000–267–FF09R20000]

RIN 1018–BI71

National Wildlife Refuge System; 2026–2027 Station-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to open or expand hunting opportunities on 111 field stations, including 107 units of the National Wildlife Refuges System (Refuge System or NWRS) and 4 units of the National Fish Hatchery System (Hatchery System or NFHS). This includes opening hunting or sport fishing opportunities for the first time on 14 National Wildlife Refuges (NWR) and 3 National Fish Hatcheries (NFH). The proposed actions will open or expand more than 1,450 opportunities for hunting and fishing across the NWRS and NFHS. In accordance with Secretary's Order 3447 and Director's Order 233, we also propose to make changes to existing station-specific regulations in order to improve the clarity and accuracy of regulations, reduce the regulatory burden on the public, ensure consistency across FWS lands and waters, and comply with a Presidential mandate for plain-language standards.

DATES: Comments will be accepted on or before June 26, 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.

Information collection requirements: If you wish to comment on the information collection requirements in this proposed rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after the date of publication of this proposed rule in the **Federal Register**. Therefore, comments should be submitted to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, (see ''Information collection requirements'' below under **ADDRESSES**) by July 27, 2026.

ADDRESSES: *Comment submission:* All submissions must include the docket number (FWS–HQ–NWRS–2026–1223) for this document. You must submit comments using one of the following methods:

- *Electronically:* Federal eRulemaking Portal: *https://www.regulations.gov.* In the Search box, type in FWS–HQ–NWRS–2026–1223, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting screen, find the correct document and submit a comment by clicking on ''Comment.''
- *Submit by U.S. mail or hand delivery:* Public Comments Processing, Attn: FWS–HQ–NWRS–2026–1223, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), 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.

Supporting documents: For information on a specific refuge's or hatchery's public use program and the conditions that apply to it, contact the respective Regional office at the address or phone number given in Available Information for Specific Stations under **SUPPLEMENTARY INFORMATION**, below.

Information collection requirements: Send your comments on the information collection request to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, by one of the methods specified above. Please reference OMB Control Number 1018–0140 in your comments.

FOR FURTHER INFORMATION CONTACT: Julie Henning, Branch Chief of Conservation Planning and Policy, *julie_henning@fws.gov.* Please see Docket No. FWS–HQ–NWRS–2026–1223 on *https://www.regulations.gov* for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

Background

The National Wildlife Refuge System Administration Act of 1966, as amended (Administration Act; 16 U.S.C. 668dd–668ee), closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that the use is compatible with the purposes of the refuge and Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review hunting and sport fishing programs to determine whether to include additional stations or whether individual station regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to station-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of station purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations (CFR) at part 32 (50 CFR part 32), and provisions for hatcheries at part 71 (50 CFR part 71). We regulate hunting and sport fishing to:

- Ensure compatibility with refuge and hatchery purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other values;
- Ensure visitor safety; and
- Provide opportunities for fish- and wildlife-dependent recreation.

On many stations where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate to meet these objectives. On other stations, we must supplement State regulations with more-restrictive Federal regulations to

ensure that we meet our management responsibilities, as outlined under Statutory Authority, below. We issue station-specific hunting and sport fishing regulations when we open NWRs and NFHs to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish; seasons; bag or creel (container for carrying fish) limits; methods of hunting or sport fishing; descriptions of areas open to hunting or sport fishing; and other provisions as appropriate.

Statutory Authority

The Administration Act, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act; Pub. L. 105–57), governs the administration and public use of refuges, and the Refuge Recreation Act of 1962 (Recreation Act; 16 U.S.C. 460k–460k–4) governs the administration and public use of refuges and hatcheries.

Amendments enacted by the Improvement Act were built upon the Administration Act in a manner that provides an ''organic act'' for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge and Hatchery Systems for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge or hatchery lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate public uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop station-specific regulations to ensure the compatibility of the hunting and fishing programs with the purpose(s) for which we established the refuge or hatchery and the Refuge or Hatchery System mission, respectively. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired land through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges or hatcheries to the lists of areas open to hunting and sport fishing in 50 CFR parts 32 or 71, respectively. We ensure continued compliance by the development of comprehensive conservation plans and step-down management plans, and by annual review of hunting and sport fishing programs and regulations.

Proposed Amendments to Existing Regulations

This proposal is part of an annual review of hunting and sport fishing regulations for the Refuge and Hatchery Systems and represents our proposed changes that would be effective beginning with the 2026–2027 hunting/fishing season. This proposal is meant to better inform the general public of the regulations at each station, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to publishing the revised regulations in 50 CFR parts 32 and 71, visitors to our stations may find them reiterated in literature distributed by each station or posted on signs. Attachment A: Proposed Openings and Expansions for the 2026–2027 Hunting/Sport Fishing Season, provided in the supporting documents in Docket No. FWS–HQ–NWRS–2026–1223 on *https://www.regulations.gov,* summarizes the proposed increased access to hunting and sport fishing opportunities at each of the 111 field stations, and specifically denotes the openings and expansions of migratory bird hunting, upland game hunting, big game hunting, and/or sport fishing, respectively, on each station.

The changes for the 2026–2027 season are based on a complete administrative record, which includes a hunt plan, a compatibility determination (for refuges), the appropriate National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) analysis, and other documents. These documents are also subject to a public review and comment process, see discussion below under *National Environmental Policy Act (42 U.S.C. 4321 et seq.).* All of these documents are available upon request, see **FOR FURTHER INFORMATION CONTACT,** above.

Special Topics in This Rulemaking Related to Lead Use

In 2022 and 2023, the Service finalized regulations requiring the use of non-lead shot shells, single-fire ammunition, and/or fishing tackle at nine NWRs (87 FR 57108, September 16, 2022, and 88 FR 74050, October 30, 2023). These regulations are scheduled to go into effect on September 1, 2026. The Service proposes in the current rulemaking to rescind these regulations and invites the public to comment on the proposed changes. Table 1, below, summarizes the previously finalized provisions that are not in effect at this time.

TABLE 1—NON-LEAD AMMUNITION AND TACKLE REGULATIONS FOR NINE NWRS

State	National Wildlife Refuge	Previously Finalized Regulation, not in effect until September 1, 2026
Indiana	Patoka River NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (87 FR 57108 at 57129, September 16, 2022).
Maine	Great Thicket NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).

TABLE 1—NON-LEAD AMMUNITION AND TACKLE REGULATIONS FOR NINE NWRS—Continued

State	National Wildlife Refuge	Previously Finalized Regulation, not in effect until September 1, 2026
Maine	Rachel Carson NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Maryland	Blackwater NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Maryland	Eastern Neck NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Maryland	Patuxent Research Refuge	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74064, October 30, 2023).
Pennsylvania	Erie NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74065, October 30, 2023).
Virginia	Chincoteague NWR	You may only use or possess approved non-lead shot shells and ammunition while in the field (88 FR 74050 at 74066, October 30, 2023).
Virginia	Wallops Island NWR	You may only use or possess approved non-lead shot shells, ammunition, and tackle while in the field (88 FR 74050 at 74066, October 30, 2023).

Additionally, the Service requests comments on the use of lead ammunition at Canaan Valley NWR in West Virginia. The Service is seeking public comment on whether or not the Service should promulgate a lead-free requirement for hunting on the entire Canaan Valley NWR, with immediate or delayed effect (*i.e.,* a phase out). See Request for Comments, below, for information on how to provide comments.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish-consumption advisories on the internet at *https://www.epa.gov/choose-fish-and-shellfish-wisely.*

Request for Comments

You must submit comments and materials on this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post your entire comment on *https://www.regulations.gov.* Before including personal identifying information in your comment, you should be aware that we may make your entire comment—including your personal identifying information—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. We will post all hardcopy comments on *https://www.regulations.gov.*

Required Determinations

Clarity of This Proposed Rule

Executive Orders (E.O.s) 12866 and 12988 and the Presidential Memorandum of June 1, 1998, require us to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (E.O.s 12866 and 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the OMB will review all significant rules. OIRA has determined that this proposed rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed these proposed revisions and additions to the CFR in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities'' (see 5 U.S.C. 605(b)). SBREFA amended the RFA to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would open or expand hunting or fishing on 111 FWS stations. For the full statement of the anticipated economic impact of this increased recreational access for hunters and anglers through changes in participation and associated changes to local economic activity around the

individual stations, please see the supporting document ''Attachment B: Regulatory Flexibility Act Economic Analysis'' in Docket No. FWS–HQ–NWRS–2026–1223 on *https://www.regulations.gov.* The Attachment B analysis details that the maximum estimate for the potential impact of added hunter and angler spending on local economies is approximately $2.2 million annually, but given that most of the increased access will just be a substitute activity for existing hunting and most hunters and anglers travel no more than 100 miles, the true impact on local economies is more likely to be approximately $1.1 million annually.

With the small change in overall spending anticipated from this proposed rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected stations. Therefore, we certify that this rule, as proposed, will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.)

Since this proposed rule would apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The proposed rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This proposed rule would affect only NWRS and NFHS visitors and would describe what they can do while they are on a Service station.

Federalism (E.O. 13132)

As discussed under *Regulatory Planning and Review* and *Unfunded Mandates Reform Act,* above, this proposed rule would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this proposed rule, we worked with State governments.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Department of the Interior has determined that this proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the E.O.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, or use. E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. Because this proposed rule would open or expand hunting at 111 stations, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no statement of energy effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian Tribes and have determined that there are no effects. We coordinate recreational use on NWRs and NFHs with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

Paperwork Reduction Act (PRA)

This rule contains existing collections of information. All information collections require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA; 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 currently valid OMB control number. The OMB has reviewed and approved the information collection requirements associated with hunting and sport fishing activities across the National Wildlife Refuge System and National Fish Hatchery System and assigned the following OMB control numbers:

- 1018–0140, ''Hunting and Sport Fishing Application Forms and Activity Reports for National Wildlife Refuges, 50 CFR 25.41, 25.43, 25.51, 26.32, 26.33, 27.42, 30.11, 31.15, 32.1 to 32.72'' (Expires 12/31/2028),
- 1018–0102, ''National Wildlife Refuge Special Use Permit Applications and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, & 36'' (Expires 04/30/2026, and in accordance with 5 CFR 1320.10, an agency may continue to conduct or sponsor this collection of information while the submission is pending at OMB),
- 1018–0135, ''Electronic Federal Duck Stamp Program'' (Expires 06/30/2028),
- 1018–0093, ''Federal Fish and Wildlife Permit Applications and Reports–Management Authority; 50 CFR 13, 15, 16, 17, 18, 22, 23'' (Expires 12/31/2026), and
- 1024–0252, ''The Interagency Access Pass and Senior Pass Application Processes'' (Expires 10/31/2027).

In accordance with the PRA and its implementing regulations at 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on our intent to ask OMB to approval an extension without change to OMB Control Number 1018–0140.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this proposed information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) 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, *e.g.,* permitting electronic submission of response.

The existing reporting and/or recordkeeping requirements identified below require approval by OMB:

FORM 3–2358, ''SPORT FISHING–SHRIMPING–CRABBING PERMIT APPLICATION''—Form 3–2358 collects the following information:

- Date of application: We often have application deadlines, and this information helps staff determine the order in which we received the applications. It also ensures that the information is current.
- State fishing license number: We ask for this information to verify the applicant is legally licensed by the State (where required).

• Permit type: On sport fishing permits, we ask what type of activity (crabbing, shrimping, crabbing, frogging, etc.) is being applied for.

• Applicant information: We collect name, address, phone number(s), and email so we can contact the applicant/permittee either during the application process or after receiving a permit.

• Signature and date: To confirm that the applicant (and parent/guardian, if a youth hunter) understands the terms and conditions of the permit.

FORM 3–2405 ''SELF–CLEARING CHECK–IN/OUT PERMIT''—Form 3–2405 has three parts:

1. *Self-Clearing Daily Check-in Permit.* Each user completes this portion of the form (date of visit, name, and telephone numbers) and deposits it in the permit box prior to engaging in any activity on the refuge.

2. *Self-Clearing Daily Visitor Registration Permit.* Each user must complete the front side of the form (date, name, city, State, zip code, and purpose of visit) and carry this portion while on the refuge. At the completion of the visit, each user must complete the reverse side of the form (number of hours on refuge, harvest information (species and number), harvest method, angler information (species and number), and wildlife sighted (*e.g.,* black bear and hog)) and deposit it in the permit box.

3. *Self-Clearing Daily Vehicle Permit.* The driver and each user traveling in the vehicle must complete this part and display in clear view in the vehicle while on the refuge.

Form 3–2405 collects:

• Information on the visitor (name, address, and contact information). We use this information to identify the visitor or driver/passenger of a vehicle while on the refuge. This is extremely valuable information should visitors become lost or injured. Law enforcement officers can easily check vehicles for these cards in order to determine a starting point for the search or to contact family members in the event of an abandoned vehicle. Having this information readily available is critical in a search and rescue situation.

• Purpose of visit (hunting, sport fishing, wildlife observation, wildlife photography, auto touring, birding, hiking, boating/canoeing, visitor center, special event, environmental education class, volunteering, other recreation). This information is critical in determining public use participation in wildlife management programs. This not only allows the refuge to manage its hunt and other visitor use programs, but also to increase and/or improve facilities for non-consumptive uses that are becoming more popular on refuges. Data collected will also help managers better allocate staff and resources to serve the public as well as develop annual performance measures.

• Total number of hunt days on the refuge (at the conclusion of their hunting activities). Refuge management will use this information to monitor and evaluate hunt quality and resource impacts.

• Success of harvest by hunters/anglers (number and type of harvest/caught). This information is critical to wildlife management programs on refuges. Each refuge will customize the form by listing game species and incidental species available on the refuge, hunting methods allowed, and data needed for certain species (*e.g.,* for deer, whether it's a buck or doe and the number of points; or for turkeys, the weight and beard and spur lengths).

• Whether or not visitors observed black bear or hogs, for example. This information will help managers develop annual performance measures for hog removal, and it provides information to help develop resource management planning.

• Photograph of animal harvested (specific refuges only). This requirement documents the sex of animal prior to the hunter being eligible to harvest the opposite sex (where allowed).

• Date of visit and/or area visited.

• Comments. We encourage visitors to comment on their experience.

Refuges may customize Form 3–2405 to remove questions identified above which are not applicable to their site. However, they may not add new questions not approved by OMB.

FORM 3–2439, ''HUNTING APPLICATION/PERMIT''—Form 3–2439 collects the following information:

• Lottery application: Refuges who administer hunting via a lottery system use Form 3–2439 as the lottery application. If the applicant is successful, the completed Form 3–2439 also serves as their permit application, avoiding a duplication of burden on the public filling out two separate forms.

• Date of application: We often have application deadlines, and this information helps staff determine the order in which we received the applications. It also ensures that the information is current.

• Methods: Some refuges hold multiple types of hunts (*i.e.* archery, shotgun, primitive weapons, etc). We ask for this information to identify which opportunity(ies) a hunter is applying for.

• Species permit type: Some refuges allow only certain species, such as moose, elk, or bighorn sheep, to be hunted. We ask hunters to identify which species hunt they are applying for.

• Applicant information: We collect name, address, phone number(s), and email so we can contact the applicant/permittee either during the application process, when the applicant is successful in a lottery drawing, or after receiving a permit.

• Party members: Some refuges allow the permit applicant to include additional hunters in their group. We collect the names of all additional hunters, when allowed by the refuge.

• Parent/Guardian contact information: We collect name, relationship, address, phone number(s), and email for a parent/guardian of youth hunters. We ask for this information in the event of an emergency.

• Date: We ask hunters for their preferences for hunt dates.

• Hunt/Blind location: We ask hunters for their preferences for hunt units, areas, or blinds.

• Special hunts: Some refuges hold special hunts for youth, hunters who are disabled, or other underserved populations. We ask hunters to identify if they are applying for these special hunts. For youth hunts, we ask for the age of the hunter at the time of the hunt.

• Signature and date: To confirm that the applicant (and parent/guardian, if a youth hunter) understands the terms and conditions of the permit.

• Disabled hunts: Some refuges provide an option to allow mobility-impaired applicants to reserve specific hunting blinds upon providing proof of disability. The refuge will not retain the proof of disability. The documentation will be shredded upon approval of the blind reservation.

• Mentored Hunts: For refuges conducting mentored hunts, the Service and partners collect the following information to determine eligibility for the program the hunter applies to participate in. The Service requires all mentored hunt participants to sign the Service's ''USFWS Release and Waiver of Liability,'' as well as a Form 3–2260, ''Agreement for Use of Likeness in Audio/Visual Products,'' when they are on the Refuge.

—Emergency contact (name and phone number);
—Applicant hunting history, such as:
—Whether applicant has completed a basic hunter education course;
—Whether applicant has purchased a hunting license, and if yes, when;
—Previous hunting experience;
—Previous participation in a mentored hunt program;
—Interest in hunting;

—Family history of hunting;
—Whether applicant owns equipment and if yes, type of equipment; and
—Medical conditions/allergies for program staff to be aware of in the event of an emergency.

Refuges offering hunting opportunities may customize Form 3–2439 to remove questions identified above which are not applicable to their hunting seasons. However, they may not add new questions not approved by OMB.

FORM 3–2542, ''HUNTER HARVEST REPORT''—Form 3–2542 collects the following information:

• State-issued hunter identification (ID)/license number. (*Note:* Refuges/hatcheries who rely on the State agency to issue hunting permits are not required to collect the permittee's personal identifying information (PII) on the harvest form. Those refuges/hatcheries may opt to collect only the State ID number assigned to the hunter in order to match harvest data with their issued permit. Refuges/hatcheries will collect either hunter PII or State-issued ID number, but not both.)

• Species observed—Data will be used by refuge/hatchery staff to document the presence of rare or unusual species.

• Permit number/type—Data will be used to link the harvest report to the issued permit.

• Hunt tag number—Data will be used to link the harvest report to the species-specific hunt tag.

• Number of youth (younger than age 18) in party—Data will be used to better understand volume of youth hunting on a refuge/hatchery. Specific hunter names are not collected, just total number of youths in hunting party.

• Harvested by—Data will be used to determine ratio of adults to youth hunters. Specific hunter names are not collected.

• Species observed—Data will be used by a refuge/hatchery to determine the presence of any unusual species (*e.g.,* endangered or threatened species, or invasive species).

Refuges offering hunting opportunities may customize Form 3–2542 to remove questions identified above which are not applicable to their hunting seasons. However, they may not add new questions not approved by OMB.

LABELING/MARKING REQUIREMENTS—As a condition of the permit, some refuges require permittees to label hunting and/or sport fishing gear used on the refuge. This equipment may include items such as the following: tree stands, blinds, or game cameras; hunting dogs (collars); flagging/trail markers; boats; and/or sport fishing equipment such as jugs, trotlines, and crawfish or crab traps. Refuges require the owner label their equipment with their last name, the State-issued hunting/fishing license number, and/or hunting/fishing permit number. Refuges may also require equipment for youth hunters include ''YOUTH'' on the label. This minimal information is necessary in the event the refuge needs to contact the owner.

REQUIRED NOTIFICATIONS—On occasion, hunters may find their game has landed outside of established hunting boundaries. In this situation, hunters must notify an authorized refuge employee to obtain consent to retrieve the game from an area closed to hunting or entry only upon specific consent. Certain refuges also require hunters to notify the refuge manager when hunting specific species (*e.g.,* black bear, bobcat, or eastern coyote) with trailing dogs. Refuges encompassing privately owned lands, referred to as ''easement overlay refuges,'' may also require the hunter obtain written or oral permission from the landowner prior to accessing the land.

Copies of the draft forms contained in this information collection are available to the public by submitting a request to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB/PERMA (JAO), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.*

Title of Collection: Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges and National Fish Hatcheries (50 CFR parts 32 and 71).

OMB Control Number: 1018–0140.

Form Numbers: 3–2348, 3–2405, 3–2439, and 3–2542.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Respondents: 1,632,759.

Total Estimated Number of Annual Responses: 1,632,759.

Estimated Completion Time per Response: Varies from 5 minutes to 30 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 265,232.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Non-hour Burden Cost: $87,403 (primarily associated with application fees at some refuges hunting and/or sport fishing).

Comments that you submit in response to the proposed revisions and additions to the information collection are a matter of public record. 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.

Send your written comments and suggestions on this information collection by the date indicated in **DATES** to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, by one of the methods specified above in **ADDRESSES**. Please reference OMB Control Number 1018–0140 in your comments.

Endangered Species Act (16 U.S.C. 1531 et seq.)

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing comprehensive conservation plans and step-down management plans—which includes hunting and/or fishing plans—for public use of refuges and hatcheries, and prior to implementing any new or revised public recreation program on a station as identified in 50 CFR 26.32. We complied with section 7 for each of the stations affected by this proposed rulemaking.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We analyzed this proposed rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4332(C)) and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of proposed amendments to station-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (516 DM 8). Concerning the actions that are the subject of this proposed rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where

actions are covered sufficiently by an earlier environmental document.

Prior to the addition of a refuge or hatchery to the list of areas open to hunting and fishing in 50 CFR parts 32 and 71, we develop hunting and fishing plans for the affected stations. We incorporate these proposed station hunting and fishing activities in the station comprehensive conservation plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these comprehensive conservation plans and step-down plans in compliance with section 102(2)(C) of NEPA and the Department of Interior's NEPA regulations at 43 CFR part 46. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the stations at the addresses provided below.

Available Information for Specific Stations

Individual refuges and hatcheries have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. You can locate individual refuge information, including contact information, on *FWS.gov*. We also provide general information on our hunting program, including an interactive map of current hunting opportunities here: *https://www.fws.gov/library/collections/hunting.*

Proposed Regulation Summary Table

The regulatory amendments set forth below are presented alongside existing station-specific regulations that have not been amended. For a table that provides additional clarity on which specific regulatory provisions have been amended, please see Docket No. FWS–HQ–NWRS–2026–1223 on *https://www.regulations.gov* for a separate document containing a table that provides additional clarity on which specific regulatory provisions have been amended and how they have been amended.

Primary Author

Christian Myers, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

List of Subjects

50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

50 CFR Part 71

Fish, Fishing, Hunting, Wildlife.

Proposed Regulation Promulgation

For the reasons described in the preamble, we propose to amend title 50, chapter I, subchapters C and E of the CFR as set forth below:

Subchapter C—The National Wildlife Refuge System

PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 115–20, 131 Stat. 86.

■ 2. Amend § 32.7 by revising and republishing paragraphs (e), (f), (m), (x), (z), (hh), and (oo) to read as follows:

§ 32.7 What refuge units are open to hunting and/or sport fishing?

* * * * *

(e) *California.*

(1) Cibola National Wildlife Refuge.

(2) Clear Lake National Wildlife Refuge.

(3) Colusa National Wildlife Refuge.

(4) Delevan National Wildlife Refuge.

(5) Don Edwards San Francisco Bay National Wildlife Refuge.

(6) Grasslands Wildlife Management Area.

(7) Guadalupe-Nipomo Dunes National Wildlife Refuge.

(8) Havasu National Wildlife Refuge.

(9) Humboldt Bay National Wildlife Refuge.

(10) Imperial National Wildlife Refuge.

(11) Kern National Wildlife Refuge.

(12) Lower Klamath National Wildlife Refuge.

(13) Marin Islands National Wildlife Refuge.

(14) Merced National Wildlife Refuge.

(15) Modoc National Wildlife Refuge.

(16) Sacramento National Wildlife Refuge.

(17) Sacramento River National Wildlife Refuge.

(18) Salinas River National Wildlife Refuge.

(19) San Diego National Wildlife Refuge.

(20) San Diego Bay National Wildlife Refuge.

(21) San Luis National Wildlife Refuge.

(22) San Pablo Bay National Wildlife Refuge.

(23) Sonny Bono Salton Sea National Wildlife Refuge.

(24) Stone Lakes National Wildlife Refuge.

(25) Sutter National Wildlife Refuge.

(26) Tule Lake National Wildlife Refuge.

* * * * *

(f) Colorado.

(1) Alamosa National Wildlife Refuge.

(2) Arapaho National Wildlife Refuge.

(3) Baca National Wildlife Refuge.

(4) Browns Park National Wildlife Refuge.

(5) Monte Vista National Wildlife Refuge.

(6) Rocky Flats National Wildlife Refuge.

(7) Rocky Mountain Arsenal.

* * * * *

(m) Illinois.

(1) Chautauqua National Wildlife Refuge.

(2) Clarence Cannon National Wildlife Refuge.

(3) Crab Orchard National Wildlife Refuge.

(4) Cypress Creek National Wildlife Refuge.

(5) Emiquon National Wildlife Refuge.

(6) Great River National Wildlife Refuge.

(7) Hackmatack National Wildlife Refuge.

(8) Kankakee National Wildlife Refuge.

(9) Meredosia National Wildlife Refuge.

(10) Middle Mississippi River National Wildlife Refuge.

(11) Port Louisa National Wildlife Refuge.

(12) Two Rivers National Wildlife Refuge.

(13) Upper Mississippi River National Wildlife and Fish Refuge.

* * * * *

(x) *Mississippi.*

(1) Bogue Chitto National Wildlife Refuge.

(2) Coldwater River National Wildlife Refuge.

(3) Dahomey National Wildlife Refuge.

(4) Grand Bay National Wildlife Refuge.

(5) Hillside National Wildlife Refuge.

(6) Holt Collier National Wildlife Refuge.

(7) Mathews Brake National Wildlife Refuge.

(8) Morgan Brake National Wildlife Refuge.

(9) Panther Swamp National Wildlife Refuge.

(10) Sam D. Hamilton Noxubee National Wildlife Refuge.

(11) St. Catherine Creek National Wildlife Refuge.

(12) Tallahatchie National Wildlife Refuge.
(13) Theodore Roosevelt National Wildlife Refuge.
(14) Yazoo National Wildlife Refuge.
* * * * *
(z) Montana.
(1) Benton Lake National Wildlife Refuge.
(2) Benton Lake Wetland Management District.
(3) Black Coulee National Wildlife Refuge.
(4) Bowdoin National Wildlife Refuge.
(5) Bowdoin Wetland Management District.
(6) Charles M. Russell National Wildlife Refuge.
(7) Charles M. Russell Wetland Management District.
(8) Creedman Coulee National Wildlife Refuge.
(9) Grass Lake National Wildlife Refuge.
(10) Hailstone National Wildlife Refuge.
(11) Hewitt Lake National Wildlife Refuge.
(12) Lake Mason National Wildlife Refuge.
(13) Lake Thibadeau National Wildlife Refuge.
(14) Lamesteer National Wildlife Refuge.
(15) Lee Metcalf National Wildlife Refuge.
(16) Lost Trail National Wildlife Refuge.
(17) Medicine Lake National Wildlife Refuge.
(18) Ninepipe National Wildlife Refuge.
(19) Northeast Montana Wetland Management District.
(20) Northwest Montana Wetland Management District.
(21) Pablo National Wildlife Refuge.
(22) Red Rock Lakes National Wildlife Refuge.
(23) Swan River National Wildlife Refuge.
(24) UL Bend National Wildlife Refuge.
(25) War Horse National Wildlife Refuge.
* * * * *
(hh) *North Dakota.*
(1) Appert Lake National Wildlife Refuge.
(2) Ardoch National Wildlife Refuge.
(3) Arrowwood National Wildlife Refuge.
(4) Arrowwood Wetland Management District.
(5) Audubon National Wildlife Refuge.
(6) Audubon Wetland Management District.
(7) Bone Hill National Wildlife Refuge.
(8) Brumba National Wildlife Refuge.
(9) Buffalo Lake National Wildlife Refuge.
(10) Camp Lake National Wildlife Refuge.
(11) Canefield Lake National Wildlife Refuge.
(12) Chase Lake National Wildlife Refuge.
(13) Chase Lake Wetland Management District.
(14) Cottonwood Lake National Wildlife Refuge.
(15) Crosby Wetland Management District.
(16) Dakota Lake National Wildlife Refuge.
(17) Des Lacs National Wildlife Refuge.
(18) Devils Lake Wetland Management District.
(19) Florence Lake National Wildlife Refuge.
(20) Half Way Lake National Wildlife Refuge.
(21) Hiddenwood Lake National Wildlife Refuge.
(22) Hobart Lake National Wildlife Refuge.
(23) Hutchinson Lake National Wildlife Refuge.
(24) J. Clark Salyer National Wildlife Refuge.
(25) J. Clark Salyer Wetland Management District.
(26) Johnson Lake National Wildlife Refuge.
(27) Kulm Wetland Management District.
(28) Lake Alice National Wildlife Refuge.
(29) Lake George National Wildlife Refuge.
(30) Lake Ilo National Wildlife Refuge.
(31) Lake National Wildlife Refuge.
(32) Lake Nettie National Wildlife Refuge.
(33) Lake Otis National Wildlife Refuge.
(34) Lake Patricia National Wildlife Refuge.
(35) Lake Zahl National Wildlife Refuge.
(36) Lambs Lake National Wildlife Refuge.
(37) Little Goose Lake National Wildlife Refuge.
(38) Long Lake National Wildlife Refuge.
(39) Long Lake Wetland Management District.
(40) Lords Lake National Wildlife Refuge.
(41) Lost Lake National Wildlife Refuge.
(42) Lostwood National Wildlife Refuge.
(43) Lostwood Wetland Management District.
(44) Maple River National Wildlife Refuge.
(45) McLean National Wildlife Refuge.
(46) Pleasant Lake National Wildlife Refuge.
(47) Pretty Rock National Wildlife Refuge.
(48) Rabb Lake National Wildlife Refuge.
(49) Rock Lake National Wildlife Refuge.
(50) Rose Lake National Wildlife Refuge.
(51) School Section National Wildlife Refuge.
(52) Sheyenne Lake National Wildlife Refuge.
(53) Sibley Lake National Wildlife Refuge.
(54) Silver Lake National Wildlife Refuge.
(55) Slade National Wildlife Refuge.
(56) Snyder Lake National Wildlife Refuge.
(57) Springwater National Wildlife Refuge.
(58) Stewart Lake National Wildlife Refuge.
(59) Stoney Slough National Wildlife Refuge.
(60) Storm Lake National Wildlife Refuge.
(61) Sunburst Lake National Wildlife Refuge.
(62) Tewaukon National Wildlife Refuge.
(63) Tewaukon Wetland Management District.
(64) Tomahawk National Wildlife Refuge.
(65) Upper Souris National Wildlife Refuge.
(66) White Lake National Wildlife Refuge.
(67) Wild Rice National Wildlife Refuge.
(68) Willow Lake National Wildlife Refuge.
(69) Wintering River National Wildlife Refuge.
(70) Wood Lake National Wildlife Refuge.
* * * * *
(oo) *South Dakota.*
(1) Huron Wetland Management District.
(2) Karl E. Mundt National Wildlife Refuge.
(3) Lacreek National Wildlife Refuge.
(4) Lake Andes National Wildlife Refuge.
(5) Lake Andes Wetland Management District.
(6) Madison Wetland Management District.
(7) Sand Lake National Wildlife Refuge.

(8) Sand Lake Wetland Management District.

(9) Waubay National Wildlife Refuge.

(10) Waubay Wetland Management District.

* * * * *

■ 3. Amend § 32.20 by revising and republishing paragraphs (b) and (d) to read as follows:

§ 32.20 Alabama.

* * * * *

(b) *Cahaba River National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, opossum, raccoon, coyote, and bobcat on designated areas of the refuge subject to the following conditions:

(i) We require hunters to hunt as governed by Alabama Department of Conservation and Natural Resources' William R. Ireland, Sr.—Cahaba River Wildlife Management Area hunting permit conditions.

(ii) Hunters may hunt with shotguns using only #4 shot or smaller, rifles and handguns using rim-fire ammunition only, or archery equipment that complies with State and Federal regulations.

(iii) We allow the use of dogs when hunting upland game.

(iv) Hunters must remove tree stands, blinds, or other personal property from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(3) *Big game hunting.* We allow the hunting of white-tailed deer, feral hog, and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(i) and (iv) of this section apply.

(ii) We prohibit the use of firearms for hunting deer on the refuge. However, you may archery hunt in the portions of the refuge that are open for deer hunting during the archery, shotgun, and muzzleloader seasons established by the State.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer. We also prohibit drives for feral hogs.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

(d) *Eufaula National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of mourning dove and Eurasian-collared dove, duck, and goose on designated areas of the refuge subject to the following conditions:

(i) You must possess and carry a signed refuge hunt permit (signed brochure) when hunting.

(ii) All youth hunters (ages 10 through 15) must remain within sight and normal voice contact of a properly licensed hunting adult age 21 or older. Youth hunters must possess and carry verification of passing a State-approved hunter education course. One adult may supervise no more than two youth hunters.

(iii) All waterfowl hunting opportunities are spaced-blind and assigned by lottery. Hunters wishing to participate in our waterfowl hunt must submit a Waterfowl Lottery Application (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System).

(iv) Hunters must remove all stands/blinds and other personal property at the end of each day's hunt (see § 27.93 of this chapter).

(v) We allow access to the refuge for hunting from 1½ hours before legal sunrise to 1½ hours after legal sunset.

(vi) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(vii) We prohibit hunting or observing from an elevated stand without use of a full body harness.

(2) *Upland game hunting.* We allow hunting of gray squirrel and rabbit on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i), (ii) and (v) through (vii) of this section apply.

(ii) We allow only shotguns and state-designated archery equipment as means of take for upland game hunting.

(3) *Big game hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (v) through (vii) of this section apply.

(ii) We allow youth gun hunting opportunities that are spaced-blind and assigned by lottery. Hunters wishing to participate in our youth gun hunt must submit a Big/Upland Game Hunt Application (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System).

(iii) All youth hunters must remain within sight and normal voice contact of a properly hunting-licensed adult age 21 or older. Youth hunters must possess and carry verification of passing a State-approved hunter education course. One adult may supervise no more than one youth hunter.

(iv) All big game hunting opportunities, except for youth gun, are archery-only.

(v) We close those portions of the refuge between Bustahatchee and Rood Creeks to archery hunting until November 1.

(4) *Sport fishing.* We allow sport fishing, including bowfishing, in designated areas of the refuge subject to the following conditions:

(i) We allow shoreline access for fishing from 1 hour before legal sunrise to 1 hour after legal sunset.

(ii) We prohibit taking frog or turtle on all refuge lands and waters (see § 27.21 of this chapter).

(iii) We adopt reciprocal license agreements between Alabama and Georgia for fishing in Lake Eufaula. Anglers fishing in waters not directly connected to Lake Eufaula must be properly licensed for the State in which they are fishing.

* * * * *

■ 4. Amend § 32.23 by revising and republishing paragraphs (a), (b), (c), (f), and (i) to read as follows:

§ 32.23 Arkansas.

* * * * *

(a) *Bald Knob National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, snipe, woodcock, rail, gallinule, crow, and dove on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) During the quota gun deer hunt, we close the refuge to all other hunts and public entry, unless the refuge is closed to deer hunting at that time due to implementation of State flood closure zone regulations.

(iii) Hunters may enter the refuge beginning at 5 a.m. and must exit the refuge no later than 1 hour after legal sunset.

(iv) We allow waterfowl hunting until 12 p.m. (noon), with the exception that applicable goose species may be hunted until legal sunset during the State Conservation Order.

(v) When waterfowl hunting, you may not possess more than 25 shotgun shells while in the field, except that during the State Conservation Order, there is no limit on the number of shells you may possess while hunting applicable goose species.

(vi) We prohibit hunting closer than 100 yards (91 meters) to another hunter or hunting party.

(vii) You must remove decoys, blinds, boats, and all other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(viii) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for migratory bird and upland game hunting, but may supervise only one youth during big game hunting.

(ix) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(x) We allow the use of dogs when migratory game bird hunting.

(xi) We close the Waterfowl Sanctuary Hunt Unit to all entry and hunting from November 15 to February 28, except that quota gun deer hunters may hunt in that Unit when the season overlaps with these dates.

(xii) We allow waterfowl hunting from mowed and/or graveled road rights-of-way, but we prohibit all other hunting from these rights-of-way.

(xiii) We allow only hunters to use all-terrain vehicles (ATVs) and only from September 1 through March 31, except that during the State Conservation Order, hunters may use ATVs for hunting applicable goose species.

(xiv) Hunters may use conventional motor vehicles, ATVs, bicycles, and e-bikes only on public use roads, levee tops, designated ATV trails (open to ATVs only), and established parking lots not closed by a locked gate, other barrier, or signage.

(xv) Hunters and anglers may use conventional motor vehicles only in the Bison, Waterfowl Sanctuary, and Core Waterfowl Area Hunt Units and only from March 1 through November 14.

(xvi) From November 15 through February 28, we close the Core Waterfowl Area Hunt Unit to all hunting, fishing, and public entry at 1 p.m. daily, except that during the State Conservation Order, you may hunt applicable goose species in this Unit until legal sunset.

(xvii) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (ii), (viii), (ix), and (xi) through (xvii) of this section apply.

(ii) Hunters may use shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(iii) We allow squirrel, rabbit, opossum, raccoon, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iv) We allow the use of dogs when hunting upland game.

(v) Hunters may enter the refuge beginning at 5 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(vi) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of deer and turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (ii), (viii), (ix), and (xi) through (xvii), (2)(v), and (2)(vi) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Turkey hunting will be conducted in the Bison, Waterfowl Sanctuary, and Mingo Creek Hunt Units according to season dates and bag limits provided in the annual refuge public use brochure.

(iv) Hunters may use only shotguns with slugs, muzzleloaders, handguns with barrel lengths greater than 4 inches, large-bore air rifles, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, and archery/crossbow tackle for modern gun deer hunting on the Bison, Core Waterfowl Area, and Waterfowl Sanctuary Hunt Units.

(v) You may only erect one portable stand or blind 7 days prior to the refuge deer season and must remove it from the waterfowl sanctuary prior to November 15, except for stands used by quota gun deer hunters, which you must remove by the last day of the quota gun deer hunt (see § 27.93 of this chapter). You must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(vi) Game camera use is limited to one camera per individual.

(vii) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(viii) We prohibit the possession or use of lead shot and buckshot for deer hunting. We allow lead shot for turkey hunting.

(ix) During the quota gun deer hunt, we allow only hunters possessing a valid quota gun deer hunting permit (FWS Form 3–2439) on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(x) Hunters may only take feral hog incidental to modern gun and muzzleloader deer hunts and during specified periods for archery deer hunting according to season dates provided in the annual refuge public use brochure.

(xi) We prohibit the use of dogs for deer hunting.

(xii) During the quota turkey hunts, only hunters possessing a valid quota turkey hunting permit (FWS Form 3–2439) will be allowed to enter the open hunt units and only for the purposes of turkey hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (a)(1)(ii), (xi), (xv) through (xvii), and (a)(3)(viii) and (xi) of this section apply.

(ii) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(iii) We allow fishing, frogging, and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) You may enter the refuge to fish, frog, or crawfish beginning at 4 a.m. and must exit by 1 hour after legal sunset.

(v) We prohibit tournament fishing on the refuge.

(b) *Big Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, nutria, coyote, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, and opossum on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) During the quota gun deer hunt, we close the refuge to all other hunts and public entry.

(iii) We allow incidental take of nutria, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(iv) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) We allow the use of dogs only for squirrel, rabbit, and quail hunting in the refuge area north of Timm's Point.

(vi) We prohibit hunting from mowed and/or gravel road rights-of-way.

(vii) Hunters may enter the refuge beginning at 4 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(viii) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for upland game hunting, but may supervise only one youth during big game hunting.

(ix) From November 1 to February 28, we close all waterfowl sanctuaries to all hunting and public entry.

(x) Hunters and anglers may not leave motor vehicles, bicycles, e-bikes, or boats overnight on the refuge.

(xi) We only allow use of all-terrain vehicles by hunters with mobility-impairments, and the refuge manager must authorize this use in writing.

(xii) Hunters and anglers may use motor vehicles, bicycles, and e-bikes only on public use roads not closed by a locked gate, other barrier, or signage.

(xiii) From November 1 through February 28, boat access is restricted to launching at Seven Mile boat ramp and using Ditch 28 only.

(xiv) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(xv) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and incidental take of feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(i) through (iii), and (vi) through (xv) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Modern gun deer hunters may only use shotguns with slugs, muzzleloaders shooting a single projectile, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, handguns with barrel lengths greater than 4 inches, large-bore air rifles, and archery/crossbow tackle.

(iv) You may only erect one portable stand or blind 7 days prior to the refuge deer season and must remove it 7 days after the closure of archery season (see § 27.93 of this chapter).

(v) Game camera use is limited to one per individual.

(vi) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(vii) Hunters may only take feral hog incidental to deer hunting.

(viii) Turkey hunting is conducted according to season dates and bag limits provided in the annual refuge public use brochure.

(ix) During the quota gun deer hunts, only hunters possessing a valid quota gun deer permit (FWS Form 3–2439) may use the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(x) During the quota gun turkey hunts, we close the refuge Wildlife Auto Drive Road to other hunting and public entry, and only hunters possessing a valid quota gun turkey permit (FWS Form 3–2439) may use that area of the refuge and only for the purposes of turkey hunting.

(xi) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(ii), (ix) through (xiv), and (b)(3)(ix) and (x) of this section apply.

(ii) Anglers may launch boats only in designated areas.

(iii) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) We allow fishing, frogging, and crawfishing on all refuge waters from March 1 through October 31.

(vi) We allow fishing in the Sand Slough-Mud Slough area from November 1 through February 28 only with the use of nonmotorized boats and electric trolling motors; anglers may enter this area at 4 a.m. and must depart by 1 hour after legal sunset.

(vii) We prohibit climbing onto or fishing from any water control structure and associated wingwalls and fences, or the top of the Floodway Dam south of Highway 18.

(viii) We prohibit tournament fishing on the refuge.

(c) *Cache River National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, snipe, woodcock, rail, gallinule, crow, and dove on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) Hunters may enter the refuge beginning at 4 a.m. Except when hunting applicable goose species during the State Conservation Order, waterfowl hunters must exit the refuge by 1 p.m. All other hunters, including those hunting applicable goose species during the State Conservation Order, must exit the refuge no later than 1 hour after legal sunset.

(iii) We allow waterfowl hunting until 12 p.m. (noon), except that during the State Conservation Order, you may hunt for applicable goose species until legal sunset.

(iv) You must remove decoys, blinds, boats, and all other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(v) From March 1 through October 31, hunters and anglers may leave boats displaying valid registration on the refuge.

(vi) During the regular State waterfowl hunting season, we prohibit the use of boats on the refuge from 12 a.m. (midnight) to 4 a.m.

(vii) We allow the use of dogs when migratory game bird hunting.

(viii) We allow waterfowl hunting on flooded refuge roads.

(ix) During the quota gun deer hunt, we close the refuge to all other hunts and public entry, unless the refuge is closed to deer hunting at that time due

to implementation of State flood closure zone regulations.

(x) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for migratory bird and upland game hunting, but may supervise only one youth during big game hunting.

(xi) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State season and regulations.

(xii) From November 15 to February 28, we close all waterfowl sanctuaries to all hunting and public entry.

(xiii) We allow only hunters to use all-terrain vehicles (ATVs) and only from September 1 through March 31, except that during the State Conservation Order, hunters may use ATVs for hunting applicable goose species.

(xiv) Hunters and anglers may not operate conventional motor vehicles, ATVs, bicycles, or e-bikes on any road or trail closed by a locked gate, other barrier, or signage.

(xv) Hunter and anglers may not leave motor vehicles, ATVs, bicycles, or e-bikes unattended overnight on the refuge.

(xvi) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (v), (vi), and (ix) through (xvi) of this section apply.

(ii) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) We allow the use of dogs when hunting upland game.

(iv) We prohibit hunting from mowed and/or graveled road rights-of-way.

(v) Hunters may use only shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(vi) Hunters may enter the refuge beginning at 4 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(vii) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (v), (vi), and (ix) through (xvi), and (c)(2)(iv), (vi) and (vii) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Hunters may take only feral hog incidental to modern gun and muzzleloader deer hunts and during a specified period during archery deer hunting according to season dates provided in the annual refuge public use brochure.

(iv) Hunters may only use shotguns with slugs, muzzleloaders, handguns with barrel lengths greater than 4 inches, large-bore air rifles, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, and archery/crossbow tackle for modern gun deer hunting on the Dixie, Dixie Waterfowl Sanctuary, and Plunkett Farm Waterfowl Sanctuary Hunt Units.

(v) You may only erect one portable stand or blind 7 days prior to the refuge deer season, and you must remove it from the waterfowl sanctuaries prior to November 15, and from the rest of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(vi) Game camera use is limited to one per individual.

(vii) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(viii) We prohibit the possession or use of lead shot and buckshot for deer hunting. We allow lead shot for turkey hunting.

(ix) During the quota gun deer hunt, we allow only hunters possessing a valid quota gun deer hunting permit on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(x) Turkey hunting will be conducted in designated areas according to season dates and bag limits provided in the annual refuge public use brochure.

(xi) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(v), (vi), (ix), (xii), (xiv) through (xvi), and (c)(3)(ix) of this section apply.

(ii) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(iii) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) We prohibit tournament fishing on the refuge.

* * * * *

(f) *Holla Bend National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, fox, striped skunk, coyote, and bobcat on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) We only allow use of all-terrain vehicles by hunters and anglers with mobility impairments, and the refuge manager must authorize this use in writing.

(iv) Hunters and anglers may use boats in designated areas and at times provided in the annual refuge public use brochure.

(v) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for upland game hunting, but may supervise only one youth during big game hunting.

(vi) During modern gun and alternative firearms deer and turkey

hunts, we close the refuge to all other hunting and public entry.

(vii) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(viii) Hunters and anglers may use bicycles and e-bikes only on public use roads and designated trails not closed by a locked gate, other barrier, or signage.

(ix) Squirrel and rabbit hunters may only use shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(x) Hunters must only enter and exit the refuge from designated roads and parking lots.

(xi) We limit raccoon and opossum hunting to nighttime hunting only.

(xii) Hunter and anglers may not leave motor vehicles, bicycles, e-bikes, or boats unattended overnight on the refuge.

(xiii) We prohibit hunting from a vehicle.

(xiv) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(3) *Big game hunting.* We allow hunting of deer, black bear, and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(i), (iii) through (viii), (x), and (xii) through (xiv) of this section apply.

(ii) We allow archery/crossbow hunting for white-tailed deer and turkey according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Alternative firearm and modern gun deer hunts will be conducted according to season dates and bag limits provided in the refuge public use brochure.

(iv) We allow the take of black bear and feral hog incidental to refuge deer hunts subject to applicable State seasons and regulations.

(v) The refuge will conduct youth-only quota spring gun turkey hunts and archery only public hunts according to season dates and bag limits provided in the refuge public use brochure.

(vi) You may erect one portable stand or blind and deploy one game camera 7 days before the start of the season, and you must remove it from the refuge within 7 days after the season ends (see § 27.93 of this chapter).

(vii) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(viii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(ix) You must check all harvested turkey, bear, and deer at the refuge check station.

(x) We prohibit the use of dogs for deer hunting.

(xi) Big game hunters may enter the refuge 1 hour before legal sunrise and must exit by 1 hour after legal sunset.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(iii), (iv), (vi), (viii), (xii), and (xiv) of this section apply.

(ii) We allow fishing, frogging, and crawfishing, from a boat on all waters only from March 1 through November 14, and bank fishing (no boat) along the Arkansas River year-round from legal sunrise to legal sunset.

(iii) Anglers must remove boats from the refuge at the end of each day's fishing activity (see § 27.93 of this chapter).

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(vi) We prohibit access to refuge waters and land from the Arkansas River.

(vii) We limit trotlines, setline, limblines, yo-yo, and free-floating fishing devices to 20 per person; any line that extends into the water must be cotton.

(viii) Trotlines, setlines, limblines, yo-yos, and free-floating fishing devices must be clearly labelled with the angler's Arkansas Game and Fish Commission license customer identification number and cannot be left overnight or unattended.

* * * * *

(i) *Wapanocca National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, raccoon, nutria, beaver, coyote, quail, muskrat, river otter, mink, bobcat, fox, striped skunk, and opossum on designated areas of the refuge subject to the following conditions:

(i) Anyone on the refuge in possession of hunting equipment must possess a signed refuge hunting permit.

(ii) Hunters may enter the refuge at 4 a.m. and must leave the refuge no later than 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night on the refuge.

(iii) During the quota gun hunts, we close the refuge to all other hunts and public entry.

(iv) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) We allow the incidental take of nutria, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, and coyote during any refuge hunt with the weapons allowed for that hunt, subject to applicable State seasons and regulations.

(vi) Hunters may use only shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(vii) We prohibit hunting from mowed and/or gravel road rights-of-way.

(viii) All hunters age 11 and younger who possess valid hunter education certification must remain within normal sight and voice contact with an adult age 18 or older who possesses a valid State hunting license. Hunters age 15 and younger who have not completed hunter education must be under the direct supervision (within arm's reach) of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise up to two youth hunters for upland game hunting, but may supervise only one youth during big game hunting.

(ix) From December 1 to February 28, we close all waterfowl sanctuaries (including Wapanocca Lake) to all hunting and public entry.

(x) We prohibit the use of all-terrain vehicles (ATVs), except that ATVs may be used by mobility-impaired hunters possessing written authorization issued by the refuge manager.

(xi) Hunters and anglers may use motor vehicles, bicycles, and e-bikes only on public use roads not closed by a locked gate, other barrier, or signage.

(xii) Hunters and anglers must use the public boat ramp on Highway 77 to launch motorized boats into Wapanocca Lake.

(xiii) Hunters and anglers must operate boats at speeds of less than 5 miles per hour between the Highway 77 boat launch and the open lake.

(xiv) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(xv) Hunter and anglers may not leave motor vehicles, bicycles, e-bikes, or boats unattended overnight on the refuge.

(xvi) We prohibit hunting from a vehicle.

(xvii) The Round Pond and Pygmon Units in St. Francis County are subject to all regulations for hunting and fishing for Wapanocca NWR.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(2)(i) through (iii), (v), and (vii) through (xvii) of this section apply.

(ii) During the quota gun deer hunts, we allow only hunters possessing a valid quota gun deer hunting permit on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(iii) You may only use one game camera and erect one portable stand or blind per hunter. All items are required to have owner's Arkansas Game and Fish Commission customer identification number in a conspicuous location. Your stand or blind can only be erected 7 days prior to the refuge deer season, and you must remove it from the waterfowl sanctuaries by December 1. You must remove all stands and blinds on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(iv) We allow archery/crossbow, muzzleloader, and modern gun deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) Modern gun deer hunters may only use shotguns with slugs, muzzleloaders shooting a single projectile, non-semiautomatic centerfire firearms that fire a straight-walled rifle cartridge .30 caliber or larger, handguns with barrel lengths longer than 4 inches, large-bore air rifles, and archery/crossbow tackle for modern gun deer hunting.

(vi) Hunters may only take feral hog incidental to deer hunting.

(vii) The annual refuge public use brochure provides season dates and bag limits for turkey hunting.

(viii) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(2)(iii), (ix), (x) through (xv), and (xvii), and (i)(3)(ii) of this section apply.

(ii) From March 1 through November 30, we allow fishing, frogging, and crawfishing on all refuge waters. From December 1 through February 28, we allow bank fishing only on Woody Pond and other non-waterfowl sanctuary areas.

(iii) Anglers, including those frogging and crawfishing, may enter the refuge at 4 a.m. and must leave the refuge no later than 1 hour after legal sunset.

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) Anglers may launch boats only in designated areas.

(vi) We allow fishing, frogging, and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(vii) We prohibit tournament fishing.

* * * * *

■ 5. Amend § 32.24 by:

■ a. Adding new paragraph (g);

■ b. Redesignating paragraphs (g) through (y) as paragraphs (h) through (z) respectively;

■ c. Revise and republish newly redesignated paragraphs (l), (p)(2)(ii), (q)(2)(ii), (q)(3)(i), (v)(2)(ii), (y)(2)(ii), and (z);

The changes read as follows:

§ 32.24 California.

* * * * *

(g) *Guadalupe-Nipomo Dunes National Wildlife Refuge.* (1)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following condition: access through the refuge beach above the intertidal zone is prohibited from March 1 to September 30.

* * * * *

(l) *Lower Klamath National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) We may require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the waterfowl lottery each year.

(iii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iv) Shooting hours end at 1 p.m. on all California portions of the refuge.

(v) We prohibit the setting of decoys in retrieving zones.

(vi) Pit-style hunting blinds located in the Stearns units and unit 9D are first-come, first-served. We require you to hunt within a 200-foot (61-meter) radius of the blind.

(vii) We prohibit air-thrust and inboard water-thrust boats while hunting. We prohibit the use of all-terrain amphibious or utility-type vehicles in wetland units.

(2) *Upland game hunting.* We allow hunting of pheasant and quail on designated areas of the refuge subject to the following conditions:

(i) Upland game bird hunters must carry a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) Hunting of pheasant and quail is only allowed during the Oregon and California designated pheasant season.

(iii) Upland gamebird hunting is permitted between the hours of 8:00 a.m. and 2:30 p.m. Hunters must be out of the field by 2:30 p.m. and departing the refuge hunt area.

(3)–(4) [Reserved]

* * * * *

(p) * * *

(2) * * *

(ii) The conditions set forth at paragraphs (p)(1)(iii) through (ix) of this section apply.

* * * * *

(q) * * *

(2) * * *

(ii) The conditions set forth at paragraphs (q)(1)(i), (ii), (iv), and (v) of this section apply.

(3) * * *

(i) The conditions set forth at paragraphs (q)(1)(i), (ii), and (iv) and (o)(2)(i) of this section apply.

* * * * *

(v) * * *

(2) * * *

(ii) The conditions set forth at paragraphs (v)(1)(ii) of this section apply.

* * * * *

(y) * * *

(2) * * *

(ii) The conditions set forth at paragraphs (y)(1)(i) through (viii) of this section apply.

* * * * *

(z) *Tule Lake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) We may require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the waterfowl lottery each year.

(iii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iv) Waterfowl hunting hours end at 1 p.m. on all portions of the refuge.

(v) We prohibit the setting of decoys in retrieving zones.

(vi) We prohibit air-thrust and inboard water-thrust boats while hunting. We prohibit the use of all-terrain amphibious or utility-type vehicles (UTVs) in wetland units.

(2) *Upland game hunting.* We allow hunting of pheasant and quail on designated areas of the refuge subject to the following conditions:

(i) In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) Hunting of pheasant and quail is only allowed during the State designated pheasant season.

(iii) Upland gamebird hunting is permitted between the hours of 8:00 a.m. and 2:30 p.m. Hunters must be out of the field by 2:30 p.m. and departing the refuge hunt area.

(3)–(4) [Reserved]

* * * * *

■ 6. Amend § 32.25 by:

■ a. Adding new paragraph (f);

■ b. Redesignating paragraph (f) as paragraph (g);

The changes read as follows:

§ 32.25 Colorado.

* * * * *

(f) *Rocky Flats National Wildlife Refuge.* (1)–(2) [Reserved]

(3) *Big game hunting.* We allow hunting of elk on designated areas of the refuge.

(4) [Reserved]

* * * * *

■ 7. Amend § 32.31 by revising and republishing paragraphs (a) through (f) to read as follows:

§ 32.31 Idaho.

* * * * *

(a) *Bear Lake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, crow, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge 1½ hours before legal sunrise and must leave the refuge by ½ hours after legal sunset.

(ii) We allow boats, except air thrust boats, after September 20 within the designated refuge hunting areas, for the purposes of hunting.

(iii) You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds, decoys, boats, and other personal property from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iv) You may hunt Eurasian collared-doves only during State mourning dove and crow seasons.

(2) *Upland game hunting.* We allow hunting of pheasant, grouse, partridge, turkey, and cottontail rabbit on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (a)(1)(i) of this section applies.

(ii) We allow turkey hunting during the fall season only.

(iii) We allow rabbit hunting only during State upland game bird seasons.

(3) [Reserved]

(4) *Sport fishing.* We allow fishing on designated areas of the refuge.

(b) *Camas National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to access the refuge 1 hour before legal shooting time.

(ii) You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds, decoys, and other personal property at the end of each day's hunt (see § 27.93 of this chapter).

(iii) We allow the use of dogs when hunting.

(iv) You may take Eurasian collared-doves only during the State seasons for migratory birds and upland game birds.

(2) *Upland game hunting.* We allow hunting of pheasant, grouse, and partridge on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(iii) of this section applies.

(ii) We allow hunters to access the refuge 1½ hour before legal shooting time.

(iii) Hunters must wear a minimum of 36 square inches (232.3 square centimeters) of blaze orange, and a blaze orange head covering.

(3) *Big game hunting.* We allow hunting of elk on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(ii) and (iii) of this section apply.

(ii) You must carry a signed copy of the refuge hunting regulations and hunt map (signed brochure) in the field while hunting.

(4) [Reserved]

(c) *Deer Flat National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters in the South Side Recreation Area may use float tubes, nonmotorized boats, or boats equipped with electric motors within 200 yards (180 meters) of the shoreline. We prohibit the use or possession of gas-powered motors.

(ii) You must remove boats, decoys, blinds, other personal property, and any materials brought onto the refuge for blind construction at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(iii) Hunters may enter the refuge 1 hour before official shooting hours (½ hour before legal sunrise), and must leave the refuge by 1 hour after official shooting hours (legal sunset).

(iv) We allow the use of dogs for hunting.

(v) You may take Eurasian collared-doves and rock doves (feral pigeon) only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of pheasant, quail, and partridge on designated areas of the refuge subject to the following condition: The condition set forth at paragraph (c)(1)(iv) of this section applies.

(3) *Big game hunting.* We allow hunting of deer on designated areas of the refuge subject to the following conditions:

(i) You must obtain a refuge-specific hunting permit (signed brochure) to hunt deer on the Lake Lowell Unit. Hunters must sign and carry the permit in the field while hunting.

(ii) Hunters may place up to two portable deer stands in the Lake Lowell Unit. Hunters must place stands/platforms by hand. Hunters may place stands/platforms on the refuge no earlier than the beginning date of the assigned hunt permit and must remove them no later than the ending date of the hunt permit. Each stand must display the hunter's hunting license number so that it is legible from the ground.

(iii) In the Lake Lowell Unit, you may only shoot deer while hunting from an elevated tree stand/platform. We prohibit ground stalking and/or still hunting from the ground. We prohibit shooting a firearm or bow while on the ground, except to kill a downed deer.

(iv) Hunters may enter the Lake Lowell Unit no earlier than 2 hours before official shooting hours (½ hour before legal sunrise) and must leave the area within 2 hours after official shooting hours (½ hour after legal sunset). Successful hunters may extend their departure time only as long as is necessary to retrieve dead deer.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) From October 1 through April 14, we allow ice fishing on the Lake Lowell Unit, unless otherwise posted by the Bureau of Reclamation.

(ii) We allow fishing from nonmotorized boats in designated areas of the Lake Lowell Unit from October 1 through April 14, from ½ hour before legal sunrise to ½ hour after legal sunset.

(iii) From February 1 through June 30, we prohibit fishing from all islands in the Snake River Islands Unit.

(d) *Grays Lake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, crow, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunting August through February and hunters may enter the refuge ½ hours before legal sunrise and must leave the refuge by ½ hours after legal sunset.

(ii) You must remove portable blinds, decoys, boats, and other personal property from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iii) We allow hunters and dogs to retrieve game only in designated hunting areas.

(iv) We prohibit dog training except during legal hunting seasons.

(v) You may take Eurasian collared-doves only during the State mourning dove and crow seasons.

(2) *Upland Game Hunting.* We allow hunting of bobcat, coyote, fox, grouse, partridge, rabbit and hare, and squirrel on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (d)(1)(i) and (d)(1)(iv) of this section apply.

(ii) We allow the use of dogs for hunting upland game birds in the Lake Unit only. We prohibit dogs for hunting other upland game.

(iii) You may take fox and coyote only during the State bobcat season.

(3) *Big Game Hunting.* We allow hunting of bear, deer, elk, moose, and mountain lion on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (d)(1)(i) and (d)(1)(iv) apply.

(ii) We prohibit dogs for big game hunting.

(iii) You may take mountain lion only during open hunts for migratory birds, upland game, bear, deer, elk, or moose.

(iv) We allow bear hunting during the fall season only.

(4) *Sport Fishing.* We allow sport fishing on designated areas of the refuge from August through February.

(e) *Kootenai National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunting only on Tuesdays, Thursdays, Saturdays, and Sundays.

(ii) We allow the use of dogs when hunting.

(iii) We prohibit the discharge of firearms in posted retrieval zones and areas closed to hunting.

(iv) Hunters may access the waterfowl hunt area no earlier than 3 a.m. and must leave no later than 1 hour after legal sunset.

(2) *Upland game hunting.* We allow hunting of forest grouse and wild turkey on designated areas of the refuge subject to the following conditions:

(i) You may possess only approved nontoxic shot shells (see § 32.2(k)) while in the field.

(ii) We allow the use of dogs when hunting forest grouse and for turkey during the fall hunt.

(3) *Big game hunting.* We allow hunting of deer, elk, black bear, moose, and mountain lion on designated areas of the refuge subject to the following conditions:

(i) We allow deer hunting at the designated accessible blind for hunters with disabilities subject to the following conditions:

(A) You must obtain a Special Use Permit (FWS Form 3–1383–G) from the refuge manager to use the accessible blind.

(B) We only allow deer hunting at the accessible blind using the following weapons: Muzzleloader, archery equipment, crossbow, shotgun, or handgun. For shotguns, you may only use slugs. For handguns, you may only use straight-walled cartridges not originally established for rifles.

(ii) You may possess only approved nontoxic ammunition for hunting (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

(f) *Minidoka National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, snipe, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge 1½ hours before legal sunrise and must leave the refuge by 1½ hours after legal sunset.

(ii) We allow only hunters and dogs to retrieve game in designated hunting areas.

(iii) You may only use portable blinds or construct temporary blinds of dead natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds at the end of each day's hunt (see § 27.93 of this chapter). We prohibit use of rock piles above the high-water mark for blind construction.

(iv) On West Hunting Area (Lake Walcott), we allow hunting on the uplands and over water within 100 yards (90 meters) of the shoreline. We allow use of boats only for retrieval of game.

(v) On East Hunting Area (Tule Island), we allow boats during the waterfowl hunting season.

(vi) You may only take Eurasian collared-doves during the State mourning dove and waterfowl seasons.

(2) *Upland game hunting.* We allow hunting of pheasant, grouse, partridge (chukar and gray partridge), quail, cottontail rabbit, and bobcat on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (f)(1)(i) and (ii) of this section applies.

(ii) You may take rabbits only during the State mourning dove and waterfowl seasons.

(iii) Unit 12 is closed to hunting from April 1st through August 15th.

(3) *Big game hunting.* We allow hunting of deer and elk on designated areas of the refuge subject to the following condition: The condition set forth at paragraph (f)(1)(i) applies.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

■ 8. Amend § 32.32 by:

■ a. Revising and republishing paragraph (a);

■ b. Adding new paragraph (b);

■ c. Redesignating paragraphs (b) through (l) as paragraphs (c) through (m), respectively; and

■ d. Revising and republishing newly redesignated paragraphs (c) through (h) and paragraphs (j) through (l);

The changes read as follows:

§ 32.32 Illinois.

* * * * *

(a) *Chautauqua National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on

designated areas of the refuge subject to the following condition:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game authorized by the State except for feral hog, house sparrow, and European starling during the State waterfowl season on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (a)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) [Reserved]

(4) *Sport fishing.* We allow fishing on designated areas of the refuge from legal sunrise to legal sunset subject to the following conditions:

(i) We allow fishing on Lake Chautauqua from February 1 through October 15. We prohibit fishing in the waterfowl hunting area during the waterfowl hunting season.

(ii) We allow bank fishing year-round between the boat ramp and the fishing trail in the North Pool and from Goofy Ridge Public Access to the west gate of the North Pool water control structure.

(b) *Clarence Cannon National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) through (iii) of § 32.44(b) apply.

(ii) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) through (iii) of § 32.44(b) and paragraph (b)(1)(ii) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of turkey and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Harvest Report (FWS Form 3–2542).

(ii) We prohibit shooting at deer that are on any portion of the main perimeter levee.

(iii) We allow placement of one tree stand or ground blind per hunter during state designated white-tailed deer seasons and require hunters to remove tree stands and ground blinds after 24 hours of use (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Illinois Department of Natural Resources customer identification number.

(iv) For hunting, you must use or possess only approved nontoxic shot shells for hunting turkey (see § 32.2(k)).

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vi) The conditions set forth at paragraph (b)(1)(i) through (iii) of § 32.44(b) and paragraph (b)(1)(ii) of this section apply.

(c) *Crab Orchard National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We require a signed hunt brochure. You must carry this signed permit when hunting on the refuge.

(ii) We prohibit hunting within 50 yards (45 meters (m)) of all designated public use facilities, including, but not limited to, parking areas, picnic areas, campgrounds, marinas, boat ramps, public roads, and established hiking trails listed in the refuge trails brochure.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, trail cameras, and other personal equipment, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(v) Waterfowl hunting blinds must be a minimum of 200 yards (180 m) apart. Hunters must anchor boat blinds on the shore or anchor them a minimum of 200 yards (180 m) away from any shoreline.

(vi) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (c)(1)(i) through (vi) of this section apply.

(ii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (c)(1)(i), (ii) and (vi) and (c)(2)(ii) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells while in the field for hunting turkey (see § 32.2(k)).

(iii) We require all deer and turkey hunters using the restricted use area to check-in at the refuge visitor center prior to hunting.

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(v) We only allow archery equipment when hunting deer in the following areas:

(A) In the area west of Division Street and east of Blue Heron Marina;

(B) On all refuge lands north of Illinois State Route 13; and

(C) In the area north of the Crab Orchard Lake emergency spillway and west of Crab Orchard Lake.

(vi) We allow placement of one tree stand or ground blind per hunter during state designated white-tailed deer seasons and require hunters to remove tree stands and ground blinds after 24 hours of use (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Illinois Department of Natural Resources customer identification number.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) On Crab Orchard Lake west of Wolf Creek Road:

(A) Anglers may fish from boats all year.

(B) Anglers must remove all trotlines/jugs from legal sunrise until legal sunset from the Friday immediately prior to Memorial Day through Labor Day.

(ii) On Crab Orchard Lake east of Wolf Creek Road:

(A) Anglers may fish from boats March 1 through October 15.

(B) Anglers may fish all year at the Wolf Creek and Route 148 causeways.

(iii) On A–41 and Bluegill Ponds:

(A) Anglers may fish only from legal sunrise to legal sunset from March 1 through October 15.

(B) We prohibit anglers from using gas-powered boats.

(iv) On Managers, Honkers, and Visitors Ponds:

(A) Anglers may fish all year from legal sunrise to legal sunset.

(B) We prohibit anglers from using gas-powered boats.

(v) Trotlines/jugs:

(A) We prohibit the use of trotlines/jugs on all refuge waters outside of Crab Orchard Lake.

(B) We prohibit the use of trotlines/jugs with any flotation device that has previously contained any petroleum-based material or toxic substances.

(C) Anglers must attach a buoyed device that is visible on the water's surface to all trotlines.

(vi) Anglers may use all legal noncommercial fishing methods, except they may not use any underwater breathing apparatus.

(vii) Organizers of all fishing events must possess a Special Use Permit (FWS Form 3–1383–G or FWS Form 3–1383–C).

(viii) We prohibit anglers from fishing within 250 yards (228 m) of an occupied waterfowl hunting blind.

(ix) Specific creel and size limits apply on various refuge waters as listed in the Crab Orchard fishing brochure and the annual Illinois fishing digest.

(d) *Cypress Creek National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove all personal property, including but not limited to boats, decoys, trail cameras, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following condition:

(i) The conditions set forth at paragraph (d)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (d)(1)(i) of this section applies.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) You may use or possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(iv) We allow placement of one tree stand or ground blind per hunter during state designated white-tailed deer seasons and require hunters to remove tree stands and ground blinds after 24 hours of use (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Illinois Department of Natural Resources customer identification number.

(v) We allow harvest of feral hog during while tail deer hunting only.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers must remove all boats and fishing equipment (see § 27.93 of this chapter) brought onto the refuge at the end of each day's fishing activity.

(ii) We prohibit the use of trotlines, jugs, yo-yos, nets, or any commercial fishing equipment except in areas where State regulations authorize commercial tackle.

(iii) We prohibit the use of more than two poles per angler and more than two hooks or lures per pole.

(e) *Emiquon National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) Hunters must remove personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow access for hunting from 1 hour before legal shooting time (as governed by State regulations for the species in question) until 1 hour after legal sunset.

(iii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (ii) and (iv) and (e)(2)(iii) of this section apply.

(ii) For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing throughout the year on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset.

(ii) We prohibit fishing in the waterfowl hunting area during the waterfowl hunting season.

(f) *Great River National Wildlife Refuge.* (1) Migratory game bird hunting.

We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) On the Long Island Division, we allow hunting only from blinds constructed on sites posted by the State.

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) You must remove all personal belongings, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(v) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(ii) through (v) of this section apply.

(ii) On the Cherry Box Division and Fox Island Division, we allow hunting with shotgun only during the Statewide upland game season.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iv) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) For wild turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(ii) We allow placement of one tree stand or ground blind per hunter during state designated white-tailed deer seasons and require hunters to remove tree stands and ground blinds after 24 hours of use (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Illinois Department of Natural Resources customer identification number.

(iii) On the Fox Island Division, Slim Island Division, and Cherry Box Division, we only allow archery deer hunting during the Statewide archery season. We prohibit archery hunting during the State firearm season.

(iv) On the Delair Division, we only allow deer hunting during special managed hunts. You must possess and carry a refuge permit (hunt letter) when hunting during special managed hunts.

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vi) The conditions set forth at paragraphs (f)(1)(iii) through (v) and (f)(2)(iv) of this section apply.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) On the Fox Island Division, we only allow bank fishing along any portion of the Fox River from January 1 through October 15.

(g) *Hackmatack National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) Hunters may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

(iii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) through (iv)of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts.

(3) *Big game hunting.* We allow white-tailed deer and turkey hunting on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (ii), and (iv) and (g)(2)(iv) of this section apply.

(ii) For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting turkey (see § 32.2(k)).

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) You must remove all fishing devices at the end of each day's fishing activity (see §§ 27.93 and 27.94 of this chapter).

(h) *Kankakee National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, trail cameras, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) Hunters may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

(iii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State,-except for house sparrow and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (h)(1)(i) through (iv) of this section applies.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey

on designated areas of the refuge subject to the following conditions:

(i) Feral hogs may only be harvested during white-tailed deer hunts.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) For hunting, you may possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, minnows and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) You must remove all personal fishing devices and equipment at the end of each day's fishing activity (see §§ 27.93 and 27.94 of this chapter).

* * * * *

(j) *Middle Mississippi River National Wildlife Refuge.* (1) Migratory game bird hunting. We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) You must remove personal property, including but not limited to boats, blinds, blind materials, stands, decoys, trail cameras, platforms, and other hunting equipment, from the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State except for house sparrow and European starling on designated areas of the refuge subject to the following condition:

(i) The conditions set forth at paragraph (j)(1)(i) through (iv) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas on the refuge subject to the following conditions:

(i) For turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of one tree stand or ground blind per hunter during state designated white-tailed deer seasons and require hunters to remove tree stands and ground blinds after 24 hours of use (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Illinois Department of Natural Resources customer identification number.

(iv) The conditions set forth at paragraphs (j)(1)(i), (iii), and (iv) and (j)(2)(iii) of this section apply.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any mussel (clam), crayfish, frog, leech, and turtle species by any method on the refuge (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) You must remove all fishing devices at the end of each day's fishing activity (see §§ 27.93 and 27.94 of this chapter).

(k) *Port Louisa National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of all migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) through (iv) of § 32.34(f) apply.

(ii) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of all upland game authorized by the State, except for house sparrows and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(i) and (ii) of § 32.34(f) and (k)(1)(i) and (ii) of this section apply.

(ii) For turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(iii) Feral hog may only be harvested during white-tailed deer hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer, feral hog, and turkey in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (k)(1)((i) and (ii) and (k)(2)(iii) of this section apply.

(ii) Feral hog may only be harvested during white-tailed deer hunts.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (f)(4)(i) through (iii) of § 32.34(f) apply.

(l) *Two Rivers National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters must remove personal property, including but not limited to trial cameras, boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow access for hunting from 2 hours before legal sunrise until 2 hours after legal sunset.

(iv) We allow the harvest of pigeon, ringed turtle dove, and Eurasian-collared dove during any hunting on the refuge.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for house sparrow and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i) through (iv) of this section apply.

(ii) We prohibit hunters using rifles or handguns with ammunition larger than .22 caliber rimfire, except they may use black powder firearms up to and including .50 caliber.

(iii) We allow the use of .22 and .17 caliber rimfire lead ammunition for the taking of small game and furbearers during open season.

(iv) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(v) Feral hogs may only be harvested during white-tailed deer hunts consistent with approved method of take as described for designated areas.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey

on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i) and (iii) and (iv) and (l)(2)(v) of this section apply.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) You may use or possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) Anglers must remove personal property, including but not limited to boats, ice shacks, and all other fishing devices, at the end of each day's fishing activity (see § 27.93 of this chapter).

* * * * *

■ 9. Amend § 32.33 by revising and republishing paragraphs (a), (b), and (c) to read as follows:

§ 32.33 Indiana.

* * * * *

(a) *Big Oaks National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel on designated areas of the refuge subject to the following conditions:

(i) We require a signed acknowledgment of danger agreement and a refuge hunt permit.

(ii) Hunters must possess a valid daily gate pass at all times.

(iii) We allow the use of dogs for hunting only during the squirrel hunting season in the day use area, provided the dog is under the immediate control of the hunter at all times. You must ensure that all hunting dogs wear a collar displaying the owner's contact information.

(iv) You must hunt only in assigned areas. We prohibit trespass into an unassigned hunt area.

(v) We require that all hunters check all harvested game taken on the refuge at the refuge check station.

(vi) We require all refuge hunters to hunt with a partner. We require hunting partners to know the location of their partner while hunting. An adult, age 18 or older, must directly supervise youth hunters age 17 and younger.

(vii) Hunters must possess and carry a compass while hunting on the refuge.

(viii) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ix) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(2)(i), (ii), and (iv) through (ix) of this section apply.

(ii) You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow fishing on the Old Timbers Lake subject to the following conditions:

(i) We require a signed acknowledgment of danger agreement and a refuge access permit.

(ii) Anglers must possess a valid daily gate pass at all times.

(iii) We allow fishing only with a rod and reel or pole and line.

(iv) We prohibit the use of trotlines.

(v) We prohibit retaining black bass, largemouth bass, smallmouth bass, and spotted bass between 12 and 15 inches (30 and 37.5 centimeters).

(b) *Muscatatuck National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, woodcock, and dove on designated areas of the refuge subject to the following conditions:

(i) You must remove all boats, decoys, blinds, blind materials, stands, and platforms brought onto the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(iii) We prohibit hunting and the discharge of a firearm within 100 yards (30 meters) of any dwelling or any other building that people, pets, or livestock may occupy.

(iv) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of turkey, quail, squirrel, raccoon, opossum, coyote, fox, skunk, and rabbit on designated areas of the refuge subject to the following conditions:

(i) For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(ii) We allow the use of rimfire weapons for upland/small game hunting.

(iii) We prohibit the use of centerfire rifles for any hunts on refuge property.

(iv) During spring turkey hunting, hunters must possess a State-issued hunting permit during the first 6 days of the season.

(v) We prohibit turkey hunting after 1 p.m. each day.

(vi) We allow the incidental take of coyote only during other refuge hunting seasons.

(vii) The conditions set forth at paragraphs (b)(1)(i) through (iv) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iv) and (b)(2)(iii) of this section apply.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We prohibit the use or possession of tree spikes, plastic flagging, and reflective tacks.

(iv) We prohibit firearms deer hunting during the State deer firearm season (archery and muzzleloader only).

(v) We close archery deer hunting during the State muzzleloader season.

(vi) We prohibit the possession of game trail cameras on the refuge.

(vii) We require you to remove arrows from crossbows during transport in a vehicle.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of any type of motor.

(ii) We allow the use of kayaks, canoes, belly boats, or float tubes in all designated fishing areas.

(iii) We allow fishing only with rod and reel, or pole and line.

(iv) We prohibit harvest of frog and turtle (see § 27.21 of this chapter).

(v) We prohibit the use of lead fishing tackle.

(vi) We allow only youth age 15 and younger to fish in the Discovery Pond.

(c) *Patoka River National Wildlife Refuge and Management Area.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, merganser, coot, woodcock, dove, snipe, rail, and crow on designated areas of the refuge and the White River Wildlife Management Area subject to the following conditions:

(i) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the

refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We prohibit hunting and the discharge of a weapon within 150 yards (137 meters) of any dwelling or any building that may be occupied by people, pets, or livestock and within 50 yards (45 meters) of all designated public use facilities, including, but not limited to, parking areas and established hiking trails listed in the refuge hunting and fishing brochure.

(iii) We allow the use of dogs for hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of bobwhite quail, pheasant, cottontail rabbit, squirrel (gray and fox), red and gray fox, coyote, opossum, striped skunk, and raccoon subject to the conditions set forth at paragraphs (c)(1)(i) through (iv) of this section.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (iv) of this section apply.

(ii) On the Columbia Mine Unit, you may only hunt white-tailed deer during the first week (7 days) of the following seasons, as governed by the State: archery, firearms, and muzzleloader.

(iii) On the Columbia Mine Unit, you may leave portable tree stands overnight only when the unit is open to hunting and for a 2-day grace period before and after the special season.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Fishing is permitted from half-hour before legal sunrise to half-hour after legal sunset on the Columbia Mine Unit.

(ii) We allow fishing only with rod and reel, pole and line, bow and arrow, or crossbow.

(iii) The minimum size limit for largemouth bass on Snakey Point Marsh and on the Columbia Mine Unit is 14 inches (35.6 centimeters).

(iv) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(v) The condition set forth at paragraph (c)(1)(i) and (ii) of this section applies.

* * * * *

■ 10. Amend § 32.34 by revising and republishing paragraphs (b) through (g) to read as follows:

§ 32.34 Iowa.

* * * * *

(b) *Driftless Area National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of all migratory birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting seasons or March 15, whichever comes first.

(ii) We prohibit leaving boats, decoys, or other personal property unattended at any time. You must remove all personal property, which includes boats, decoys, and blinds, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow entry into the refuge 1 hour before legal sunrise and require hunters to leave the refuge no later than 1 hour after legal sunset. Shooting hours are in accordance with state regulations.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for European starling, house sparrow, and common garter snake, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iv) of this section apply.

(ii) In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting seasons or January 15, whichever occurs first.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b) (1) (i), (ii) and (iv) of this section apply.

(ii) We allow only archery and muzzleloader hunting for white-tailed deer.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) For turkey hunting, you may possess only approved nontoxic shot shells (see § 32.2(k)) while in the field.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

(c) *Iowa Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State subject to the following conditions:

(i) We prohibit leaving boats, decoys, or other personal property unattended at any time. You must remove all personal property, which includes, but is not limited to, boats, decoys, blind materials, stands, platforms, and blinds, brought onto the district at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We prohibit the use of motorized boats while hunting and fishing.

(iv) We prohibit duck and goose hunting on the Waterfowl Refuge Unit. We also prohibit all hunting on the Waterfowl Refuge Unit during the State duck season.

(v) All hunting on the Core Area Unit and Buffalo Creak Bottoms Unit is governed by station-specific regulations at subsection (g) of this section for the adjacent Union Slough Wetland Management District.

(2) *Upland game hunting.* We allow upland game species authorized by the State, subject to the following condition: The conditions set forth at paragraphs (c)(1)(i) though (v) of this section apply.

(3) *Big game hunting.* We allow white-tailed deer and turkey hunting subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) and (iii) through (v) of this section apply, with the exception to (c)(1)(i) that you may leave tree stands in an area for a continuous period of time beginning 7 days prior to the open season for hunting deer and ending 7 days after the final day of that season. You must clearly mark the stand with your Iowa hunting license number.

(ii) For turkey hunting, you may possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing throughout the district subject to the following conditions:

(i) The condition set forth at paragraph (c)(1)(iii) of this section applies.

(ii) You must remove all ice fishing shelters, boats, and other personal property at the end of each day's fishing (see § 27.93 of this chapter).

(d) *Neal Smith National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow the hunting of migratory bird species on designated areas of the refuge subject to the following conditions:

(i) We allow entry into the refuge 1 hour before legal sunrise and require

hunters to leave the refuge no later than 1 hour after legal sunset.

(ii) We prohibit shooting on or over any refuge road within 50 feet (15 meters) from the centerline.

(iii) You must remove personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(v) We allow hunting by falconry on the refuge in accordance with state regulations.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for European starling, house sparrow, and common garter snake, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) through (v) of this section apply.

(ii). We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We allow take of coyote with shotgun only.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge and subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) through (iii) of this section apply, with the exception to (d)(1)(iii) that you may leave tree stands in an area for a continuous period of time beginning 7 days prior to the open season for hunting deer and ending 7 days after the final day of that season. You must clearly mark the stand with your Iowa hunting license number.

(ii) You may only possess approved nontoxic shot when turkey hunting (see § 32.2(k)).

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Entry into the refuge for fishing is allowed 1 hour before legal sunrise and anglers are required to leave the refuge no later than 1 hour after legal sunset. No night fishing is permitted.

(ii) We prohibit the taking of any turtle, frog, snake, lizard, leech, minnow, crayfish, mussel (clam), and any other non-fish species by any method on the refuge (see § 27.21 of this chapter).

(e) *Northern Tallgrass Prairie National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas subject to the following conditions:

(i) Hunters must remove personal property, including but not limited to boats, decoys, portable or temporary blinds, and other materials brought onto the refuge, at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs when hunting, except when hunting furbearers, provided the dog is under the immediate control of the hunter at all times.

(iii) We only allow nonmotorized boats while hunting and fishing.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the state, except for European starling, house sparrow, and common garter snake, on designated areas subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i) through (iii) of this section apply.

(3) *Big game hunting.* We allow the hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) You may possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(ii) The conditions set forth at paragraphs (e)(1)(i) of this section apply, with the exception to (e)(1)(i), in all counties except Jasper, that you may leave tree stands in an area for a continuous period of time beginning 7 days prior to the open season for hunting deer and ending 7 days after the final day of that season. You must clearly mark the stand with your Iowa hunting license number.

(iii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers must remove all ice fishing shelters, boats and other personal property at the end of each day's fishing (see § 27.93 of this chapter).

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(iii) The conditions set forth at paragraph (e)(1)(iii) of this section apply.

(f) *Port Louisa National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters must remove personal belongings, including but not limited to boats, decoys, portable blinds, blind materials, stands, platforms, and trail cameras, at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset. Shooting hours are in accordance with state regulations.

(iii) Hunting is permitted consistent with state seasons annually between January 1 through September 14 on all designated hunt units, except the Iowa River Corridor unit which is open to hunting pursuant to state seasons year-round.

(iv) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except European starling, house sparrow, and common garter snake, on designated areas of the refuge subject to the following conditions:

(i) We allow shotgun slug or muzzleloading rifle for hunting coyotes.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) The conditions set forth at paragraphs (f)(1)(i) through (iv) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) through (iii) of this section apply.

(ii) You may only use or possess approved nontoxic shot when turkey hunting (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(ii) We allow fishing only from legal sunrise to legal sunset.

(iii) Anglers must remove all personal property, including but not limited to

boats, ice shacks, and all other fishing devices, at the end of each day's fishing activity (see § 27.93 of this chapter).

(g) *Union Slough National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, rail (Virginia and sora only), woodcock, dove, crow, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunters on the refuge from 1 hour before legal sunrise until 1 hour after legal sunset.

(ii) We allow boats or other floating devices when hunting. You may not leave boats unattended.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We prohibit entry into any closed area to retrieve downed game, unless the hunter has received written permission from the refuge manager.

(v) We prohibit hunting on road rights-of-way on any portion of the refuge not open to hunting. The road right-of-way extends to the center of the road.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for European starling, house sparrow, and common garter snake, on designated areas of the refuge, subject to the following conditions:

(i) We prohibit possession of shotgun slugs.

(ii) The conditions set forth at paragraphs (g)(1)(i), (ii), (iv), and (v) of this section apply.

(3) *Big game hunting.* We allow hunting of deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (ii), (iv), and (v) of this section apply.

(ii) We allow portable tree stands, portable blinds, and freestanding elevated platforms to be left on the refuge from 7 days prior to the first deer hunting season; you must remove them prior to 7 days following the last deer hunting season (see § 27.93 of this chapter). Turkey hunters must remove blinds and stands each day (see § 27.93 of this chapter).

(iii) You must label portable tree stands, portable blinds, and freestanding elevated platforms that are left unattended with your hunting license number. The label must be legible from the ground.

(iv) You must remove any other personal property brought onto the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(v) We allow deer hunters on the refuge from 1 hour before legal sunrise until 2 hours after legal sunset.

(vi) Deer hunters may possess only shot shells that shoot a single projectile (*i.e.,* slugs).

(vii) For wild turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset.

(ii) We allow fishing from boats on the Buffalo Creek Bottoms; however, we prohibit the use of gasoline motors.

(iii) We prohibit the use or possession of lead terminal tackle.

* * * * *

■ 11. Amend § 32.37 by revising and republishing paragraphs (a), (b), (c), (e), (f), (g), (j), (l) through (r), (t), and (u) to read as follows:

§ 32.37 Louisiana.

* * * * *

(a) *Atchafalaya National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, teal, merganser, coot, gallinule, woodcock, light and dark geese, snipe, rail, and dove on designated areas of the refuge subject to the following condition: You may hunt only as governed by State-issued Sherburne Wildlife Management Area regulations.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, opossum, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (a)(1) of this section applies.

(ii) We allow incidental take of feral hogs, coyote, and nine-banded armadillo during any open season with weapons and ammunition legal for that season.

(iii) We allow hunting of nutria on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of feral hog, white-tailed deer, and turkey on designated areas of the refuge subject to the following condition: The condition set forth at paragraphs (a)(1) and (a)(2)(ii) and (iii) of this section apply.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing year-round as governed by Sherburne Wildlife Management Area regulations.

(b) *Bayou Cocodrie National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) We allow migratory game bird hunting on Wednesdays, Saturdays, and Sundays until 12 p.m. (noon) during the State season. We do not open for the special teal season or the State youth waterfowl hunt.

(iii) We allow the use of dogs to locate, point, and retrieve.

(iv) We allow incidental take of armadillo, raccoon, beaver, nutria, opossum, bobcat, and striped skunk when hunting.

(v) One adult may supervise no more than one youth hunter 15 years of age or younger.

(vi) We prohibit discharging a weapon within a 100-foot (30.5 meter) zone along either side of pipelines, power line rights-of-way, designated roads and trails, open fields, petroleum facilities and equipment, buildings, and parking lots.

(vii) Waterfowl hunters must remove all decoys, blind material, other equipment, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit on designated areas of the refuge subject to the conditions set forth at paragraphs (b)(1)(i), (iii), and (iv) through (vi) of this section, with the exception to (b)(1)(iii) that the use of dogs for rabbit hunting is only authorized for the months of January and February.

(3) *Big game hunting.* We allow hunting of turkey, white-tailed deer, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i)and (iv) through (vi) of this section apply.

(ii) The daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(iii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(i) of this section applies.

(ii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(iii) We prohibit the possession and use of hoop nets and trotline equipment, including limb lines, gill nets, seine traps, yo-yos, and jugs on the refuge.

(c) *Bayou Sauvage National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess and carry a valid, signed refuge hunting and fishing brochure.

(ii) We only allow youth to hunt migratory game birds.

(iii) All youth hunters age 15 and younger must be supervised by an adult during hunts. The youth must be capable of and must actively participate in the hunt by possessing or firing a legal weapon during the hunt for the express purpose of harvesting game.

(iv) One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times.

(v) Adults accompanying youth on any refuge hunts may participate by hunting (except during the State youth-only seasons), but are not allowed to harvest more than their own daily bag limit (see § 20.24 of this chapter). Youth must harvest their own bag limits.

(vi) We allow migratory bird hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m.

(vii) We open the refuge to goose youth hunting during any segment of goose season that extends beyond the regular duck season.

(viii) Migratory bird hunters may not enter the refuge prior to 4 a.m. on the day of the hunt and must remove all portable blinds and decoys (see § 27.93 of this chapter) no later than 2 p.m.

(ix) We prohibit hunting within 500 feet (152 meters (m)) of any residence or structure adjacent to the refuge, and we prohibit hunting within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(x) We prohibit mud boats or air-cooled propulsion vessels, including ''surface-drive'' boats, except when traversing through the Intracoastal Waterway and the Irish Bayou Straight Canal only.

(xi) We only allow the incidental take of nutria with approved shot and weapons during any open youth waterfowl season on the refuge.

(xii) We allow the incidental take of coyote, raccoon, feral hog, armadillo, and opossum with approved shot and weapons allowed during any open season on the refuge.

(xiii) We allow only the use of reflective tacks as marking devices.

(2) *Upland game hunting.* We allow hunting of rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We only allow youth hunting of upland game.

(ii) When hunting, you must possess only shot size 4 or smaller or .22 caliber rimfire rifles or smaller. We allow the use of air rifles.

(iii) When hunting rabbit, we allow the use of dogs only after the close of the State archery deer season.

(iv) The conditions set forth at paragraphs (c)(1)(i), (iii) through (v), and (ix) through (xiii) of this section apply.

(3) *Big game hunting.* We only allow youth hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We are open to youth hunting only during the State deer archery season.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter).

(iv) We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(v) We prohibit the use of deer decoys.

(vi) The conditions set forth at paragraphs (c)(1)(i), (iii) through (v), and (ix) through (xiii) of this section apply.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We allow daytime sport finfishing and shellfishing year-round on designated areas of the refuge. On portions of the refuge outside of the Hurricane Protection Levee, we allow daytime sport finfishing and shellfishing from November 1 through January 31 and during the State teal season, but only after 2 p.m.

(ii) We only allow sport finfishing with hand-held rod and reel or hand-held rod and line.

(iii) You may take bait shrimp with cast nets only.

(iv) You may take crawfish (up to 100 pounds (45 kilograms) per person, per day) with crawfish or dip nets only.

(v) We allow only recreational crabbing.

(vi) You must attend all fishing, crabbing, and crawfishing equipment at all times.

(vii) We prohibit the use of trotlines, limblines, slat traps, gar sets, nets, and alligator lines on the refuge.

(viii) The conditions set forth at paragraphs (c)(1)(i), (x), and (xiii) of this section apply.

* * * * *

(e) *Big Branch Marsh National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, coot, light and dark goose, snipe, rail, gallinule, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow waterfowl, snipe, rail, gallinule, dove, and goose hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m. This includes waterfowl hunting during the State teal season and State youth and veteran waterfowl seasons. We only allow hunting of woodcock until 2 p.m.

(iii) We allow light goose hunting for that part of the season that extends beyond the regular duck season from ½ hour before legal sunrise until 2 p.m.

(iv) We allow only temporary blinds, and hunters must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(v) All youth hunters age 15 and younger must be supervised by an adult

during all hunts. One adult may supervise up to two youths during small game hunts and migratory bird hunts but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence adjacent to the refuge or oil and gas infrastructure on the refuge, or within 200 feet (61 m) from the center of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vii) We allow migratory bird hunters to enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of raccoon, feral hog, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(x) We prohibit hunters and anglers from utilizing air boats, air thrust boats, mud boats, aircraft, and air-cooled propulsion engines on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) When hunting, you must possess only shot size 4 or smaller, or .22 caliber rim-fire rifles or smaller. We allow the use of air rifles.

(ii) When hunting squirrel and rabbit, and for the incidental take of raccoon, we allow the use of dogs only after the close of the State archery deer season. When hunting quail, you may only use dogs to locate, point, and retrieve.

(iii) The conditions set forth at paragraphs (1)(i), (v), (vi) and (viii) through (x) of this section apply.

(iv) During the dog season for squirrel and rabbit, all hunters, including archers (while on the ground), except waterfowl hunters, must wear a minimum of a cap or hat that is hunter orange, blaze pink, or other such color as governed by State regulations.

(v) We only allow hunting of quail until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We are open only during the State season for archery deer hunting.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand. We prohibit hunting stands on trees painted with white bands.

(iv) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) while on the ground.

(v) The conditions set forth at paragraphs (e)(1)(i), (v), (vi), and (viii) through (x) of this section apply.

(vi) We prohibit the use of deer decoys.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) You may only fish from legal sunrise until legal sunset, except we allow night fishing from the bank and pier on Lake Road.

(ii) You must only use rod and reel or pole and line while finfishing.

(iii) You must attend to any fishing, crabbing, and crawfishing equipment at all times.

(iv) The conditions set forth at paragraphs (e)(1)(i) and (x) of this section apply.

(f) *Black Bayou Lake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, coot, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters must carry a signed refuge hunt permit and must carry and fill out a Visitor Check-In Permit and Report daily.

(ii) Hunters may only hunt during designated refuge seasons as listed in the signed refuge hunt permit.

(iii) We allow waterfowl hunting until 12 p.m. (noon) during the State season and hunters must exit the refuge no later than 1:30 p.m. except for woodcock hunting which ends at legal sunset.

(iv) Hunters may enter the refuge no earlier than 4 a.m.

(v) We prohibit hunting within 100 feet (30 meters (m)) of the maintained rights-of-way of roads and from or across all-terrain vehicle (ATV) trails. We prohibit hunting within 50 feet (15 m) of, or trespassing on, aboveground oil, gas, or electrical transmission facilities.

(vi) Hunters may only use dogs to locate, point, and retrieve migratory game birds.

(vii) We only allow ATVs on trails designated for their use and marked by signs (see § 27.31 of this chapter). ATV trails are closed March 1 through August 31.

(viii) We allow the incidental take of coyote and beaver during refuge hunts with weapons legal for the hunt.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, opossum, and the incidental take of coyote and beaver on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i), (ii), (iv), (v), (vii), and (viii) of this section apply.

(ii) Hunters must exit no later than 2 hours after legal shooting hours, unless participating in authorized nighttime hunting.

(iii) We allow nighttime hunting with dogs for raccoon and opossum from December 1 to January 31. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season.

(iv) Dogs may only be used for rabbit and squirrel hunting in January and February.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (f)(1)(i), (iv), and (vii) and (f)(2)(iv) of this section apply.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit trotlines, limb lines, yo-yos, traps, and nets.

(ii) We prohibit take of frog, turtle, and mollusk (see § 27.21 of this chapter).

(g) *Bogue Chitto National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We only allow hunting of duck, merganser, teal, light and dark goose, and gallinule from ½ hour before legal

sunrise until 2 p.m. of the State seasons, including during the State teal season, State youth waterfowl season, State veterans season, and special light goose conservation season.

(iii) You must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vii) For the purpose of hunting, we prohibit possession of slugs, buckshot, and rifle and pistol ammunition, except during the deer gun and primitive firearm seasons (see § 32.2(k)).

(viii) You may use only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of feral hog, raccoon, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs for rabbit and squirrel hunting, and the incidental take of raccoon, on specific dates listed in the refuge hunt brochure.

(ii) During any open deer firearm or primitive firearm season on the refuge, all hunters, except waterfowl hunters, must wear hunter orange, blaze pink, or other such color as governed by State regulations.

(iii) The conditions set forth at paragraphs (g)(1)(i) and (v) through (ix) of this section apply.

(iv) You may use .22-caliber rifles or smaller while hunting upland game and ammunition must be size 4 or smaller.

(v) We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.72 meters) on the Pearl River Gauge at Pearl River, Louisiana.

(vi) During the dog season for squirrels, rabbits, and incidental take of raccoon, all hunters, including archery hunters (while on the ground), except waterfowl hunters, must wear a cap or hat that is hunter-orange, blaze pink, or other such color as governed by State regulations.

(vii) We prohibit upland game hunting on days corresponding with refuge deer gun and primitive firearm hunts.

(viii) We only allow quail hunting until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (g)(1)(i) and (viii) and (g)(2)(v) of this section apply.

(ii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iii) Deer hunters hunting from concealed blinds must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) above or around their blinds that is visible from 360 degrees.

(iv) We hold a special dog hog hunt in February. During this hunt, the following conditions apply, in addition to the other conditions set forth in this paragraph (g)(3):

(A) You must use trained hog-hunting dogs to aid in the take of hog.

(B) We allow take of hog from ½ hour before legal sunrise until ½ hour after legal sunset.

(C) You must possess only approved nontoxic shot, or pistol or rifle ammunition not larger than .22 caliber rim-fire, to take the hog after it has been caught by dogs.

(v) You must kill all hogs prior to removal from the refuge.

(vi) We prohibit the use of deer and turkey gobbler decoys.

(vii) We prohibit using shot larger than BB-lead, or T-steel, while hunting during turkey season.

(viii) We describe the dates for turkey hunts and deer general gun hunts, youth hunts, and veterans hunts in the refuge user brochure.

(4) *Sport fishing.* We allow only recreational fishing year-round on designated areas of the refuge subject to the following conditions:

(i) We only allow cotton limb lines.

(ii) We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

(iii) When the Pearl River Turnaround area is open, we allow boats that do not have gasoline-powered engines attached in the fishing ponds at the Pearl River Turnaround. Anglers must hand-launch these boats into the ponds. When the fishing ponds at the Pearl River Turnaround are open, hook and line is the only legal method of take in those ponds.

(iv) The Pearl River Turnaround area, when open to fishing, is open ½ hour before legal sunrise to ½ hour after legal sunset.

(v) The conditions set forth at paragraphs (g)(1)(i) and (viii), and (g)(2)(v) of this section apply.

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(j) *Cat Island National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, snipe, rail, gallinule, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow migratory bird hunters to enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge within 2 hours after legal sunset.

(iii) We allow the incidental take of beaver, feral hog, raccoon, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(iv) We allow all-terrain vehicles (ATVs) and utility-type vehicle as governed by State Wildlife Management Area (WMA) regulations and size specifications on designated trails (see § 27.31 of this chapter) from the third Saturday in September until February 28.

(v) We prohibit hunting within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or designated public use facility.

(vi) All youth hunters age 15 and younger must be supervised by an adult during hunts. One adult may supervise up to two youths during small game hunts and migratory bird hunts but may supervise only one youth during big

game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vii) We allow waterfowl (duck, merganser, teal, light and dark goose, and coot) and gallinule hunting daily during the State regular season, including waterfowl hunting during the State teal season and State youth and veteran waterfowl seasons, from ½ hour before legal sunrise until 2 p.m.

(viii) You must remove harvested waterfowl, temporary blinds, and decoys used for duck hunting by 2 p.m. each day (see § 27.93 of this chapter).

(ix) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(x) We prohibit accessing refuge property by boat from the Mississippi River.

(xi) We allow only the use of reflective tacks as marking devices.

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit, and the incidental take of nutria, beaver, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (vi), (x), and (xi) of this section apply.

(ii) While upland game hunting, we prohibit the possession of hunting firearms larger than .22 caliber rimfire, shotgun slugs, and buckshot (see § 27.42 of this chapter).

(iii) We allow the use of dogs during designated small game with dog seasons. We require the owner's contact information on the collars of all dogs. We only allow up to two dogs per hunting party for squirrel hunting.

(iv) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (vi), (x), and (xi) of this section apply.

(ii) We allow archery deer hunting, youth deer gun hunting during the first weekend of the State youth firearm season, and one weekend of primitive firearm season on the refuge. We list specific dates of these hunts in the refuge annual user brochure.

(iii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We grant extensions to retrieve stands due to high water refuge closure. We allow only one deer stand or blind per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iv) You may only take one deer of either sex per day during the deer seasons listed. State season limits apply.

(v) Deer hunters must display State WMA hunter-orange or blaze-pink (as governed by State WMA regulations).

(vi) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i), (iv) (on the open portions of Wood Duck ATV trail for wildlife-dependent activities throughout the year), (x), and (xi) of this section apply.

(ii) We prohibit slat traps or hoop nets on the refuge.

(iii) Anglers may only crawfish during designated days and times. The harvest limit is 50 pounds (22.5 kilograms) per person per day.

(iv) You must attend all crawfish traps and nets at all times. We allow up to, and no more than, 20 traps per angler on the refuge.

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(l) *D'Arbonne National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, rail, gallinule, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters must carry a signed refuge hunt permit (signed Public Use Regulations brochure) and must carry and fill out daily a Visitor Check-In Permit and Report (FWS Form 3–2405).

(ii) Hunters may only hunt during designated refuge seasons as listed in the signed Public Use Regulations brochure).

(iii) We allow migratory bird hunting until 12 p.m. (noon) during the State season, except for woodcock hunting which ends at legal sunset.

(iv) Hunters may enter the refuge no earlier than 4 a.m. and must exit the refuge no later than 1:00 p.m.

(v) We prohibit hunting within 100 feet (30 meters (m)) of the maintained rights-of-way of roads. We prohibit hunting within 50 feet (15 m) of or trespassing on aboveground oil, gas, or electrical transmission facilities.

(vi) Hunters may only use dogs to locate, point, and retrieve game.

(vii) We allow the incidental take of coyote, beaver, nutria, and armadillo during refuge hunts with weapons legal for the hunt.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i), (ii), (iv), (v), and (vii) of this section apply.

(ii) Hunters must exit no later than 2 hours after legal shooting hours, unless participating in authorized hunting.

(iii) We allow the nighttime hunting of raccoon and opossum from December 1 to January 31 with the aid of dogs. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season.

(iv) Dogs may be used for hunting after the last refuge deer gun hunt.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge as indicated subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i), (ii), (iv), (v) and (vii) and (l)(2)(ii) of this section apply.

(ii) Hunters must check all deer taken during general gun deer hunts at a refuge check station on the same day taken.

(iii) We prohibit hunters from placing or hunting from stands on pine trees with white-painted bands or rings.

(iv) Deer gun hunters must wear hunter orange as governed by State deer hunting regulations on wildlife management areas.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) Trotlines must be tended daily. The ends of trotlines must be attached by a length of cotton line that extends into the water.

(ii) We prohibit the taking of turtle and mollusk (see § 27.21 of this chapter).

(iii) Only collapsible twine nets can be used for crawfishing and are permitted only during daylight hours. Nets cannot be left on the refuge overnight.

(m) *Delta National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, dove, snipe, rail, gallinule, and coot on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow migratory bird hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m. during the State seasons, including the regular waterfowl season, the State teal season, State youth waterfowl season, State veterans waterfowl season, and State light goose special conservation season.

(iii) We only allow temporary blinds. You must remove both blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) We prohibit discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vi) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game and migratory game bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times.

(vii) Migratory bird hunters may enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow the incidental take of raccoon, feral hog, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(ix) We allow only the use of reflective tacks as marking devices.

(x) We close all refuge lands between Raphael Pass and Main Pass to public entry, including hunting and fishing, from November 1 through the end of February; year-round access is only allowed in Main, Raphael, Octave, Women, and Flatboat passes.

(xi) We prohibit hunters and anglers from utilizing air boats, air thrust boats, mud boats, aircraft, and air-cooled propulsion engines on the refuge.

(2) *Upland game hunting.* We allow hunting of rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The refuge rabbit season opens the day after the State duck season closes and continues through the remainder of the State rabbit season.

(ii) We restrict hunting to shotgun only.

(iii) We allow the use of dogs when rabbit hunting.

(iv) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(v) The conditions set forth at paragraphs (m)(1)(i), (v) through (viii), and (xi), of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) and (v) through (xi) of this section apply.

(ii) We allow archery deer hunting, bucks only, from October 1 through 15. We allow either-sex archery deer hunting from October 16 through 31, and from the day after the close of the State duck season through the end of the State deer archery season.

(iii) We allow placement of temporary deer stands up to 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(v) We prohibit the use of deer decoys.

(vi) We allow shotgun deer hunting on Saturday and Sunday during the first split of the regular waterfowl season.

(vii) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations).

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We only allow sport finfishing and shellfishing from ½ hour before legal sunrise until ½ hour after legal sunset. During the State waterfowl hunting seasons, we only allow sport finfishing and shellfishing from 2 p.m. until ½ hour after legal sunset.

(ii) We prohibit the use of trotlines, limblines, slat traps, jug lines, nets, or alligator lines.

(iii) The conditions set forth at paragraphs (m)(1)(i), and (xi) of this section apply.

(n) *Grand Cote National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl (duck, goose, coot) hunting on Wednesdays and Saturdays from ½ hour before legal sunrise until 12 p.m. (noon) during the State season.

(ii) We prohibit teal hunting during the State September season.

(iii) Hunters selected for lottery waterfowl hunts must be present and in possession of written documentation confirming their selection on the day of the hunt.

(iv) We allow no more than three persons to hunt in each of the lottery waterfowl blinds, and hunters must confine all hunting activity to the direct vicinity of the blinds.

(v) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vi) Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

(vii) We allow the incidental take of raccoon, feral hog, beaver, nutria, and coyote only when hunting for migratory bird, upland game, and big game species with firearms or archery equipment authorized for use.

(viii) We require hunters age 16 and older to purchase and carry a signed refuge special recreational activity permit (electronic form).

(ix) We prohibit hunting or the discharge of firearms within 150 feet (45 meters) from the edge of areas maintained for roads, trails, and utility rights-of-way.

(x) Hunters must check-in and check-out as governed by refuge-specific terms (see refuge hunting brochure for details).

(xi) Refuge users must enter and exit the refuge only at designated parking areas occurring on the refuge. We prohibit accessing adjacent lands from refuge parking areas or any other part of the refuge.

(xii) We restrict the use of all-terrain vehicles (ATVs) to designated ATV trails. ATVs are allowed from September 1 through the last day of February. We allow ATVs only for hunting, fishing, and other wildlife-related activities.

(xiii) Hunters must remove all decoys, blinds, and boats from the hunt area by 1 p.m. (see § 27.93 of this chapter).

(xiv) We only allow the use of bright eyes or reflective tape for flagging or trail markers.

(2) *Upland game hunting.* We allow hunting of rabbit, raccoon, beaver, nutria, and coyote on designated areas

of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(vi) through (xiv) of this section apply.

(ii) We allow the use of only shotguns and rifles that are .22 magnum caliber rimfire or less for upland game hunting.

(iii) We allow the use of dogs when hunting rabbit only after the close of the State deer rifle season. Dog owners must place their contact information on the collars of all their dogs.

(iv) We require hunters participating in the special dog season for rabbits to wear a hunter-orange cap.

(3) *Big game hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(vi) through (xiv) of this section apply.

(ii) We only allow the use of archery equipment for big game hunting.

(iii) You may use only portable deer stands. Hunters must place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge, and deer stands must have the owner's State hunting license/sportsmen's identification number clearly printed on the stand. Hunters must place the stand in a nonhunting position and at ground level when not in use.

(iv) We prohibit the use of deer decoys.

(v) We prohibit the use of dogs to trail wounded deer.

(vi) We prohibit organized drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the game.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(xi) through (xiv) of this section apply.

(ii) We only allow fishing within the Coulee Des Grues Bayou from the bank adjacent to Little California Road.

(iii) Except as provided under paragraph (n)(4)(ii) of this section, we allow fishing from ½ hour before legal sunrise to legal sunset. Anglers may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

(iv) We require anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit.

(v) We prohibit the use of nets, traps, set lines, and trot lines. Anglers may only use a rod and reel or pole with a hook and line attached to fish.

(vi) We prohibit the possession of cleaned or processed fish on the refuge.

(vii) We prohibit the harvest of frog, turtle, snake, or mollusk (see § 27.21 of this chapter).

(viii) We prohibit crawfishing.

(o) *Lacassine National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, gallinule, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters may only hunt migratory game birds during designated refuge seasons.

(ii) We require every hunter to possess and carry a valid signed refuge hunt permit (signed brochure) and regulations brochure.

(iii) Hunters may enter the refuge at 4 a.m. Shooting hours end at 2 p.m. each day.

(iv) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542), available from a self-clearing check station, after each hunt.

(v) We prohibit hunting within 50 yards (45 meters (m)) of refuge canals; waterways; public roads; buildings; aboveground oil, gas, or electrical transmission facilities; or designated public facilities. Hunting parties must remain a distance of no fewer than 150 yards (135 m) away from another hunter.

(vi) You must remove all hunting-related equipment from the refuge immediately following each day's hunt (see § 27.93 of this chapter).

(vii) When migratory bird hunting, you may only use dogs for the purpose of locating, pointing, and retrieving.

(2) [Reserved]

(3) *Big game hunting.* We allow hunting for white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) Hunters may only hunt big game during designated refuge seasons with archery equipment.

(ii) We allow only portable deer stands. Hunters may place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge, and deer stands must have the owner's State hunting license number clearly printed on the stand. Hunters must place stands in a nonhunting position at ground level when not in use.

(iii) The conditions set forth at paragraphs (o)(1)(ii), (v), and (vi) of this section apply.

(iv) Hunters may enter the refuge at 4 a.m. Hunters must leave no later than 1 hour after legal sunset.

(v) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542) available from a self-clearing check station, after each hunt.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from March 15 through October 15.

(ii) We prohibit fishing activities before legal sunrise and after legal sunset.

(iii) Anglers may enter the refuge 1 hour before legal sunrise, and you must leave 1 hour after legal sunset.

(iv) Anglers can travel the refuge by boat from 1 hour before legal sunrise until 1 hour after legal sunset in order to access fishing areas.

(v) We prohibit bank fishing from the Lacassine Pool Wildlife Drive.

(vi) We prohibit boat and bank fishing in Lacassine Pool Unit D and refuge waters from October 16 through March 14.

(vii) We allow fishing only with rod and reel or pole and line in refuge waters. We prohibit possession of any other type of fishing gear, including limb lines, gill nets, jug lines, yo-yos, or trotlines.

(viii) We prohibit the taking of turtle (see § 27.21 of this chapter).

(p) *Lake Ophelia National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl (duck, goose, coot) hunting on Tuesdays, Thursdays, and Saturdays from ½ hour before legal sunrise until 12 p.m. (noon) during the State duck season.

(ii) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(iii) Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day. Hunters must remove all decoys, blinds, and boats from the hunt area by 1 p.m. (see § 27.93 of this chapter).

(iv) We prohibit migratory game bird hunting during refuge deer primitive firearm hunts.

(v) Except as restricted under paragraph (p)(3)(ix) of this section, we allow the incidental take of raccoon, feral hog, beaver, nutria, and coyote when hunting for migratory bird, upland game, and big game species with firearms and archery equipment authorized for use.

(vi) We restrict the use of all-terrain vehicles (ATVs) to designated ATV trails. ATVs are allowed from September 1 to the last day of the spring turkey season. We allow ATVs only for hunting, fishing, and other wildlife-related activities.

(vii) We restrict the use of the ATV trails that are designated for physically challenged persons to individuals who possess a State-issued physically challenged program hunter permit or are age 60 or older.

(viii) We require hunters age 16 and older to purchase and carry a signed refuge special recreational activity permit (electronic form).

(ix) We prohibit hunting or the discharge of firearms within 150 feet (45 meters) from the edge of areas maintained for roads, trails, and utility rights-of-way.

(x) Hunters must check in and check out as governed by refuge-specific terms (see refuge hunting brochure for details).

(xi) Hunters and anglers must enter and exit the refuge only at designated parking areas occurring on the refuge. We prohibit accessing adjacent lands from refuge parking areas or any other part of the refuge.

(xii) We only allow the use of bright eyes or reflective tape for flagging or trail markers.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, raccoon, beaver, nutria, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (p)(1)(v) through (xii) of this section apply.

(ii) Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

(iii) We only allow the use of shotguns and rifles that are .22 magnum caliber rimfire or less for upland game hunting.

(iv) We prohibit upland game hunting during refuge deer primitive firearm hunts.

(v) We allow the use of dogs when squirrel and rabbit hunting only after the close of the State deer rifle season. Dog owners must place their contact information on the collars of all their dogs.

(vi) We require hunters participating in the special dog season for rabbits to wear a hunter-orange cap.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (p)(1)(v) through (xii) and (p)(2)(ii) of this section apply.

(ii) You may harvest only one antlered and one antlerless deer during each of the lottery primitive firearm hunts.

(iii) You may use only portable deer stands. Hunters may place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge, and deer stands must have the owner's State hunting license number clearly printed on the stand. Hunters must place stands in a nonhunting position and at ground level when not in use.

(iv) All deer gun hunters must wear and display 400 square inches (2,600 square centimeters) of hunter orange and a hunter-orange cap during the deer gun seasons and lottery deer hunts.

(v) Only hunters that have been selected for lottery primitive firearm deer hunts may be present during these hunts.

(vi) We allow the use and possession of lead shotgun slugs during lottery primitive firearm deer hunts. We prohibit the use and possession of lead and non-lead shot shells during these hunts.

(vii) We prohibit all other hunting during refuge deer primitive firearm hunts as described in the refuge hunting brochure.

(viii) We prohibit the use of deer or turkey gobbler decoys.

(ix) We allow turkey hunting only during the first 16 days of the State season until 12 p.m. (noon). We prohibit incidental hunting of feral hog while turkey hunting.

(x) We prohibit the use of dogs to trail wounded deer.

(xi) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(4) *Sport fishing.* We allow sport fishing in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (p)(1)(xi) and (xii) of this section apply.

(ii) We require anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit (name/address/phone number only).

(iii) We allow fishing from March 1 through October 15 from ½ hour before legal sunrise to legal sunset.

(iv) We allow anglers to operate ATVs on the designated trails to the Duck Lake, Westcut Lake, and Possum Bayou boat ramps.

(v) We prohibit the use of nets, traps, set lines, and trot lines. Anglers may only use a rod and reel or pole with a hook and line attached to fish.

(vi) We prohibit the possession of cleaned or processed fish on the refuge.

(vii) We prohibit the harvest of frog, turtle, snake, or mollusk (see § 27.21 of this chapter).

(viii) We prohibit crawfishing.

(q) *Mandalay National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, teal, merganser, light and dark goose, gallinule (including moorhen), coot, rail, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow only youth hunting of migratory game birds and only in the Hanson Unit on Wednesdays, Thursdays, Saturdays, and Sundays until 2 p.m. of the State teal, youth, and regular waterfowl seasons.

(iii) We open the Hanson Unit only to youth goose hunting during any segment of the goose season that extends beyond the regular duck season on Wednesdays, Thursdays, Saturdays, and Sundays until 2 p.m.

(iv) Migratory bird hunters are only allowed to enter the refuge after 4 a.m.

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game and migratory game bird hunts. An adult may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. The youth must be capable of and must actively participate in the hunt by possessing or firing a legal weapon during the hunt for the express purpose of harvesting game. Parents or adult guardians are responsible for ensuring that hunters age 15 and younger do not violate refuge rules.

(vi) Adults accompanying youth on refuge hunts may participate by hunting, but are not allowed to harvest more than their own daily bag limit.

(vii) We only allow incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(viii) We allow incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(ix) We prohibit hunting within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(x) We allow only temporary blinds, and hunters must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(2) *Upland Game Hunting.* We allow youth hunting of squirrel and rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) When hunting, you must possess only shot size 4 or smaller, or .22 caliber rim-fire rifles or smaller. We allow the use of air rifles.

(ii) The conditions set forth at paragraphs (q)(1)(i) and (v) through (ix) apply.

(iii) The Hanson Unit is closed to youth hunting prior to 2 p.m. on Wednesdays, Thursdays, Saturdays, and Sundays during waterfowl hunt season.

(iv) Hunters must leave the refuge no later than 2 hours after legal sunset.

(3) *Big game hunting.* We allow the hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We open the refuge to hunting of white-tailed deer only during the State archery season. We close the Hanson Unit to big game hunting prior to 2 p.m. on Wednesdays, Thursdays, Saturdays, and Sundays during State waterfowl seasons.

(ii) You may take only one deer of either sex per day.

(iii) We prohibit the use of deer decoys.

(iv) We only allow portable stands. Hunters may erect temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge. Deer stands must have the owner's State hunting license/sportsman's identification number clearly printed on the stand.

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vi) The conditions set forth at paragraphs (q)(1)(i), (v), (vi), (viii), and (ix), and (q)(2)(iv) of this section apply.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing in all refuge waters subject to the following conditions:

(i) We prohibit the use of unattended nets, traps, or lines (trot, jog, bush, etc.).

(ii) The refuge is open from legal sunrise until legal sunset.

(iii) The condition set forth at paragraph (q)(1)(i) of this section applies.

(r) *Red River National Wildlife Refuge.*

(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, woodcock, snipe, rail, gallinule, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters must possess and carry a signed refuge brochure.

(ii) We allow waterfowl hunting until 12 p.m. (noon) during the State season. Waterfowl hunters must exit the refuge no later than 1:30 p.m. We allow other migratory bird hunting until 12 p.m. (noon) during the State season, except for woodcock hunting which ends at legal sunset.

(iii) Hunters may enter the refuge no earlier than 4 a.m.

(iv) Hunters may only hunt during designated times and seasons within specified State seasons as listed in refuge brochure.

(v) We prohibit hunting within 100 feet (30 meters) of any public road, refuge road, trail or all-terrain vehicle trail, residence, building, aboveground oil or gas or electrical transmission facility, or designated public facility.

(vi) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vii) We allow the incidental take of coyote, beaver, armadillo, nutria, and feral hogs in designated areas during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge, subject to the following conditions:

(i) The conditions set forth at paragraphs (r)(1)(i), (iii) through (v), and (vii) of this section apply.

(ii) We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season. We allow night hunting during December and January, and you may use dogs for night hunting.

(iii) We allow the use of dogs to hunt squirrel and rabbit after December 31.

(iv) Hunters must exit the refuge no later than 1 hour after legal shooting hours, unless participating in authorized hunting after legal sunset.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the conditions set forth at paragraphs (r)(1)(i), (iii) through (v), and (vii), and (r)(2)(iv) of this section.

(4) *Sport fishing.* We allow fishing and crawfishing on designated areas of the refuge subject to the following conditions:

(i) We allow use of only electric trolling motors on all refuge waters while fishing.

(ii) Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit (Special Use Permit (FWS Form 3–1383–G)), which is available at the refuge office. You must possess and carry the special refuge permit while fishing using commercial gear.

(iii) We prohibit take of alligator snapping turtle and mollusks (see § 27.21 of this chapter).

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(t) *Tensas National Wildlife Refuge.*

(1) *Migratory game bird hunting.* We allow hunting of duck, goose, rail, gallinule, coot, woodcock, and snipe on designated areas of the refuge subject to the following conditions:

(i) All hunters and anglers age 16 and older must purchase an Annual Public Use Permit (FWS Form 3–2439). This permit allows individuals to participate in open (non-quota) hunting and fishing seasons.

(ii) All hunters and anglers must obtain a Self-Clearing Permit (FWS Form 3–2405), available at refuge entry points and at the Visitor Center, or utilize electronic check in and check out, and complete the self-clearing process when exiting the refuge at the end of each day.

(iii) We allow hunting of duck, goose, rail, gallinule, coot, and snipe on Tuesdays, Thursdays, Saturdays, and Sundays until 2 p.m. during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

(iv) We allow refuge hunters to enter the refuge no earlier than 4 a.m., and they must leave no later than 2 hours after legal sunset unless they are participating in the refuge nighttime raccoon hunt or tracking wounded deer.

(v) We allow all-terrain vehicle travel on designated trails for access typically from October 1 to the last day of the refuge squirrel season.

(vi) We prohibit field dressing of game within 150 feet (45 meters) of parking areas, maintained roads, and trails.

(vii) An adult age 18 or older must supervise youth hunters age 17 and younger during all hunts. One adult may supervise two youths during small game and migratory bird hunts, but may

supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them.

(viii) We allow the incidental take of coyote, beaver, raccoon, opossum, feral hog, armadillo, and nutria during authorized hunts with firearms and archery equipment legal for use during the hunt.

(2) *Upland game hunting.* We allow hunting of raccoon, squirrel, and rabbit on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i), (ii), and (iv) through (viii) of this section apply.

(ii) A nighttime raccoon hunt will be conducted during December, January, and/or February, usually in conjunction with the adjacent State Wildlife Management Area raccoon hunting season.

(iii) We allow the use of dogs when squirrel and rabbit hunting subject to the Annual Public Use brochure.

(iv) We close squirrel and rabbit hunting during the following gun hunts for deer: Refuge-wide youth hunt, primitive firearms hunt, and modern firearms hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i), (ii), and (iv) through (viii) of this section apply.

(ii) We require a valid Quota Firearm Permit (FWS Form 3–2439) to hunt during a Deer Quota Firearm Hunt. You must complete and submit an application for all Deer Quota Hunts, and hunters will be notified of their drawing status. If selected, hunters are required to purchase the Annual Public Use Permit (FWS Form 3–2439) to claim their Quota Firearm Permit for the selected hunt. Hunters must carry a signed paper copy or electronic version of the permit with them on their person while hunting.

(iii) Deer archery season will begin the first Saturday in November and will conclude on January 31, except for during the youth gun hunt and modern firearms hunts, when archery is prohibited.

(iv) The deer primitive firearms season will occur between November 1 and January 31. We allow all legal primitive firearms as governed by State regulations.

(v) We prohibit hunting and/or shooting into or across any reforested area during the gun hunts for deer.

(vi) For the guided quota youth hunts, we consider youth to be ages 8 through 15.

(vii) We will conduct a refuge-wide youth deer hunt that will coincide with the State youth hunt weekend.

(viii) Hunters may take only one deer (one buck or one doe) per day during refuge deer hunts, except that during guided youth and wheelchair-bound hunts, the limit will be one antlerless and one antlered deer per day.

(ix) We allow turkey hunting in designated areas during the State turkey hunt season not to exceed 16 days.

(x) We allow a youth turkey hunt weekend in conjunction with the State youth turkey hunt weekend.

(xi) We allow muzzleloader hunters to discharge their primitive firearms at the end of each hunt safely into the ground at least 150 feet (45 meters) from any designated public road, maintained road, trail, fire break, dwelling, or aboveground oil and gas production facility. We define a ''maintained road or trail'' as one that has been mowed, disked, or plowed, or one that is free of trees.

(xii) We prohibit deer hunters leaving deer stands unattended before the opening day of the refuge archery season. Hunters must remove stands from the refuge by the end of the last day of the refuge archery season (see § 27.93 of this chapter). Hunters must remove portable stands from trees at the end of each day's hunt and place freestanding stands in a nonhunting position when unattended. Hunters must clearly mark stands left unattended on the refuge with the hunter's last name, Louisiana Department of Wildlife and Fisheries license number, and I-Sportsman Permit Number.

(xiii) We allow hunting with slugs, rifle, or pistol ammunition larger than .22 caliber rimfire only during the quota hunts for deer. We prohibit use of buckshot when hunting.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i) and (ii) of this section apply.

(ii) We allow anglers to enter the refuge no earlier than 4 a.m., and they must depart no later than 2 hours after legal sunset.

(iii) We prohibit the taking of turtle (see § 27.21 of this chapter).

(iv) We prohibit fish cleaning within 150 feet (45 m) of parking areas, maintained roads, and trails.

(u) *Upper Ouachita National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, rail, gallinule, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) You must carry a signed refuge public use brochure and must carry and fill out a Visitor Check-In Permit and Report (FWS Form 3–2405) daily.

(ii) Hunters may only hunt during designated refuge seasons as listed in the signed refuge public use brochure.

(iii) Hunters may enter the refuge no earlier than 4 a.m. We allow migratory bird hunting until 12 p.m. (noon) during the State season and must exit the refuge no later than 1:00 p.m., except for woodcock hunting which ends at legal sunset.

(iv) We prohibit hunting within 100 feet (30 meters (m)) of the maintained rights-of-way of roads and from or across all-terrain vehicle (ATV) trails. We prohibit hunting within 50 feet (15 m) of, or trespassing on, aboveground oil, gas, or electrical transmission facilities.

(v) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vi) We allow ATVs only on trails designated for their use and marked by signs (see § 27.31 of this chapter). ATV trails are closed March 1 through August 31.

(vii) We allow the incidental take of coyote, beaver, armadillo, nutria, and feral hog during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (u)(1)(i), (ii), (iii), (iv), (vi), and (vii) of this section apply.

(ii) You must exit no later than 2 hours after legal shooting hours, unless participating in authorized hunting after legal sunset.

(iii) We allow the nighttime hunting of raccoon and opossum from December 1 to January 31 with the aid of dogs. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (u)(1)(i), (ii), (iii), (iv), (vi), and (vii), and (u)(2)(ii) of this section apply.

(ii) Deer hunters must wear hunter orange as governed by State deer hunting regulations in wildlife management areas.

(iii) We prohibit hunters from placing stands or hunting from stands on pine trees with white-painted bands and/or rings.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

(ii) We prohibit the taking of turtle and mollusk (see § 27.21 of this chapter).

(iii) Only collapsible twine nets can be used for crawfishing and are permitted only during daylight hours. Nets cannot be left on the refuge overnight.

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■ 12. Amend § 32.41 by revising and republishing paragraphs (a) through (f) to read as follows:

§ 32.41 Michigan.

* * * * *

(a) *Detroit River International Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters must remove all personal property, including but not limited to blinds, blind materials, boats, stands, platforms, and decoys, brought onto the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow refuge access from ½hour prior to legal sunrise until 1½ hours after legal sunset.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We prohibit the use of electronic or photographic trail monitoring devices, such as game cameras.

(v) Hunters must possess and meet all conditions of a FWS Form 3–2439, Hunt Application/Permit or a State-issued permit for all special permit hunt units.

(vi) Nonmotorized boats are permitted on all hunt units. Motorized boats are only permitted on mean highwater hunt units.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for hunting of English sparrow and European starling, on designated areas of the refuge and subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (vi) of this section apply.

(ii) We prohibit the use of buckshot for any hunting on the refuge.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iv) We only allow the harvest of feral hogs, including Russian boar, during big game hunting.

(3) *Big game hunting.* We allow hunting of deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) and (ii) and (iv) through (vi) and (a)(2)(ii) and (iv) of this section apply.

(ii) For turkey hunting, you may possess only approved nontoxic shot (see § 32.2(k)) while in the field.

(iii) We allow placement of one tree stand per hunter per hunt unit per deer season.

(iv) We prohibit the use of firearms for deer hunting on the Fix Unit and Plum Creek Bay areas, collectively referred to as the Archery Deer Only Unit, and on the Humbug Special Hunt Unit.

(4) [Reserved]

(b) *Harbor Island National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1 hour before legal sunrise and must leave the refuge no later than 1 hour after legal sunset.

(ii) You must remove all personal property, including but not limited to boats, blinds, blind materials, stands, decoys, and other hunting equipment, from the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(iv) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iv) of this section apply.

(ii) For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(3) *Big game hunting.* We allow hunting of big game subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(ii) We prohibit dogs for big game hunting.

(iii) Deer hunters may place one portable stand or blind on the refuge for use while deer hunting, but only during the open deer season (see §§ 27.93 and 27.94 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the condition that we prohibit the taking of any mussel (clam), crayfish, leech, frog, toad, salamander, snake, lizard, turtle, and other non-fish species by any method on the refuge (see § 27.21 of this chapter).

(c) *Kirtland's Warbler Wildlife Management Area.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State subject to the following conditions:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, and other hunting equipment, at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State subject to the following conditions: The conditions set forth in paragraph (c)(1)(i) through (iii) of this section apply.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State subject to the following conditions: The conditions set forth in paragraphs (c)(1)(i) and (iii) of this section apply, except that deer hunters may place one blind each that remains in place until the applicable State deadline for removal.

(4) [Reserved]

(d) *Michigan Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State subject to the following conditions:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, and blind materials, at the end of each day's hunt (see § 27.93 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State subject to the following conditions: The conditions set forth at paragraphs (d)(1)(i) through (iii) of this section apply.

(3) *Big game hunting.* We allow the hunting of big game species authorized by the State subject to the following conditions: The conditions set forth in paragraphs (d)(1)(i) and (iii) of this section apply, except that deer hunters may place one blind each that remains in place until the applicable State deadline for removal.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

(e) *Seney National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of woodcock and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) We allow access for hunting from 2 hours before legal sunrise until 2 hours after legal sunset.

(iii) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of ruffed grouse and snowshoe hare on designated areas of the refuge subject to the conditions set forth at paragraphs (e)(1)(i) through (iv) of this section.

(3) *Big game hunting.* We allow the hunting of deer and bear on designated areas of the refuge subject to the conditions set forth at paragraphs (e)(1)(ii) through (iv) of this section, except that we allow placement of one tree stand or ground blind per hunter per hunt unit per deer season that remains in place until the applicable State deadline for removal.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of fishing weights or lures containing lead.

(ii) We allow ice fishing from January 1 through the end of February.

(iii) Anglers must remove ice fishing shelters and all other personal property from the refuge each day (see § 27.93 of this chapter).

(iv) We allow fishing on designated refuge pools from May 15 through September 30.

(v) We allow fishing only from legal sunrise to legal sunset.

(f) *Shiawassee National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl hunting on Saturdays, Sundays, Tuesdays, and Thursdays during waterfowl seasons.

(ii) We allow hunter access to the refuge 2 hours before legal shooting time to 2 hours after legal shooting time.

(iii) You may possess no more than 25 shotgun shells while waterfowl hunting in the field, consistent with Michigan State Game Areas.

(iv) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(v) We allow the harvest of pigeon during any open season.

(vi) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vii) We allow hunting by boat in navigable waterways but not within any managed refuge units.

(viii) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except for English sparrow and European starling, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(iii) and (iv) through (vi) and (viii) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We prohibit the use of buckshot for any hunting on the refuge.

(iv) We allow the harvest of feral hogs, including Russian boar, during big game hunting.

(3) *Big game hunting.* We allow hunting of bear, turkey, and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(ii) and (v) and (vi) and (viii), as well as (f)(2)(iii) and (iv) of this section apply.

(ii) Hunters must possess and meet all conditions of a Hunt Application/Permit (FWS Form 3–2439) or a state-issued permit while deer hunting.

(iii) You may use only approved nontoxic shot shells while in the field hunting turkey (see 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing by boat in navigable waterways but not within any managed refuge units.

(ii) We allow bank fishing from legal sunrise to legal sunset only at designated sites along the Tittabawassee and Cass Rivers.

* * * * *

■ 13. Amend § 32.42 by revising and republishing paragraphs (a), (b), (c), (e), (f), (g), (i), (j), (k), (l), (m), (o), and (s) to read as follows:

§ 32.42 Minnesota.

* * * * *

(a) *Agassiz National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We close the refuge from 9 p.m. to 5:30 a.m.

(v) We allow the use of motorless boats for hunting.

(vi) We allow hunting from September 1 through the last day of February within the South Unit and from October 1 through the last day of February within the North and East-West Units. The only exception is turkey hunting which follows State season dates.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except for hunting gopher, house sparrow, European starling, and monk parakeet, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (vi) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of bear, elk, and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) and (iv) through (vi) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to motorized public vehicle transportation at a big game animal or a decoy of a big game animal.

(iii) Hunters may place up to two total tree stands, elevated platforms, or ground blinds on the refuge only during the designated licensed season. Hunters must remove these stands/blinds by the end of the designated licensed season (see § 27.93 of this chapter). Unoccupied stands/blinds may be used by anyone. Hunters must clearly label stands and blinds with their State hunting license number.

(4) [Reserved]

(b) *Big Stone National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State, except for hunting of sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(ii) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(iii) Hunters must dismantle all blinds and platforms made from natural vegetation at the end of each day. Hunters may not bring vegetation onto the refuge from offsite.

(iv) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(v) Only non-motorized boats are permitted for access on refuge waters.

(vi) During the waterfowl season, the use of non-motorized boats is allowed only for waterfowl hunting on designated units. The East Pool unit is closed to non-motorized boat use for waterfowl and fishing during the waterfowl season.

(vii) We allow hunting from September 1 through the last day of February. The only exception is turkey hunting which follows State season dates.

(viii) We are closed to light goose during the State's conservation goose and March crow seasons.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except for hunting of gopher, coyote, house sparrow, European starling, and monk parakeet, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (vii) of this section apply.

(ii) For turkey hunting, you may use or possess only approved nontoxic shot shells (see § 32.2(k)) while in the field.

(iii) Hunters may only hunt fox, badger, opossum, weasel, and raccoon from ½ hour before legal sunrise until legal sunset from the beginning of the State season through the last day of February.

(iv) Hunters may only hunt striped skunk from ½ hour before legal sunrise until legal sunset from September 1 through the last day of February.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (vi) of this section apply, except that paragraph (b)(1)(ii) allowing the use of dogs does not apply to bear hunting.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(4) *Sport fishing.* We allow sport fishing on all waters of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(v) and (vi) of this section apply.

(ii) We prohibit the taking of turtle, frog, leech, minnow, crayfish, mussel (clam), toad, salamander, snake, lizard, and any other non-fish species covered in the Minnesota Fishing Regulations booklet by any method on the refuge (see § 27.21 of this chapter).

(iii) Fishing is only allowed during daylight hours.

(c) *Big Stone Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district subject to the following conditions:

(i) We allow the use of dogs for hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State throughout the district subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district subject to the following conditions: The conditions set forth at paragraphs (c)(1)(ii) through (iv) of this section apply.

(4) *Sport fishing.* We allow fishing throughout the district subject to the conditions set forth at paragraphs (c)(1)(iii) and (v) of this section.

* * * * *

(e) *Detroit Lakes Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district, except that we prohibit hunting on the Headquarters Waterfowl Production Area (WPA) in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County. The following conditions apply:

(i) We allow the use of dogs for hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species

authorized by the State throughout the district, except that we prohibit hunting on the Headquarters WPA in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County. The following conditions apply:

(i) The conditions set forth at paragraphs (e)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district, except that we prohibit hunting on the Headquarters WPA in Becker County, the Hitterdal WPA in Clay County, and the McIntosh WPA in Polk County, subject to the conditions set forth at paragraphs (e)(1)(ii) through (v) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district subject to the conditions set forth at paragraphs (e)(1)(iii) and (v) of this section.

(f) *Fergus Falls Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district, except that we prohibit hunting on the Townsend, Mavis, and Gilmore Waterfowl Production Areas (WPA) and the building and administrative area of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County. The following conditions apply:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State throughout the district, except that we prohibit hunting on the Townsend, Mavis, and Gilmore WPAs and in designated portions of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County. The following conditions apply:

(i) The conditions set forth at paragraphs (f)(1)(i) through (v) of this section apply.

(ii) You may use and possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district, except that we prohibit hunting on the Townsend, Mavis, and Gilmore WPAs and the building and administrative area of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County, subject to the conditions set forth at paragraphs (f)(1)(ii) and (v) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district, except that we prohibit hunting on the Townsend, Mavis, and Gilmore WPAs and the building and administrative area of Knollwood WPA in Otter Tail County, and on the Larson WPA in Douglas County, subject to the conditions set forth at paragraphs (f)(1)(iii) and (v) of this section.

(g) *Glacial Ridge National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State, except for sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow nonmotorized boats in areas open to migratory bird hunting during the migratory bird hunting seasons.

(v) We prohibit hunting during the Spring Light Goose Conservation Order.

(vi) We allow the use of wheeled, nonmotorized conveyance devices (*e.g.,* bikes, game carts).

(vii) We allow access for hunting from 2 hours before legal sunrise until 2 hours after legal sunset.

(viii) We allow hunting from September 1 through the last day of February. The only exception is for turkey hunting which follows State season dates.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except for gopher, house sparrow, European starling, and monk parakeet, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) through (iii) and (vi) through (viii) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(ii) through (iii) and (vi) through (viii) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(iii) We prohibit the use of dogs for bear hunting.

(4) [Reserved]

* * * * *

(i) *Litchfield Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district; except we prohibit hunting on that part of the Phare Lake Waterfowl Production Area (WPA) in Renville County that lies within the Phare Lake State Game Refuge. The following conditions apply:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, including turkey, throughout the district, except we prohibit hunting on the portion of the Phare Lake WPA within Renville County. The following conditions apply:

(i) The conditions set forth at paragraphs (i)(1)(i) through (v) of this section apply.

(ii) You may use and possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district, except we prohibit hunting on that part of the Phare Lake WPA in Renville County that lies within the Phare Lake State Game Refuge, subject to the conditions set forth at paragraph (i)(1)(ii) and (iv) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district subject to the conditions set forth at paragraphs (i)(1)(iii) and (v) of this section.

(j) *Minnesota Valley National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow the hunting of migratory game bird species authorized by the State, except for sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We require a special use permit (FWS Form 3–1383–G) for refuge-specific special hunts and refuge-specific population management hunts.

(ii) We prohibit the discharge of a weapon on, from, across, or within 100 feet (30 meters) of any service road, parking area, or designated hiking trail.

(iii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iv) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(v) We allow access for hunting from 2 hours before legal sunrise until 1 hour after legal sunset.

(vi) We allow the use of dogs while hunting migratory birds, provided the dog is under the immediate control of the hunter at all times.

(vii) We prohibit hunting during the State spring goose hunt.

(viii) We allow hunting from September 1 through the last day of February. The only exception is for turkey hunting which follows State season dates.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (v) and (viii) of this section apply.

(ii) We prohibit single projectile ammunition for hunting upland game, except that we allow hunters to use small-caliber rimfire rifles and handguns (.22 caliber and smaller) on designated areas of the refuge.

(iii) We allow the use of dogs only while hunting upland game birds and small game, except for furbearers.

(iv) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(v) You may only hunt fox, opossum, and raccoon from 1–2 hour before legal sunrise until legal sunset, from the beginning of the State season through the last day of February, on designated areas of the refuge.

(vi) You may only hunt coyotes and skunks from 1–2 hour before legal sunrise until legal sunset, from September 1 through the last day of February, on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the conditions set forth at paragraphs (j)(1)(i) through (v) and (viii) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge during daylight hours subject to the following conditions:

(i) The condition set forth at paragraph (j)(1)(iv) of this section applies.

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(k) *Minnesota Valley Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district subject to the following conditions:

(i) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(ii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(vi) We permit only archery hunting in the Soberg Waterfowl Production Area.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State throughout the district subject to the following conditions:

(i) The conditions set forth at paragraphs (k)(1)(i) through (vi) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State throughout the district subject to the conditions set forth at paragraphs (k)(1)(i) through (iii) and (vi) of this section.

(4) *Sport fishing.* We allow sport fishing throughout the district subject to the conditions set forth at paragraphs (k)(1)(ii) and (v) of this section.

(l) *Morris Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State throughout the district, except that we prohibit hunting on the designated portions of the Edward-Long Lake Waterfowl Production Area (WPA) in Stevens County. The following conditions apply:

(i) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders, including those made from natural vegetation at the end of each day's hunt.

(iii) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the WPA at the end of each day's hunt (see 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except that we prohibit hunting on the designated portions of the Edward-Long Lake WPA in Stevens County. The following conditions apply:

(i) The conditions set forth at paragraphs (l)(1)(i) through (v) of this section apply.

(ii) You may use and possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow deer hunting throughout the district, except that we prohibit hunting on the designated portions of the Edward-Long Lake WPA in Stevens County, subject to the conditions set forth at paragraphs (l)(1)(ii) through (iv) of this section apply.

(4) *Sport fishing.* We allow fishing throughout the district, except that we prohibit fishing on the designated portions of the Edward-Long WPA in Stevens County, subject to the conditions set forth at paragraphs (l)(1)(iii) and (v) of this section apply.

(m) *Northern Tallgrass Prairie National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State subject to the following conditions:

(i) We allow the use of dogs while hunting, except when hunting furbearers, provided the dog is under the immediate control of the hunter at all times.

(ii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iii) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except hunting of gopher, house sparrow, European starlings, and monk parakeets, on designated areas subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of bear, white-tailed deer, and elk on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(ii) through (v) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(ii) The condition set forth at paragraph (m)(1)(iii) of this section applies.

* * * * *

(o) *Rydell National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State, except for sandhill crane, on designated areas of the refuge subject to the following conditions:

(i) We only allow hunting of coot, light and dark goose, and duck during the special State-administered youth waterfowl season.

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iv) We allow nonmotorized boats in areas open to migratory bird hunting during the special State-administered youth waterfowl season.

(v) We prohibit hunting during the Spring Light Goose Conservation Order.

(vi) We allow the use of wheeled, nonmotorized conveyance devices (*e.g.,* bikes, game carts).

(vii) We allow access from 2 hours before legal sunrise until 2 hours after legal sunset.

(viii) We allow hunting from September 1 through the last day of February. The only exception is for turkey hunting which follows State season dates.

(ix) Hunters must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the WPA at the end of each day's hunt (see 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of upland game species, including turkey, authorized by the State, except hunting of gopher, house sparrow, European starling, and monk parakeet on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (o)(1)(ii), (iii), and (vi) through (ix) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(iii) We prohibit the use of centerfire, rimfire, or muzzleloading rifles, and handguns.

(iv) We prohibit hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of bear and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (o)(1)(iii) and (vi) through (ix) of this section apply.

(ii) We prohibit shooting on, from, over, across, or within 30 feet (9 meters) of a roadway open to public vehicle transportation at a big game animal or a decoy of a big game animal.

(iii) We require a State-issued permit to hunt white-tailed deer in the Special Permit Area of the refuge.

(iv) We allow only archery and muzzleloader for hunting deer, except for during the special State-administered mentored youth hunt and disabled hunt.

(v) We allow only archery and shotgun (using slugs) for hunting bear.

(vi) We prohibit the use of dogs for hunting bear.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (o)(1)(ix) of this section applies.

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(iii) We allow fishing from May 1 through November 1.

* * * * *

(s) *Windom Wetland Management District.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the

State on designated areas of the district, except that we prohibit hunting on the Worthington Waterfowl Production Area (WPA) in Nobles County and on designated portions of the Wolf Lake WPA in Cottonwood County. The following conditions apply:

(i) Hunters and anglers must remove all personal property, including but not limited to boats, decoys, blind materials, stands, platforms, and cameras, brought onto the district at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) Hunters must dismantle hunting blinds, platforms, and ladders made from natural vegetation at the end of each day's hunt.

(iv) We allow hunting of unprotected wild animals, as designated by the State, only from September 1 through the last day of February. We allow incidental take of unprotected wild animals, as designated by the State, during all hunting.

(v) We only allow non-motorized boats.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the district, except that we prohibit hunting on the Worthington WPA in Nobles County and on designated portions of the Wolf Lake WPA in Cottonwood County. The following conditions apply:

(i) The conditions set forth at paragraphs (s)(1)(i) through (v) of this section apply.

(ii) You may use or possess only approved nontoxic shot shells (see § 32.2(k)) in the field while hunting turkey.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State on designated areas of the district, except that we prohibit hunting on the Worthington WPA in Nobles County and on designated portions of the Wolf Lake WPA in Cottonwood County. The following conditions apply: The conditions set forth at paragraphs (s)(1)(i) and (iii) through (v) of this section apply.

(4) *Sport fishing.* We allow fishing throughout the district subject to the following condition: The conditions set forth at paragraphs (s)(1)(i) and (v) of this section apply.

* * * * *

■ 14. Amend § 32.43 by:

■ a. Revising and republishing paragraphs (a), (d), (e), (f), (g), (h), (i), and (k);

■ b. Adding new paragraph (m);

■ c. Redesignating, revising, and republishing paragraph (m) as (n).

The changes read as follows:

§ 32.43 Mississippi.

* * * * *

(a) *Bogue Chitto National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We only allow hunting of duck, merganser, teal, light and dark goose, and gallinule from 1–2 hour before legal sunrise until 2 p.m. of the State seasons, including during the State teal season, State youth waterfowl season, State veterans season, and special light goose conservation season.

(iii) You must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, power lines, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vii) For the purpose of hunting, we prohibit possession of slugs, buckshot, and rifle and pistol ammunition, except during the deer gun and primitive firearm seasons (see § 32.2(k)).

(viii) You may use only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of feral hog, raccoon, armadillo, opossum, coyote, and nutria with approved shot and weapons allowed during any open season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs for rabbit and squirrel hunting, and the incidental take of raccoon, on specific dates listed in the refuge hunt brochure.

(ii) During any open deer firearm or primitive firearm season on the refuge, all hunters, except waterfowl hunters, must wear hunter orange, blaze pink, or other such color as governed by State regulations.

(iii) The conditions set forth at paragraphs (a)(1)(i) and (v) through (ix) of this section apply.

(iv) You may use .22 caliber rifles or smaller while hunting upland game and ammunition must be size 4 or smaller (see § 32.2(k)).

(v) We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.72 meters) on the Pearl River Gauge at Pearl River, Louisiana.

(vi) During the dog season for squirrels, rabbits, and incidental take of raccoon, all hunters, including archery hunters (while on the ground), except waterfowl hunters, must wear a cap or hat that is hunter-orange, blaze pink, or other such color as governed by State regulations.

(vii) We prohibit upland game hunting on days corresponding with refuge deer gun and primitive firearm hunts.

(viii) We only allow quail hunting until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (a)(1)(i) and (viii) and (a)(2)(v)of this section apply.

(ii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iii) Deer hunters hunting from concealed blinds must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) above or around their blinds that is visible from 360 degrees.

(iv) We hold a special dog hog hunt in February. During this hunt, the following conditions apply, in addition to the other conditions set forth in this paragraph (g)(3):

(A) You must use trained hog-hunting dogs to aid in the take of hog.

(B) We allow take of hog from ½ hour before legal sunrise until ½ hour after legal sunset.

(C) You must possess only approved nontoxic shot, or pistol or rifle ammunition not larger than .22 caliber rim-fire, to take the hog after it has been caught by dogs.

(v) You must kill all hogs prior to removal from the refuge.

(vi) We prohibit the use of deer and turkey gobbler decoys.

(vii) We prohibit using shot larger than BB-lead, or T-steel, while hunting during turkey season.

(viii) We describe the dates for turkey hunts and deer general gun hunts, youth hunts, and veterans hunts in the refuge user brochure.

(4) *Sport fishing.* We allow only recreational fishing year-round on designated areas of the refuge subject to the following conditions:

(i) We only allow cotton limb lines.

(ii) We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

(iii) When the Pearl River Turnaround area is open, we allow boats that do not have gasoline-powered engines attached in the fishing ponds at the Pearl River Turnaround. Anglers must hand-launch these boats into the ponds. When the fishing ponds at the Pearl River Turnaround are open, hook and line is the only legal method of take in those ponds.

(iv) The Pearl River Turnaround area, when open to fishing, is open 1–2 hour before legal sunrise to 1 ndash;2 hour after legal sunset.

(v) The conditions set forth at paragraphs (a)(1)(i) and (viii), and (a)(2)(v) of this section apply.

* * * * *

(d) *Grand Bay National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and dove (mourning and white-winged) on designated areas of the refuge subject to the following conditions:

(i) Each hunter must possess and carry a signed copy of the refuge brochure while participating in refuge hunts.

(ii) Hunters must remove all decoys, blind material, and harvested waterfowl from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iii) You must only use portable or temporary blinds.

(iv) We only allow the use of dogs when waterfowl hunting. We require all dogs to wear a collar displaying the owner's contact information.

(v) We allow incidental take of coyote and nutria during any refuge hunt with the legal weapons for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of squirrel (gray and fox) and rabbit (cottontail and swamp), and incidental take of coyote and nutria, on designated areas of the refuge subject to the conditions set forth at paragraphs (d)(1)(i) and (v) of this section.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (v) of this section apply.

(ii) We only allow hunting with bow and arrow. We prohibit firearms.

(iii) We allow portable and climbing tree stands. Hunters must remove tree stands from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers may enter the refuge no earlier than 30 minutes prior to sunrise and must leave the refuge no later than 30 minutes after legal sunset each day.

(ii) We prohibit fishing from legal sunset to legal sunrise.

(e) *Hillside National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, merganser, coot, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, raccoon, striped skunk, opossum, coyote, beaver, bobcat, and nutria during any hunting, and incidental take of feral hog during deer and turkey hunting only.

(iv) We prohibit hunting in or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(viii) We limit waterfowl hunters to 25 shotshells per person in the field.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), (iv), and (vi) of this section apply, with the exception to (e)(1)(vi) that the use of dogs for rabbit hunting is only authorized for the month of February.

(ii) Hunting raccoon without a dog is prohibited.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(vi) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow sport fishing and frogging on designated areas

of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (e)(1)(i) of this section applies.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

* * * * *

(g) *Mathews Brake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of dove, goose, duck, merganser, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, raccoon, striped skunk, opossum, coyote, beaver, bobcat, and nutria during any refuge hunting. We allow incidental take of feral hog during deer hunting only.

(iv) We prohibit hunting or shooting into a 100-foot (30.5 meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, boats, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(viii) We limit waterfowl hunters to 25 shotshells per person in the field.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, and quail on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (iii), (iv), and (vi) of this section apply, with the exception to (g)(1)(vi) that the use of dogs for rabbit hunting is only authorized for the month of February.

(ii) Hunting raccoon without a dog is prohibited.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i), (iii), (iv), and (vi) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(vi) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (g)(1)(i) of this section applies.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(h) *Morgan Brake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of dove, goose, duck, merganser, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter (m)) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(viii) We limit waterfowl hunters to 25 shotshells per person in the field.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (h)(1)(i), (iii), (iv), and (vi) of this section apply.

(ii) Hunting raccoon without a dog is prohibited.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (h)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer, as defined by the State, per day, not to exceed State bag limits.

(vi) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on a refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to industry standards. Tree saddle users must always remain connected to the

tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (h)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

(i) *Panther Swamp National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of woodcock, snipe, goose, duck, merganser, coot, and dove on designated areas of the refuge subject to the following regulations:

(i) Hunters and anglers must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs, provided the dog is under the immediate control of the hunter at all times.

(vii) We limit waterfowl hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use from one day prior to duck, merganser, and coot season through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(1)(i), (iii), (iv), and (vi) of this section applies, with the exception to (i)(1)(vi) that the use of dogs for rabbit hunting is only authorized for the month of February.

(ii) We prohibit hunting raccoon without a dog.

(iii) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge at a designated check station prior to leaving the refuge.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) The daily bag limit is one buck and one antlerless deer, as defined by the State, per day not to exceed State bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (i)(1)(i) of this section applies.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

* * * * *

(k) *St. Catherine Creek National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, and woodcock, and snipe on designated areas of the refuge subject to the following conditions:

(i) Each person hunting or fishing must possess a valid refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and around parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs for retrieving migratory birds.

(vii) We limit hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use one day prior to duck, merganser, and coot season as defined by the State through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), and (iv) of this section apply.

(ii) We only allow hunting shotguns, .22 caliber rimfire rifles or smaller, and muzzle-loading rifles under .38 caliber shooting patched round balls. We prohibit the possession of hunting with slugs, buckshot, or rifle hunting ammunition larger than .22 rimfire.

(iii) We only allow the use of dogs for rabbit hunting in January and February.

(iv) We prohibit hunting raccoon without a dog.

(v) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge prior to leaving the refuge at one of the designated check stations.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) Daily bag limit is one buck and one antlerless deer (as defined by the State) per day not to exceed state bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is

manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (k)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

* * * * *

(m) *Theodore Roosevelt National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, merganser, coot, and dove on designated areas of the refuge subject to the following conditions:

(i) Each person hunting or fishing must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter 15 years of age or younger.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and around parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs for retrieving migratory birds.

(vii) We limit waterfowl hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use one day prior to duck, merganser, and coot season as defined by the State through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, quail, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i), (iii), and (iv) of this section apply.

(ii) The use of dogs for rabbit hunting is only allowed in January and February.

(iii) Hunting raccoon without a dog is prohibited.

(iv) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i), (iii), and (iv) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge prior to leaving the refuge at one of the designated check stations.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) The daily bag limit is one buck and one antlerless deer (as defined by the State) per day not to exceed State bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

* * * * *

(n) *Yazoo National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, merganser, coot, dove, woodcock and snipe on designated areas of the refuge subject to the following conditions:

(i) Each person hunting or fishing must possess a signed refuge permit.

(ii) One adult may supervise no more than one youth hunter.

(iii) We allow incidental take of armadillo, beaver, bobcat, coyote, nutria, opossum, raccoon, and striped skunk.

(iv) We prohibit hunting or shooting into a 100-foot (30.5-meter) zone along either side of pipelines, power line rights-of-way, designated roads, open fields, trails, and around parking lots.

(v) Hunters must remove all decoys, blind material, and harvested waterfowl from the area no later than 1 p.m. each day (see § 27.93 of this chapter).

(vi) We allow the use of dogs for retrieving migratory birds.

(vii) We limit waterfowl hunters to 25 shotshells per person in the field.

(viii) Waterfowl sanctuary areas will be closed to all public use one day prior to duck, merganser, and coot season as defined by the State through March 1.

(2) *Upland game hunting.* We allow hunting of frog, squirrel, rabbit, and raccoon, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(i) (iii) and (v) of this section apply.

(ii) The use of dogs for rabbit hunting is only allowed in January and February.

(iii) Hunting raccoon without a dog is prohibited.

(iv) We prohibit the use of firearms for hunting frog.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraphs (n)(1)(i) of this section apply.

(ii) We prohibit drives. We define a drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the game.

(iii) Hunters must check all deer taken on the refuge prior to leaving the refuge at one of the designated check stations.

(iv) Hunters are limited to two portable stands (including climbers, platforms, tripods, ladder stands, and ground blinds), one camera, and one boat. All items must be clearly labeled on the exterior with State customer identification number. Stands and blinds may be placed 72 hours prior to a hunt and must be removed within 72 hours after each hunt (see § 27.93 of this chapter).

(v) The daily bag limit is one buck and one antlerless deer (as defined by the State) per day not to exceed State bag limits.

(vi) Hunters must use a fall arrest system (full body harness) that is

manufactured to industry standards while climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand. Tree saddle users must always remain connected to the tree by means of a lineman's belt or a tether.

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (n)(1)(i) of this section apply.

(ii) We prohibit possession and use of hoop nets and/or trotline equipment, including limb lines, gill nets, seine nets, yo-yos, and/or jugs.

(iii) We prohibit the take of crawfish, gar, turtles, and sturgeon (see § 27.21 of this chapter).

* * * * *

■ 15. Amend § 32.44 by revising and republishing paragraphs (b), (c), (e), and (h) to read as follows:

§ 32.44 Missouri.

* * * * *

(b) *Clarence Cannon National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following condition:

(i) Hunters must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, and cameras, at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) We allow access for hunting from 1 hour before legal sunrise until 1 hour after legal sunset.

(iii) We allow the use of dogs when hunting, provided the dogs are under the immediate control of the hunter at all times.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) through (iii) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of turkey and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Harvest Report (FWS Form 3–2542).

(ii) We prohibit shooting at deer that are on any portion of the main perimeter levee.

(iii) If you are assigned a specific blind location, you may hunt only from that location.

(iv) We allow placement of one tree stand or ground blind per hunter from September 1 through January 31 of each year. We require deer stands and ground blinds to be labeled with the hunter's State-generated hunter identification number.

(v) You may use or possess only approved nontoxic shot shells for hunting turkey (see § 32.2(k)).

(vi) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(vii) The conditions set forth at paragraph (b)(1)(i) through (iii) of this section apply.

(4) *Sport fishing.* We allow fishing subject to the following conditions:

(i) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(ii) We allow only boat fishing, except that we allow bank fishing during managed refuge special events.

(iii) Anglers must remove all boats and fishing equipment at the end of each day (see § 27.93 of this chapter).

(c) *Great River National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (f)(1)(ii) through (iv) of § 32.32(f).

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (f)(1)(ii) through (iv) and (f)(2)(ii) and (iii) of § 32.32(f).

(3) *Big game hunting.* We allow hunting of turkey and white-tailed deer in designated areas of the refuge subject to the conditions set forth at paragraphs (f)(1)(i) and (ii) and (f)(3)(ii) and (iii) of § 32.32(f).

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following condition: We prohibit the taking of minnow, turtle, and frog (see § 27.21 of this chapter).

* * * * *

(e) *Middle Mississippi River National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of all State-listed migratory game birds on designated areas of the refuge subject to the conditions set forth at paragraph (j)(1)(i) through (iii) of § 32.32(j).

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (e)(1) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas on the refuge subject to the following conditions:

(i) For turkey hunting, you may use or possess only approved nontoxic shot shells while in the field (see § 32.2(k)).

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow only portable tree stands from September 1 through January 31 of each year. You must permanently attach your State-generated hunter identification number in a visible location on the stand. We allow only one tree stand per hunter.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the conditions set forth at paragraphs (j)(4)(i) through (iii) of § 32.32(j) of this section.

* * * * *

(h) *Two Rivers National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (l)(1)(i) through (iii) of § 32.32(l).

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (l)(1)(i) through (iii) and (l)(2)(ii) through (iv) of § 32.32(l).

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas on the refuge subject to the conditions set forth at paragraphs (l)(1)(i) through (iii) and (l)(2)(ii) and (3)(l)(ii) and (iii) of § 32.32(l).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the conditions set forth at paragraph (j)(4)(i) through (iii) of § 32.32(j).

* * * * *

■ 16. Amend § 32.45 by:

■ a. Revising and republishing paragraphs (c), (e), (g), and (h);

■ b. Adding new paragraph (i);
■ c. Redesignating paragraphs (i) through (x) as paragraphs (j) through (y), respectively;
■ d. Revising and republishing newly redesignated paragraphs (j), (k), (l), (m), (p)(3)(i), (q), (r), (s), and (y);

The changes read as follows:

§ 32.45 Montana.

* * * * *

(c) *Black Coulee National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow big game hunting authorized by the State on designated portions of the refuge subject to the following conditions:

(i) We allow hunters to leave portable tree stands, portable blinds, and freestanding elevated platforms on the refuge during the hunting season.

(ii) You must visibly mark portable tree stands, portable blinds, and freestanding elevated platforms with your automated licensing system number.

(4) [Reserved]

(d) *Bowdoin National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds, fox, and coyote on designated areas of the refuge subject to the condition that you must possess and carry a refuge Special Use Permit (FWS Form 3–1383–G) to hunt fox and coyote.

(3)–(4) [Reserved]

(e) *Bowdoin Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district.

(3) *Big game hunting.* We allow big game hunting authorized by the State on designated areas of the district subject to the following conditions:

(i) You may leave portable tree stands, portable blinds, and freestanding elevated platforms on waterfowl production areas (WPAs) from August 15 through January 1.

(ii) You must label portable tree stands, portable blinds, and freestanding elevated platforms with your automated licensing system number. The label must be legible from the ground.

(iii) McNeil Slough WPA and Hammond WPA are weapon restricted areas. Allowable weapons include those which are allowed on Cree Crossing Wildlife Management Area as regulated by the State of Montana.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district.

* * * * *

(g) *Charles M. Russell Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district subject to the following conditions:

(i)You must remove all watercraft and personal equipment following each day of hunting (see §§ 27.93 and 27.94 of this chapter).

(ii) Decoys may not be placed or set earlier than 3 hours before legal shooting time on the day of the hunt and must be removed no later than 3 hours after legal shooting time.

(iii) Only non-motorized boats are permitted.

(2) *Upland game hunting.* We allow upland game bird hunting on designated areas of the district.

(3) *Big game hunting.* We allow big game hunting on designated areas of the district subject to the following conditions:

(i) You must remove your tree stand(s) from the refuge after each day's hunt (see § 27.93 of this chapter).

(ii) Hunting for big game at Clark's Fork Waterfowl Production Area is limited to archery only equipment.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district subject to the condition anglers must remove all boats and other personal equipment at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(h) *Creedman Coulee National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge.

(4) [Reserved]

(i) *Grass Lake National Wildlife Refuge.* (1) *Migratory Game Bird Hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) Decoys may not be placed or set earlier than 3 hours before legal shooting time on the day of the hunt and must be removed no later than 3 hours after legal shooting time.

(ii) Only non-motorized boats are permitted.

(2) *Upland Game Hunting.* We allow hunting of upland game birds on designated areas of the refuge.

(3) *Big Game Hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge subject to the condition that you may use a portable blind but must remove your blind from the refuge after each day's hunt.

(4) [Reserved]

(j) *Hailstone National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow only upland game bird hunting on designated areas of the refuge.

(3) *Big Game Hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge subject to the condition that you may use a portable blind but must remove your blind from the refuge after each day's hunt.

(4) [Reserved]

(k) *Hewitt Lake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting upland game birds, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to leave portable tree stands and freestanding elevated platforms on the refuge from August 15 through January 1.

(ii) You must visibly mark portable tree stands and freestanding elevated platforms with your automated licensing system number.

(4) [Reserved]

(l) *Lake Mason National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) Decoys may not be placed or set earlier than 3 hours before legal shooting time on the day of the hunt and must be removed no later than 3 hours after legal shooting time.

(ii) Only non-motorized boats are permitted.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge.

(4) [Reserved]

(m) *Lake Thibadeau National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game bird, fox, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game hunting authorized by the State on designated areas of the refuge.

(4) [Reserved]

* * * * *

(p) * * *

(3) * * *

(i) The conditions set forth at paragraphs (p)(2)(i) through (iii) of this section apply.

* * * * *

(q) *Medicine Lake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory birds on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge subject to the condition that we allow hunting of coyote, red fox, and white-tailed jackrabbit during daylight hours from November 15 through March 31.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

(r) *Ninepipe National Wildlife Refuge.* (1)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge as governed by joint State and Confederated Salish and Kootenai Tribal regulations for non-members and Confederated Salish and Kootenai Tribal regulations for members of the Confederated Salish and Kootenai Tribe subject to the condition that we prohibit the use of lead or lead-based tackle.

(s) *Northeast Montana Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the district subject to the following conditions:

(i) We allow hunters to leave portable tree stands and freestanding elevated platforms on waterfowl production areas from August 25 through January 1.

(ii) You must label portable tree stands and freestanding elevated platforms with your automated licensing system number so that the number is legible from the ground.

(4) *Sport Fishing.* We allow sport fishing on designated areas of the district.

* * * * *

(y) *War Horse National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of elk, deer, and pronghorn on designated areas of the refuge.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

■ 17. Amend § 32.49 by revising and republishing paragraphs (a), (c), and (d) to read as follows:

§ 32.49 New Jersey.

* * * * *

(a) *Cape May National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of light goose, dark goose, duck, sea duck, gallinule, coot, rail, snipe, crow, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) The snipe and crow season on the refuge begins with the start of the State woodcock south zone season and continues through the end of the State snipe and crow seasons.

(iii) We prohibit falconry.

(iv) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(2) *Upland game hunting.* We allow hunting of coyote, fox, woodchuck, rabbit, squirrel, and pheasant on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iii), and (iv) of this section apply.

(ii) We allow woodchuck hunting from the beginning of the State woodcock south zone season until the end of the State rabbit season.

(iii) Coyote, fox, rabbit, squirrel, and pheasant seasons open at the beginning of the State woodcock south zone season and close in accordance with the State seasons for each species.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iii), and (iv) of this section apply.

(ii) Hunters must mark tree stands with their New Jersey conservation identification number.

(iii) We allow turkey hunting during the State fall season only.

(4) *Sport fishing.* We allow saltwater sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from 1 hour before legal sunrise to 1 hour after legal sunset.

(ii) We close the Atlantic Ocean portion of the Two Mile Beach Unit annually to all access, including fishing, between April 1 and September 30.

(iii) We prohibit fishing for, or possession of, crab or shellfish on refuge lands.

* * * * *

(c) *Great Swamp National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of Canada goose on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) Hunters must obtain a refuge hunt permit (FWS Form 3–2439) and possess the signed permit at all times while hunting or scouting on the refuge.

(2) *Upland game hunting.* We allow hunting of coyote and fox on designated areas of the refuge subject to the condition that we only allow the incidental take of coyote and fox during the refuge deer and turkey hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to use sleds to retrieve deer in the Wilderness Area east of Long Hill/New Vernon Road. We prohibit wheeled game carriers in the Wilderness Area.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) [Reserved]

(d) *Supawna Meadows National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of light goose, dark goose, duck, sea duck, gallinule, coot, crow, rail, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We prohibit falconry.

(iii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(2) *Upland game hunting.* We allow hunting of coyote, fox, woodchuck, rabbit, squirrel, and pheasant on designated areas of the refuge subject to the following conditions:

(i) We allow woodchuck hunting only during the State coyote and fox seasons.

(ii) The conditions set forth at paragraphs (d)(1)(ii) and (iii) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) through (iii) of this section apply.

(ii) We allow archery hunting for white-tailed deer during all six State Deer Management Zone 63 seasons and on youth hunting days.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of frogs and turtles from all nontidal waters and refuge lands (see § 27.21 of this chapter).

(ii) We allow fishing in designated nontidal waters from 1 hour before legal sunrise to 1 hour after legal sunset.

(iii) We prohibit bow fishing in nontidal waters.

(iv) We prohibit fishing for, or possession of, crab and shellfish on refuge lands.

* * * * *

■ 18. Amend § 32.50 by revising and republishing paragraph (f) to read as follows:

§ 32.50 New Mexico.

* * * * *

(f) *Sevilleta National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of mourning dove, white-winged dove, goose, duck, and coot on designated areas of the refuge subject to the following conditions:

(i) In Hunt/Fish Units A and B, legal hunting hours begin from ½ hour before legal sunrise and will not extend past 1 p.m. on each hunt day.

(ii) In Rio Puerco Unit, legal hunting hours begin ½ hour before legal sunrise until legal sunset. Hunting is permitted Monday through Sunday during State established hunt dates.

(iii) Hunters may access Hunt/Fish Units A and B beginning at 5:00 a.m. to set up before shooting hours begin.

(iv) Hunting is permitted from designated blinds only in Hunt/Fish Unit B.

(v) We permit the use of dogs when hunting within Hunt/Fish Units A, B, and Rio Puerco Unit.

(2) *Upland game hunting.* We allow hunting of Gambel's quail, Montezuma quail, scaled quail, Eurasian collared-dove, and ring-necked pheasant on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(ii), (iii), (iv), and (v) of this section apply.

(ii) Eurasian collared-dove hunting is permitted from designated blinds only in Hunt/Fish Unit B.

(iii) We open to Eurasian collared-dove hunting only during the State South Zone mourning and white-winged dove season.

(3) *Big game hunting.* We allow hunting of oryx on designed areas of the refuge subject to the following conditions:

(i) In Hunt Units A, B, C, and Rio Puerco, legal hunting hours begin ½ hour before legal sunrise until legal sunset. Hunting is permitted Monday through Sunday during State established hunt dates. Hunters must be escorted by refuge staff or refuge volunteers.

(ii) Hunters may have up to three non-hunters with them during hunting.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from February 16 through August 31 in Hunt/Fish Units A and B and from ½ hour before legal sunrise until ½ hour after legal sunset.

(ii) We only allow the use of hook and line for game species.

(iii) We allow the use of hook and line, spears, and archery equipment for nongame species.

(iv) We prohibit the use of any method not expressly allowed, including netting, seines, trot lines, cast nets, trawls, dip nets, and traps.

(v) We allow frogging for American bullfrog only when areas are open to fishing. We allow the use of hook and line, spears, gigs, and archery equipment to take bullfrog.

(vi) We prohibit collection or take of baitfish.

(vii) We prohibit the take or possession of reptiles, amphibians (excluding American bullfrogs), and mollusks (see § 27.21 of this chapter).

(viii) We prohibit tournament fishing on the refuge.

(ix) We prohibit climbing onto or fishing from any water control structure.

(x) Anglers must remain with their fishing equipment at all times and must remove all equipment brought onto the refuge at the end of each day's fishing activity (see § 27.93 of this chapter).

* * * * *

■ 19. Amend § 32.51 by revising and republishing paragraph (j) to read as follows:

§ 32.51 New York.

* * * * *

(j) *Wallkill River National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory birds on designated areas of the refuge subject to the following conditions:

(i) Hunters must obtain and possess a signed refuge hunt permit (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System) at all times while scouting and hunting on the refuge.

(ii) Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

(iii) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of rabbit/hare, gray/black/fox squirrel, pheasant, jackrabbit, chukar, woodchuck, bobwhite quail, ruffed grouse, crow, red/gray fox, coyote, bobcat, raccoon, skunk, mink, weasel, and opossum on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (iii) of this section apply.

(ii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) and (ii), and (j)(2)(ii) of this section apply.

(ii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) At Owens Station Crossing and Hidden Ponds fishing areas, we allow catch-and-release fishing only.

(ii) We allow fishing from ½ hour before legal sunrise to ½ hour after legal sunset.

(iii) We prohibit the taking of amphibians and reptiles (see § 27.21 of this chapter).

(iv) We prohibit minnow and bait trapping.

* * * * *

■ 20. Amend § 32.52 by revising and republishing paragraph (f) to read as follows:

§ 32.52 North Carolina.

* * * * *

(f) *Mattamuskeet National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow the hunting of tundra swan, goose, duck, and coot on designated areas of the refuge subject to the following conditions:

(i) We require possession of a validated and signed refuge permit.

(ii) Refuge personnel will assign you to a hunting blind. You must hunt from your assigned blind.

(iii) Hunters may only shoot crippled waterfowl from outside the assigned blind.

(iv) Hunters may use decoys, but you must remove them from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(v) All waterfowl hunters must check out at the assigned station prior to leaving the refuge.

(vi) Shooting hours are from ½ hour before legal sunrise until 12 p.m. (noon).

(vii) We allow the use of dogs when hunting.

(viii) We allow the taking of only Canada goose Monday through Saturday during the State September Canada goose season.

(ix) Hunting by youth hunters (age 16 and younger) is subject to the following conditions:

(A) An adult (aged 21 or older) with a valid license and applicable permits must accompany and supervise a youth hunter. The adult must remain in sight and voice contact with the youth hunter at all times. Each adult may supervise no more than two youth hunters.

(B) Youth hunters must possess and carry evidence of successful completion of a State-approved hunter education course.

(C) We allow hunting on Tuesdays, Wednesdays, Fridays, and Saturdays during the State late and youth waterfowl seasons.

(2) [Reserved]

(3) *Big game hunting.* We allow the hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The hunter must possess and carry a signed, validated refuge permit (name and address) while hunting.

(ii) Hunters may take one antlered deer and one antlerless deer per day, or two antlerless deer per day.

(iii) Hunters may take deer with shotgun, bow and arrow, crossbow, or muzzleloading rifle/shotgun.

(iv) We allow hunters on the refuge from 1 hour before legal shooting time until 1 hour after legal shooting time.

(v) Hunters can use boats to access hunt areas, but we prohibit hunting from a boat.

(vi) We only allow the use of portable blinds and deer stands. Blinds must display hunter orange that is visible from all directions. Hunters may erect one portable blind or stand the day before the start of their hunt and must remove it at the end of the second day of that hunt (see § 27.93 of this chapter). Any stands or blinds left overnight on the refuge must have a tag with the hunter's State hunting license number.

(vii) Hunters must wear a minimum of 500 square inches (3,250 square centimeters) of hunter-orange material above the waist that is visible from all directions.

(viii) An adult may only supervise one youth hunter. The youth hunter must be within sight and normal voice contact of the adult.

(ix) We allow the use of only biodegradable-type flagging.

(4) *Sport fishing.* We allow sport fishing and crabbing on designated areas of the refuge subject to the following conditions:

(i) We are open to sport fishing, bow fishing, and crabbing from March 1 through October 31, from ½ hour before legal sunrise to ½ hour after legal sunset, except that we allow bank fishing and crabbing year-round from:

(A) State Route 94 (24 hours a day);

(B) The north bridge and south of the north bridge at Lake Landing;

(C) The Outfall Canal water control structure;

(D) The Central Canal bridge on Wildlife Drive; and

(E) Along the west main and east main canal between the Entrance Road metal bridge and Number One East Canal as posted.

(ii) We prohibit herring dipping.

(iii) We allow crabbing subject to the following conditions:

(A) We allow only five handlines and hand-activated traps per person. Owners must be in attendance and remove all handlines and traps daily (see §§ 27.93 and 27.94 of this chapter).

(B) We prohibit crab pots.

(C) You may only take or possess 12 crabs per person per day.

* * * * *

■ 21. Amend § 32.53 by:

■ a. Revising and republishing paragraphs (c), (e), and (q);

■ b. Adding new paragraph (s);

■ c. Redesignating paragraphs (s) through (ooo) as paragraphs (t) through (ppp), respectively;

■ d. Revising and republishing new redesignated paragraphs (x), (bb), (ff), (ll), and (pp);

■ e. Adding new paragraph (ss);

■ f. Redesignating paragraphs (ss) through (ppp) as (tt) through (qqq);

■ g. Revising and republishing newly redesignated paragraphs (ccc), (fff), (jjj), and (mmm);

■ h. Adding new paragraph (nnn);

■ i. Redesignating paragraphs (nnn) through (qqq) as (ooo) through (rrr), respectively.

The changes read as follows:

§ 32.53 North Dakota.

* * * * *

(c) *Arrowwood National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and racoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow boats at idle speed only on Arrowwood Lake and Jim Lake from May 1 to September 30 of each year.

(ii) We allow ice fishing and dark house spearfishing. We allow snowmobiles, all-terrain vehicles, utility terrain vehicles, motor vehicles, and fish houses on the ice as conditions allow.

(iii) You may use and leave fish houses on the ice overnight until March 15.

* * * * *

(e) *Audubon National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge

subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow ice fishing on designated areas of the refuge.

* * * * *

(q) *Des Lacs National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We open for hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We only allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

(4) [Reserved]

* * * * *

(s) *Florence Lake* National Wildlife Refuge. (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport Fishing.* [Reserved]

* * * * *

(x) *J. Clark Salyer National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, and coot on designated areas of the refuge subject to the condition that we allow the use of dogs for hunting and retrieving game birds.

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We open the refuge to hunting for sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant north of the Willow-Upham road on the day following the close of the regular firearm deer season.

(ii) We allow hunting of squirrel, rabbit, fox, coyote, skunk, and raccoon on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first.

(iii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iv) Shooting hours are ½ hour before sunrise to sunset.

(v) Hunters may possess only approved nontoxic shot (see § 32.2(k)) for all upland game hunting, including turkey.

(3) *Big game hunting.* We allow hunting of big game authorized by the State designated areas of the refuge subject to the following conditions:

(i) We allow temporary tree stands and, blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons. You may access refuge roads open to the public before 12 p.m. (noon).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow boat fishing from May 1 through September 30.

(ii) We allow ice fishing and dark house spearfishing. We allow snowmobiles, all-terrain vehicles, utility terrain vehicles, motor vehicles, and fish houses on the ice as conditions allow.

* * * * *

(bb) *Lake Alice National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the refuge subject to the following conditions:

(i) We allow motorized boats only during the migratory game bird hunting season; however, motors must not exceed 10 horsepower.

(ii) You must remove all boats, decoys, portable blinds, other personal property, and any materials brought onto the refuge for blind construction by the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following condition: We allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow ice fishing on designated areas of the refuge subject to the following conditions:

(i) We allow vehicles and fish houses on the ice as conditions allow.

(ii) We allow public access for ice fishing from 5 a.m. to 10 p.m.

(iii) You must remove ice fishing shelters and personal property from the refuge by 10 p.m. each day (see §§ 27.93 and 27.94 of this chapter).

* * * * *

(ff) *Lake Nettie National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(4) [Reserved]

* * * * *

(ll) *Long Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge from legal sunrise to legal sunset.

* * * * *

(pp) *Lostwood National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting of squirrel, rabbit, fox, coyote, skunk, and raccoon on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective archery, gun, or muzzleloader deer hunting season.

(4) [Reserved]

* * * * *

(ss) *McLean National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) [Reserved]

* * * * *

(ccc) *Slade National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) [Reserved]

* * * * *

(fff) Stewart Lake National Wildlife Refuge. (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow ice or shore fishing on designated areas of the refuge.

* * * * *

(jjj) *Tewaukon National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

(mmm) *Upper Souris National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the

refuge subject to the following conditions:

(i) We allow hunting of squirrel, rabbit, fox, coyote, skunk, and raccoon on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first.

(ii) Shooting hours are ½ hour before sunrise to sunset.

(iii) We allow the use of dogs for hunting and retrieving legally harvested upland game birds.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the following conditions:

(i) We allow temporary tree stands and blinds for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(ii) We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow the use of boats, canoes, kayaks, and float tubes in designated boat fishing areas from Lake Darling Dam north to the State Highway 28 (Greene) crossing for fishing from May 1 through September 30.

(ii) We allow fishing from nonmotorized vessels only on the Beaver Lodge Canoe Trail from May 1 through September 30.

(iii) We allow boating and fishing from vessels on the Souris River from Mouse River Park to the north boundary of the refuge from May 1 through September 30.

(iv) We allow snowmobiles, all-terrain vehicles, utility terrain vehicles, motor vehicles, and fish houses on the ice as conditions allow from Lake Darling Dam north to Carter Dam (Dam 41) for ice fishing.

(v) We allow you to place fish houses overnight on the ice of Lake Darling as governed by State regulations.

(vi) We allow anglers to place portable fish houses on the Souris River north of Carter Dam (Dam 41) and south of Lake Darling Dam for ice fishing, but anglers must remove the fish houses from the refuge at the end of each day's fishing activity (see § 27.93 of this chapter).

(vii) We allow anglers on the refuge from 5 a.m. until 10 p.m.

(nnn) *White Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland Game Hunting.* We allow hunting of upland game birds, turkey, squirrel, rabbit, fox, coyote, skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on the day following the close of the State firearm deer season through the end of the regular season for each species or March 31, whichever comes first, except for turkey, which is open to hunting in accordance with State seasons.

(ii) We allow the use of dogs only to hunt and retrieve legally harvested upland game birds.

(iii) Shooting hours are ½ hour before sunrise to sunset.

(3) *Big Game Hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge subject to the condition that we allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of each day's hunt (see § 27.93 of this chapter).

(4) [Reserved]

* * * * *

■ 22. Amend § 32.54 by revising and republishing paragraphs (a) and (b) to read as follows:

§ 32.54 Ohio.

* * * * *

(a) *Cedar Point National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1½ hours before legal sunrise or state designated shooting time and must leave the refuge no later than 1 hour after legal sunset or state designated shooting time, unless otherwise stated in a permit.

(ii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow only nonmotorized boats in areas open to waterfowl hunting during the waterfowl hunting seasons, except that we also allow motorized boats in Lake Erie portions of the refuge, including Potters Pond.

(iv) We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vi) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(vii) Hunters must possess and meet all conditions of a Hunt Application/Permit (FWS Form 3–2439) or State-issued permit for all special permit hunt units.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1) (i), (ii), and (iv) through (vii) of this section apply.

(ii) We prohibit the use of buckshot for any hunting on the refuge.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow white-tailed deer and turkey hunting on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1) (i), (ii), and (iv) through (vii) of this section apply, except that we allow one portable deer stand or ground blind per hunter per unit per season. We allow placement of tree stands and ground blinds after September 1 and require hunters to remove tree stands and ground blinds by the last day in February of each year (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Ohio customer identification number.

(ii) You may use or possess only approved nontoxic shot shells while in the field for hunting wild turkey (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset.

(ii) We prohibit the taking of turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter).

(iii) You must remove all boats, ice fishing structures, devices, and personal property from the refuge each day (see § 27.93 of this chapter).

(b) *Ottawa National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1½ hours before legal sunrise or state-designated shooting time and must leave the refuge no later than 1 hour after legal sunset or state-designated shooting time, unless otherwise stated in a permit.

(ii) We allow the use of dogs when hunting, provided the dog is under the immediate control of the hunter at all times.

(iii) We allow only nonmotorized boats in areas open to waterfowl hunting during the waterfowl hunting

seasons, except that we also allow motorized boats in Metzger Marsh.

(iv) We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, and platforms, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vi) We prohibit the use of electronic or photographic trail monitoring devices such as game cameras.

(vii) Hunters must possess and meet all conditions of a Hunt Application/Permit (FWS Form 3–2439) or State-issued permit for all special permit hunt units.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (ii), and (iv) through (vii) of this section apply.

(ii) We prohibit the use of buckshot for any hunting on the refuge.

(iii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (ii), and (iv) through (vii) of this section apply, except that we allow one portable deer stand or ground blind per hunter per unit per season. We allow placement of tree stands and ground blinds after September 1 and require hunters to remove tree stands and ground blinds by the last day in February of each year (see § 27.93 of this chapter). We require deer stands and ground blinds to be labeled with the hunter's Ohio customer identification number.

(ii) You may use or possess only approved nontoxic shot shells while in the field for hunting turkey (see § 32.2(k)).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset, with the exception of the Metzger Marsh Unit which is open to hunting 24 hours per day.

(ii) We prohibit the taking of any turtle, frog, leech, minnow, crayfish, and mussel (clam) species by any method on the refuge (see § 27.21 of this chapter), with the exception of the Metzger Marsh Unit where only the take of turtles is prohibited.

(iii) The condition set forth at paragraph (b)(1)(v) of this section applies.

(iv) On the Visitor Center Pond we require individuals to abide by catch and release methods and prohibit ice fishing.

* * * * *

■ 23. Amend § 32.56 by revising and republishing paragraphs (f), (j), (k), (q), (r), (s), and (t) to read as follows:

§ 32.56 Oregon.

* * * * *

(f) *Hart Mountain National Antelope Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow only portable blinds and temporary blinds constructed of synthetic or nonliving natural materials.

(ii) We prohibit digging pit blinds for waterfowl hunting.

(iii) You may take Eurasian collared-doves only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of chukar and California quail on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of deer, antelope, and bighorn sheep on designated areas of the refuge subject to the following conditions:

(i) We allow only portable blinds and temporary blinds constructed of synthetic or nonliving natural materials.

(ii) We allow ground blinds, but we prohibit construction of them earlier than 1 week prior to the opening day of the legal season for which you have a valid permit.

(iii) You must remove blinds within 24 hours of harvesting an animal or at the end of the permittee's legal season (see § 27.93 of this chapter).

(iv) We limit hunters to one blind each, and you must tag blinds with your State license or permit number.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge.

* * * * *

(j) *Lower Klamath National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) We may require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the waterfowl lottery each year.

(iii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iv) Shooting hours end at 1 p.m. on all Oregon portions of the refuge.

(v) We prohibit the setting of decoys in retrieving zones.

(vi) We prohibit air-thrust and inboard water-thrust boats while hunting. We prohibit the use of all-terrain amphibious or utility-type vehicles in wetland units.

(2) *Upland game hunting.* We allow hunting of pheasant and quail on designated areas of the refuge subject to the following conditions:

(i) In the controlled pheasant hunting area, we require a valid permit for all hunters age 16 and older. All hunters age 15 and younger must always remain in the immediate presence of an adult (age 18 or older) while in the field.

(ii) Hunting of pheasant and quail is only allowed during the Oregon and California designated pheasant season.

(iii) Upland game bird hunters are required to carry a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(iv) Upland gamebird hunting is permitted between the hours of 8:00 a.m. and 2:30 p.m. Upland game bird hunters must be out of the field by 2:30 p.m. and departing the refuge hunt area.

(3)–(4) [Reserved]

(k) *Malheur National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of dove, goose, duck, merganser, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow nonmotorized boats or boats equipped with only electric motors on the North and South Malheur Lake Hunt Units.

(ii) We allow only portable and temporary hunting blinds.

(iii) You must remove boats, decoys, blinds, materials, and all personal property at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) You may take Eurasian collared-dove only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of pheasant, quail, partridge, chukar, rabbit, hare, and coyote on designated areas of the refuge subject to the following conditions:

(i) We allow only shotgun for taking rabbit and hare on the Buena Vista and North Malheur Lake units.

(ii) We allow take of rabbit and hare only during State upland game bird seasons on the Buena Vista and North Malheur Lake units.

(3) *Big game hunting.* We allow hunting of deer and pronghorn on designated areas of the refuge subject to the following conditions:

(i) We allow only short-range weapons (archery, shotgun, and muzzleloader) on the Buena Vista Unit.

(ii) Mule deer hunting in the Buena Vista Unit will close the Friday before the opening day of the Oregon Statewide rooster pheasant season.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit ice fishing on, and all public access to, any ice formations.

(ii) We allow fishing year-round on Krumbo Reservoir and in the Blitzen River, East Canal, and Mud Creek upstream from and including Bridge Creek.

(iii) We allow fishing on the north bank of the Blitzen River from Sodhouse Lane downstream to the bridge on the Boat Landing Road between August 1 and September 15.

(iv) We prohibit boats on public fishing areas, except that we allow nonmotorized boats and boats equipped with only electric motors on Krumbo Reservoir.

* * * * *

(q) *Tualatin River National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Youth aged 17 and younger may participate as active hunters. An adult age 21 or older must accompany and supervise youth hunters. We do not allow supervising adults to hunt.

(ii) We allow a maximum of two youth hunters and two nonhunters per hunting blind, for a maximum occupancy of four persons per blind.

(iii) Disabled youth hunters must possess an Oregon Disabilities Hunting and Fishing Permit issued by the Oregon Department of Fish and Wildlife to qualify for preference in using the designated accessible hunting blind.

(iv) We allow hunting during the regular State waterfowl hunting season only. We close the refuge for the third-period northwest permit zone goose hunt.

(v) Hunting ends at 1 p.m. for the entire season.

(vi) We open the hunt area for access 1½ hours before legal shooting hours.

(vii) You must remove decoys, other personal property, and trash from the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(viii) We allow the use of dogs for retrieving birds.

(ix) All hunters must hunt from designated blinds.

(x) All hunters must have visible means of retrieving waterfowl and other migratory birds such as float tube, waders, or a dog capable of retrieving.

(xi) Hunters must check-in and check-out with a refuge representative and submit a Harvest Report (FWS Form 3–2542) when checking out.

(xii) You may take Eurasian collared-doves only during the State mourning dove season.

(2)–(4) [Reserved]

(r) *Umatilla National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We prohibit discharge of any firearm within ¼ mile (396 meters) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals.

(ii) Hunters must remove all decoys and other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(iii) On the McCormack Unit, we allow hunting subject to the following conditions:

(A) The McCormack Unit is a fee-hunt area only open to hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day during State waterfowl seasons.

(B) We require hunters to stop at the check station to obtain a special refuge permit (signed refuge brochure).

(C) We allow hunting only from assigned areas.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (r)(1)(i) and (ii) of this section apply.

(ii) On the McCormack Fee Hunt Unit, we allow hunting subject to the following conditions:

(A) We allow hunting only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day from 12 p.m. (noon) to the end of State legal hunting hours.

(B) We require all hunters to possess and carry a special refuge permit (signed refuge brochure).

(3) *Big game hunting.* We allow deer hunting on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (r)(1)(i) of this section applies.

(ii) We allow hunting only with a special, State-issued permit.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge.

(s) *Upper Klamath National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge subject to the following conditions:

(i) In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass (available electronically or in person at the refuge office) for all hunters age 17 or older.

(ii) Hunters may enter the refuge at 4:30 a.m. unless otherwise posted.

(iii) If State regulations do not specifically state waterfowl shooting hours, shooting hours will be ½ hour before legal sunrise to legal sunset each day.

(iv) Decoys must be retrieved after the conclusion of the day's hunt and may not be left unattended.

(v) We prohibit air-thrust and inboard water-thrust boats for access to refuge lands. We prohibit the use of all-terrain amphibious or utility-type vehicles in wetland units.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing in designated areas of the refuge.

(t) *Wapato Lake National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of duck, light goose, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on Tuesdays, Thursdays, and Saturdays during the State waterfowl season.

(ii) The hunt area is open for access 2 hours before and after legal shooting hours.

(iii) All hunters must hunt from designated blinds except to retrieve downed birds. We prohibit hunting from levees.

(iv) We allow a maximum occupancy of four persons per blind.

(v) Disabled hunters must possess an Oregon Disabilities Hunting and Fishing Permit issued by the Oregon Department of Fish and Wildlife to qualify for preference in using the Americans with Disabilities Act-compliant blind or Federal Access pass.

(vi) You must remove decoys, other personal property, and trash (including empty shotgun hulls) from the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(vii) We allow the use of dogs for retrieving birds.

(viii) Hunters must submit a Harvest Report (FWS Form 3–2542) at the end of each day's hunt.

(ix) You may take Eurasian collared-doves only during the State mourning dove season.

(2)–(4) [Reserved]

* * * * *

■ 24. Amend § 32.57 by revising and republishing paragraph (b) to read as follows:

§ 32.57 Pennsylvania.

* * * * *

(b) *Erie National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of mourning dove, woodcock, rail, Wilson's snipe, Canada goose, snow goose, duck, coot, mute swan, gallinule, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow hunting and scouting activities on the refuge from September 1 through the end of February. We also allow scouting the 7 days prior to the start of each season.

(ii) We allow use of nonmotorized boats only for waterfowl hunting in permitted areas.

(iii) We prohibit field possession of migratory game birds in areas of the refuge closed to migratory game bird hunting.

(iv) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of ruffed grouse, squirrel, rabbit, woodchuck, pheasant, quail, raccoon, fox, coyote, skunk, weasel, porcupine, and opossum on designated areas of the refuge subject to the following conditions:

(i) We allow woodchuck hunting on the refuge from September 1 through the end of February.

(ii) We prohibit the use of raptors to take small game.

(iii) The condition set forth at paragraph (b)(1)(iv) of this section applies.

(iv) We prohibit night hunting. Hunters may access the refuge 2 hours before sunrise and must leave no later than 2 hours after sunset.

(3) *Big game hunting.* We allow hunting of deer, bear, turkey, and feral hog on designated areas of the refuge subject to the following conditions:

(i) We allow hunting of feral hogs on the refuge from September 1 through the end of February.

(ii) The condition set forth at paragraph (b)(1)(iv) of this section applies.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow nonmotorized watercraft use in Area 5. Watercraft must remain in the area from the dike to 3,000 feet (900 meters) upstream.

(ii) We prohibit the taking of turtle or frog (see § 27.21 of this chapter).

(iii) We prohibit the collection or release of baitfish. Possession of live baitfish is prohibited on the Seneca Division.

(iv) We prohibit the taking or possession of shellfish on the refuge.

(v) We allow fishing from ½ hour before sunrise until ½ hour after legal sunset.

* * * * *

■ 25. Amend § 32.60 by:

■ a. Revising and republishing paragraph (a);

■ b. Adding new paragraph (b);

■ c. Redesignating paragraphs (b) through (i) as paragraphs (c) through (j), respectively;

■ d. Revising and republishing newly redesignated paragraphs (c)(2)(i), (c)(3)(i), (e), (f), (h), and (j);

The revisions read as follows:

§ 32.60 South Dakota.

* * * * *

(a) *Huron Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district in accordance with State regulations.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district in accordance with State regulations.

(3) *Big game hunting.* We allow big game hunting on designated areas of the district in accordance with State regulations.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district.

(b) *Karl E. Mundt National Wildlife Refuge.* (1)–(2) [Reserved]

(3) *Big Game Hunting.* We allow archery-only deer hunting on designated areas of the refuge subject to the condition that Hunters must carry a State-issued National Wildlife Refuge Deer permit valid for the Karl E. Mundt NWR.

(4) [Reserved]

(c) * * *

(2) * * *

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (iv) of this section apply.

* * * * *

(3) * * *

(i) The conditions set forth at paragraphs (c)(1)(i) through (iv) of this section apply.

* * * * *

(e) *Lake Andes Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district in accordance with State regulations.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district in accordance with State regulations.

(3) *Big game hunting.* We allow big game hunting on designated areas of the district in accordance with State regulations.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district in accordance with State regulations.

(f) *Madison Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district in accordance with state regulations.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district in accordance with state regulations.

(3) *Big game hunting.* We allow big game hunting on designated areas of the district in accordance with state regulations.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district in accordance with state regulations.

* * * * *

(h) *Sand Lake Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district in accordance with state regulations.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district in accordance with state regulations.

(3) *Big game hunting.* We allow big game hunting on designated areas of the district in accordance with state regulations.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district in accordance with state regulations.

* * * * *

(j) *Waubay Wetland Management District.* (1) *Migratory game bird hunting.* We allow migratory game bird hunting on designated areas of the district in accordance with state regulations.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the district in accordance with state regulations.

(3) *Big game hunting.* We allow big game hunting on designated areas of the district in accordance with state regulations.

(4) *Sport fishing.* We allow sport fishing on designated areas of the district in accordance with state regulations.

* * * * *

■ 26. Amend § 32.62 by revising and republishing paragraphs (b), (i), (j), and (m) to read as follows:

§ 32.62 Texas.

* * * * *

(b) *Balcones Canyonlands National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of mourning, white-wing, rock, and Eurasian-collared dove on designated areas of the refuge subject to the following conditions:

(i) We allow hunters in designated area(s) from 12 p.m. (noon) to legal sunset.

(ii) We require a refuge permit (name only).

(iii) We allow the use of dogs to retrieve game birds during the hunt.

(iv) Hunter may bring up to two guests. Guests may not use a hunting firearm. Guests must be with the hunter at all times.

(2) *Upland game hunting.* We allow hunting of wild turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(ii) of this section applies.

(ii) We require hunters to check in and out daily at designated check station(s).

(iii) The annual refuge hunt brochure provides bag limits.

(iv) A hunter may bring one guest. The guest may not use a hunting firearm or other hunting weapon (archery). The guest may assist the hunter in game retrieval or field dressing activities. The guest must be with the hunter at all times.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and incidental take of wild turkey, feral hog, and exotic ungulates on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(iv) and (c)(2)(ii) through (iv) of this section apply.

(ii) We allow the use of all-terrain vehicles to retrieve downed game.

(iii) We allow scent attractants.

(4) [Reserved]

* * * * *

(i) *Laguna Atascosa National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of mourning dove, white-winged dove, white-tipped dove, Eurasian collared dove, and rock dove on designated areas of the refuge subject to the following conditions:

(i) Migratory bird hunting is allowed from the beginning of the State dove season until the date the first big game season opens on the refuge.

(ii) Bag limits for species hunted on the refuge are provided in the refuge hunt brochure annually.

(iii) We allow hunters to enter the refuge 1½ hours before legal sunrise during their permitted hunt periods. Hunters must leave the hunt units no later than 1 hour after State legal shooting hours.

(iv) Hunters may access hunt units only by foot or bicycle, including electric bicycle (defined in 50 CFR part 27.31). You may only use a bicycle on designated routes.

(v) Access for waterfowl retrieval will be allowed only during State specified hunting seasons. We only allow hunters to enter the Laguna Atascosa Unit by boat, and only subunits 3, 4, 5, 7, and 10, for retrieval of downed waterfowl.

(2) [Reserved]

(3) *Big game hunting.* We allow hunting of white-tailed deer, feral hog, nilgai antelope, other exotic ungulates (as defined by the State of Texas to include fallow deer, axis deer, sika deer, Barbary sheep, and black buck), and American alligator on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(1)(ii) through (iv) of this section apply.

(ii) We allow the incidental take of nilgai antelope, feral hog, and other rarely observed exotic ungulates during all refuge hunts, with the exception of American alligator hunts.

(iii) We allow a scouting period prior to the commencement of each refuge hunt period. A permitted hunter and a limit of two non-permitted individuals may enter the hunt units during the scouting period, which begins after hunter orientation and ends at legal sunset. Each hunter must clearly display a Vehicle Validation Tag (FWS Form 3–2405) face up on the vehicle dashboard when scouting and hunting.

(iv) We allow hunting from portable stands or by stalking and still hunting. There is a limit of one blind or stand per permitted hunter. Hunters must attach hunter identification (permit number or State license number) to the blind or stand. Hunters must remove all blinds and stands at the end of the permitted hunt period (see § 27.93 of this chapter).

(v) During American alligator hunts, we allow hunters to leave hooks set over only one night period at a time; set lines must be checked daily.

(vi) Hunters must field dress all harvested big game in the field and check the game at the hunt check station before removal from the refuge. Hunters may use a nonmotorized cart to assist with the transportation of harvested game animals.

(4) *Sport fishing.* We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

(i) We allow only pole and line, rod and reel, hand line, dip net, and cast net for fishing. We prohibit the use of crab traps or pots for crabbing.

(ii) Anglers must attend all fishing lines, crabbing equipment, and other fishing devices at all times.

(iii) Inside the refuge boundary on San Martin Lake, we allow bank and wade fishing within a designated area, which may be accessed only on foot.

(j) *Lower Rio Grande Valley National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of mourning, white-winged, and white-tipped dove on designated areas of the refuge subject to the following conditions:

(i) We require hunters to obtain a refuge hunt permit (signed refuge hunt brochure) and to possess and carry that signed refuge hunt brochure at all times during the designated hunt period. Hunters must also display the vehicle placard (part of the refuge hunt permit) while participating in the designated hunt period.

(ii) You may access the refuge during your permitted hunt period from 1 hour before legal hunt time to 1 hour after legal hunt time. You must only hunt during legal hunt hours.

(iii) We restrict hunt participants to those listed on the refuge hunt permit (hunter, non-hunting chaperone, and non-hunting assistant).

(iv) We allow hunters to use bicycles or e-bikes on designated routes of travel.

(v) We allow the use of dogs to retrieve doves during the hunt.

(2) *Upland game hunting.* We allow hunting of wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (v) of this section apply.

(ii) We allow turkey hunting during the spring season only.

(iii) You may only harvest one bearded turkey per hunter.

(iv) We prohibit the killing, wounding, taking, or possession of game animals and then intentionally or knowingly failing to make a reasonable effort to retrieve or keep the edible portions of the animal and include it in your bag limit.

(3) *Big game hunting.* We allow hunting of white-tailed deer, feral hog, nilgai antelope, javelina, and other exotic ungulates (as defined by the State of Texas to include fallow deer, axis deer, sika deer, Barbary sheep, and black buck) on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (v) and (2)(iv) of this section apply.

(ii) We allow only free-standing blinds or tripods. Hunters may set them

up during the scouting days preceding each permitted hunt day and must take them down by the end of each hunt day (see § 27.93 of this chapter). Hunters must mark and tag all stands with their hunting license number during the period of use.

(iii) Hunters must field-dress all harvested big game in the field.

(iv) Hunters may use nonmotorized dollies or carts off of improved roads or trails to haul carcasses to a parking area.

(v) We prohibit the use of big game decoys.

(vi) We require hunters to adhere to refuge specific regulations for Laguna Atascosa (found at § 32.62(i)) for hunts on the Bahia Grande Unit and Laguna Atascosa Subunit 10.

(4) [Reserved]

* * * * *

(m) *Neches River National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of ducks, coot, and merganser on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 4:30 a.m. We allow hunting from the State-designated legal shooting time until 12 p.m. (noon). Hunters must leave refuge hunt units by 1 p.m.

(ii) In Dead Water, Alligator Lake, and Highway 84 units only, we allow the use of floating craft and motor boats, but only if they are propelled by paddling, push pole, or electric trolling motor.

(iii) We prohibit hunting within 50 yards (45 meters) of any road or trail, and within 200 yards (183 meters) of any building.

(iv) We require each hunter to possess a signed refuge hunt brochure.

(v) You must remove all boats, blinds, temporary blinds, stands decoys, and other personal equipment following each hunt day (see §§ 27.93 and 27.94 of this chapter).

(vi) We allow the use of dogs and falconry when hunting.

(2) *Upland game hunting.* We allow hunting of Eastern gray and fox squirrel, cottontail and swamp rabbit, raccoon, beaver, and coyote subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(iii), (iv), and (vi) of this section apply.

(ii) We allow the incidental take of beaver and coyote during any authorized upland game hunt on the refuge.

(iii) We allow the hunting of raccoon and coyote from legal sunset to legal sunrise. We allow artificial lighting for hunting raccoon and coyote.

(iv) We require that refuge hunters turn in the Hunter Harvest Report (FWS Form 3–2542) within 2 weeks of the end of your hunt.

(v) Any hunting with a shotgun for small game in a hunt unit that is open to waterfowl will require non-toxic shot.

(vi) We allow the use of falconry while hunting squirrel and rabbit.

(3) *Big game hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(iii) and (iv) and (vi) of this section apply.

(ii) We allow incidental take of feral hog during any authorized hunt on the refuge

(iii) We require a Harvest Report (FWS Form 3–2542) within 2 weeks of the end of your hunt. Failure to submit the Harvest Report will render the hunter ineligible for the next year's hunt.

(iv) We prohibit the use of dogs.

* * * * *

■ 27. Amend § 32.65 by revising and republishing paragraphs (c) through (h) and (j) through (m) to read as follows:

§ 32.65 Virginia.

* * * * *

(c) *Eastern Shore of Virginia National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of waterfowl, rail, snipe, gallinule, coot, woodcock, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow holders of a signed refuge hunt brochure (signed brochure) to access areas of the refuge typically closed to the non-hunting public. All occupants of a vehicle or hunt party must possess a signed brochure and be actively engaged in hunting. We allow an exception for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

(ii) Hunters may enter the refuge no earlier than 2 hours prior to legal sunrise and must exit the refuge no later than 2 hours after legal sunset.

(iii) We allow the use of dogs while hunting consistent with State and Northampton County regulations on designated areas of the refuge.

(iv) We allow hunting on the refuge only from September 1 until February 28. Hunting will follow State seasons during that period.

(v) You may not hunt, discharge a firearm, or nock an arrow or crossbow bolt outside of designated hunt areas or within 100 feet (30.5 meters) of a building, road or improved trail.

(vi) We prohibit the use of permanent blinds and pit blinds. You must remove portable blinds and decoys at the end of each day's hunt.

(2) *Upland game hunting.* We allow hunting of rabbit, squirrel, quail, raccoon, opossum, fox, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (v) of this section apply.

(ii) We prohibit the hunting of upland game at night.

(iii) We prohibit hunting on Sundays.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), (iv), and (v) and (c)(2)(iii) of this section apply.

(ii) We allow turkey hunting during the spring season only for a mentor-led hunt.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We allow the use of portable tree stands. We require removal of the stands after each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers may access the refuge to fish from designated shore areas ½ hour before legal sunrise to ½ hour after legal sunset.

(ii) Anglers may access State waters via the Wise Point Boat Ramp on the refuge from 5 a.m. to 10 p.m.

(d) *Elizabeth Hartwell Mason Neck National Wildlife Refuge.* (1)–(2) [Reserved]

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) You must possess and carry a signed refuge permit (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System).

(ii) We only allow shotguns with slugs during the firearm season.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We prohibit the use of pursuit dogs while hunting deer.

(v) Hunters must certify and qualify weapons and ammunition at a refuge-

approved range and view the refuge orientation session online prior to issuance of a refuge permit (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System).

(vi) We allow the incidental take of coyote during deer hunting.

(4) *Sport fishing.* We allow freshwater fishing from nonmotorized boats only in designated areas of the refuge.

(e) *Featherstone National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We limit boat access to nonmotorized boats only in Farm Creek Unit. We allow motorized boat access in Neabsco Creek Unit.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the condition set forth at paragraph (e)(1)(ii) of this section.

(f) *Fisherman Island National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of waterfowl, rail, snipe, gallinule/moorhen, coot, woodcock, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We allow holders of a signed refuge hunt brochure (signed brochure) to access areas of the refuge typically closed to the non-hunting public. All occupants of a vehicle, boat, or hunt party must possess a signed brochure and be actively engaged in hunting. We allow an exception for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

(iii) We allow hunting and hunter access by boat only. We prohibit hunting from land. Retrieval dogs may retrieve fallen game on shore.

(iv) We allow hunting on the refuge from September 1 until February 28. Hunting will follow State seasons during that period.

(v) Hunters may enter the refuge 2 hours before legal sunrise and must exit the refuge no later than 2 hours after legal sunset.

(2)–(4) [Reserved]

(g) *Great Dismal Swamp National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of gray squirrel and coyote on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on Thursdays, Fridays, and Saturdays only.

(ii) You must possess and carry a signed refuge permit (FWS Form 3–2439).

(3) *Big game hunting.* We allow hunting of white-tailed deer, wild turkey, and black bear on designated areas of the refuge subject to the conditions set forth at paragraphs (g)(2)(i) and (ii) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing in Lake Drummond from a boat (maximum 25 horsepower) and from the piers at Washington Ditch Road and Interior Ditch Road.

(ii) We prohibit fishing from the ditch banks on the refuge.

(iii) We require a Special Use Permit (FWS Form 3–1383–G) for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond.

(h) *James River National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) We allow waterfowl hunting only during the mentor-led hunts.

(ii) We allow the use of dogs while hunting consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of rabbit, squirrel, bobcat, red fox, raccoon, skunk, groundhog, opossum, and coyote on designated areas of the refuge subject to the following conditions:

(i) We only allow the hunting of coyote, bobcat, red fox, raccoon, skunk, groundhog, and opossum concurrently during the refuge deer hunting season.

(ii) We allow rabbit and squirrel hunting only during the mentor-led hunt.

(iii) We prohibit the use of pursuit dogs.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (h)(2)(iii) of this section applies.

(ii) We require spring turkey hunters to obtain a refuge hunting permit (FWS Form 3–2439) through a lottery administered by a designated third-party vendor.

(iii) Hunters may enter the refuge no earlier than 1 hour prior to the start of legal shooting time and must exit the refuge no later than 1 hour after the end of legal shooting time.

(iv) Hunters using a muzzleloader must hunt from a stand elevated 10 feet (3 meters) or more above the ground.

(v) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iii) We prohibit the use of minnows as bait.

* * * * *

(j) *Occoquan Bay National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of coyote, groundhog, rabbit, squirrel, and fox on designated areas of the refuge subject to the condition that we only allow the incidental take of coyote, groundhog, rabbit, squirrel, and fox during the refuge deer hunting season.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) With the exception of mentored hunt participants, white-tailed deer hunters must possess and carry a signed refuge permit (FWS Form 3–2439) and be selected in the refuge lottery to hunt.

(ii) We only allow shotguns with slugs during the firearm season.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We prohibit the use of pursuit dogs when hunting deer.

(v) Hunters must certify and qualify weapons and ammunition at a refuge-approved range and view the refuge orientation session online prior to issuance of a refuge permit (FWS Form 3–2439).

(vi) Wild turkey hunting is a mentor-led hunt only.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the condition that we allow boat access by nonmotorized boats only.

(k) *Plum Tree Island National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory waterfowl and coot on designated areas of the refuge subject to the following conditions:

(i) You must hunt from a designated refuge blind.

(ii) We allow the use of dogs consistent with State regulations.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow fishing in designated areas of the refuge subject to the following conditions:

(i) We allow fishing access April 1 through August 31, from legal sunrise to legal sunset.

(ii) We prohibit shoreline fishing. We allow fishing only from boats untethered to refuge lands, or from designated blinds.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(l) *Presquile National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of coyote bobcat, red fox, raccoon, skunk, groundhog, rabbit, gray squirrel, and opossum on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 2 hours prior to the start of legal shooting time and must exit the refuge no later than 2 hours after the end of legal shooting time.

(ii) We only allow the harvest of coyote, bobcat, red fox, raccoon, skunk, groundhog, rabbit, gray squirrel, and opossum during deer hunting.

(iii) We require hunters to dock their boats at designated locations on the refuge.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (l)(2)(iii) of this section applies.

(ii) We prohibit the use of pursuit dogs when hunting white-tailed deer.

(iii) We require big game hunters to obtain a permit through a lottery administered by a third-party contractor.

(iv) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) We prohibit bank fishing. We allow fishing only from boats untethered to refuge lands.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iv) We prohibit the use of minnows as bait.

(m) *Rappahannock River Valley National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) Hunters may only hunt waterfowl during designated days and times. The refuge provides dates for the waterfowl hunting season in the annual refuge hunt brochure.

(ii) In designated areas, we require hunters to possess and carry a refuge hunting permit obtained from a designated third-party vendor.

(iii) We allow the use of dogs while hunting consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of coyote, rabbit, squirrel, bobcat, red fox, raccoon, skunk, groundhog, and opossum on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of pursuit dogs.

(ii) We only allow the harvest of coyote, bobcat, red fox, raccoon, skunk, groundhog, and opossum during deer hunting.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(ii) and (m)(2)(i) of this section apply.

(ii) Hunters may enter the refuge no earlier than 1 hour prior to the start of legal shooting time and must exit the refuge no later than 1 hour after the end of legal shooting time.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) During the period when the refuge is open for hunting, we may close hunting areas to all other uses, including sport fishing.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iv) We prohibit the use of lead fishing tackle in Wilna Pond and Laurel Grove Pond.

(v) We require catch-and-release fishing for largemouth bass in freshwater ponds, including Wilna Pond and Laurel Grove Pond. Anglers may take other finfish species as governed by State regulations.

(vi) We prohibit the use of minnows as bait.

(vii) We prohibit the use of boats propelled by gasoline motors, sail, or mechanically operated paddle wheel while fishing.

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■ 28. Amend § 32.66 by revising and republishing paragraphs (a), (b), (g), (i), and (m) to read as follows:

§ 32.66 Washington.

* * * * *

(a) *Billy Frank Jr. Nisqually National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to possess and carry no more than 25 shells while hunting in the field.

(ii) Hunters may access the hunt areas by boat only.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow fishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit bank fishing within the refuge along the Nisqually River and McAllister Creek.

(ii) We prohibit shellfishing (clams, oysters, mussels) on the tideflats.

(iii) We prohibit tidal flat and marsh access from refuge trails.

(b) *Columbia National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, dove and snipe on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the hunt area from1 1–2 hours before legal hunting time to 1 1–2 hours after legal hunting time.

(ii) We prohibit discharge of any firearm within 1–4 mile (396 meters) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals.

(iii) We only allow portable blinds and temporary blinds constructed of nonliving natural materials. Hunters must remove all decoys and other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(iv) We allow hunting only on Wednesdays, Saturdays, Sundays, and Federal holidays on Marsh Unit 1 and Farm Units 226 and 227.

(v) You may take Eurasian collared-doves only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (b)(1)(i) and (ii) of this section applies.

(ii) We allow hunting from 12 p.m. (noon) to legal sunset on Wednesdays, Saturdays, Sundays, and Federal holidays in Marsh Unit 1 and Farm Units 226 and 227.

(3) *Big game hunting.* We allow hunting of deer on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(i) and (ii) of this section applies.

(ii) We allow hunting with shotgun, muzzleloader, and archery only.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) On waters open to fishing, we allow fishing only from the start of the State season to September 30, except that we allow fishing year-round on Falcon, Heron, Goldeneye, Corral, Blythe, Chukar, and Scaup Lakes.

(ii) We allow frogging during periods when we allow fishing on designated waters.

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(g) *Little Pend Oreille National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) We allow hunting August through March.

(ii) We allow the use of dogs when hunting.

(2) *Upland game hunting.* We allow hunting of upland game, small game, coyote, porcupine, and skunk on designated areas of the refuge subject to the following conditions:

(i) We allow hunting August through March, and during the spring wild turkey season.

(ii) During the spring turkey season, we prohibit hunting of all species except wild turkey.

(iii) We allow the use of dogs when hunting, with the exception of fox and raccoon.

(iv) You may take coyote during the State fox season only

(3) *Big Game Hunting.* We allow hunting of big game on designated areas of the refuge subject to the condition set forth at paragraph (g)(1)(i) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

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(i) *Ridgefield National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, snipe, dove, and pigeon on designated areas of the refuge subject to the following conditions:

(i) You may not shoot or discharge any firearm from, across, or along any designated route of travel, including pedestrian trails.

(ii) We allow hunting on designated portions of the River ''S'' Unit on Tuesdays, Thursdays, and Saturdays, excluding Federal holidays, during the regular State waterfowl hunting season.

(iii) Prior to entering the hunt area, you must check in at the refuge check station and obtain a Harvest Report (FWS Form 3–2542). You must carry the Harvest Report while hunting as proof of blind assignment and user fee payment.

(iv) We allow access to the refuge check station 2 hours before legal shooting time. We require hunters to depart the refuge no later than 1 hour after legal shooting time.

(v) We allow hunting only from designated permanent blinds.

(vi) We allow a maximum of three persons per hunting blind.

(vii) We prohibit additional hunters to join a hunt party after the party has checked in.

(viii) We allow the use of dogs when hunting.

(ix) Prior to switching blinds, you must first report to the refuge check station to obtain a new blind assignment. You must submit an accurate Harvest Report (FWS Form 3–2542) for the blind being vacated and obtain a new Harvest Report for the new blind.

(x) Prior to leaving the hunt area, you must check out at the refuge check station, submit an accurate Harvest Report (FWS Form 3–2542), and present all harvested waterfowl for inspection by check station personnel.

(xi) We reserve Blind 1A for exclusive use by hunters with permanent disabilities who qualify for a valid State Disabled Hunter Permit or America the Beautiful access pass, and their nonhunting assistants.

(xii) You may take Eurasian collared-doves only during the State mourning dove season.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) We allow fishing and frogging from March 1 through September 30 only.

(ii) We allow fishing and frogging from legal sunrise to legal sunset only.

* * * * *

(m) *Umatilla National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, dove, and snipe on designated areas of the refuge subject to the following conditions:

(i) We prohibit discharge of any firearm within 1–4 mile (396 meters) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals.

(ii) Hunters must remove all decoys and other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(iii) On the Whitcomb Unit, we allow hunting only on Wednesdays, Saturdays, Sundays, and all Federal holidays within the State season.

(iv) On the Ridge Unit, we allow only shoreline hunting; we prohibit hunting from boats.

(v) You may take Eurasian collared-doves only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of upland game birds on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) and (iii) of this section apply.

(ii) On the Whitcomb Island Unit, we only allow hunting of upland game from 12 p.m. (noon) to the end of State legal hunting hours.

(3) *Big game hunting.* We allow hunting of deer on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (m)(1)(i) of this section applies.

(ii) We allow hunting by special permit only (issued by the State).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

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■ 29. Amend § 32.67 by revising and republishing paragraphs (a) and (b) to read as follows:

§ 32.67 West Virginia.

* * * * *

(a) *Canaan Valley National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of goose, duck, rail, coot, gallinule, mourning dove, snipe, crow, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We require each hunter to possess and carry a signed refuge hunting brochure (signed brochure).

(ii) Hunters may enter the refuge 1 hour before legal sunrise and must exit the refuge, including parking areas, no later than 1 hour after legal sunset.

(iii) We prohibit overnight parking except by Special Use Permit (FWS Form 3–1383–G) on Forest Road 80.

(iv) We allow the use of dogs consistent with State regulations.

(v) We prohibit dog training except during legal hunting seasons.

(2) *Upland game hunting.* We allow the hunting of ruffed grouse, squirrel, cottontail rabbit, snowshoe hare, red fox, gray fox, bobcat, woodchuck, coyote, opossum, striped skunk, and raccoon on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iv), and (v) of this section apply.

(ii) You may hunt coyote, raccoon, opossum, skunk, and fox at night, but you must obtain a Special Use Permit (FWS Form 3–1383–G) at the refuge headquarters before hunting.

(iii) We only allow hunting in the No Rifle Zones with the following equipment: archery (including crossbow), shotgun, or muzzleloader.

(iv) We prohibit the hunting of upland game species from March 1 through August 31.

(3) *Big game hunting.* We allow the hunting of white-tailed deer, black bear, and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iv), and (a)(2)(iii) of this section apply.

(ii) We allow the use of dogs for hunting black bear during the gun season.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We allow only temporary tree stands and blinds.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the condition that we prohibit the use of lead fishing tackle on designated areas of the refuge.

(b) *Ohio River Islands National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) We require each hunter to possess and carry a signed refuge hunting brochure (signed brochure).

(ii) Hunters may enter the refuge 1 hour before legal sunrise and must exit the refuge, including parking areas, no later than 1 hour after legal sunset.

(iii) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of squirrel, Eastern cottontail rabbit, hare, red and gray fox, coyote, bobcat, opossum, raccoon, skunk, woodchuck, weasel, ruffed grouse, quail, pheasant, and crow on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer, wild turkey, and black bear on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) and (ii) of this section apply.

(ii) We only allow the use of archery equipment.

(iii) We prohibit deer drives. We define a deer drive as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) You must label portable tree stands with your last name and State license number. You may erect your stand(s) on the first day of the hunting season. You must remove your stand(s) by the last day of the hunting season (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from 1 hour before legal sunrise until 1 hour after legal sunset. This restriction does not apply to offshore fishing.

(ii) We prohibit trotlines (setlines) and turtle lines.

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■ 30. Amend § 32.68 by revising and republishing paragraph (c) to read as follows:

§ 32.68 Wisconsin.

* * * * *

(c) *Hackmatack National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (g)(1)(i) through (iii) of § 32.32(g).

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the refuge subject to the conditions set forth at paragraphs (g)(1)(i) through (iii) and (g)(2)(ii) of this § 32.32(g) apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer, black bear and turkey in designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) and (ii) of this section apply and (g)(3)(ii) and (iii).

(ii) We prohibit hunting bear with dogs.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions: We prohibit the taking of minnow, turtle and frog (see § 27.21 of this chapter).

* * * * *

■ 31. Amend § 32.69 by revising and republishing paragraphs (a), (b), and (f) to read as follows:

§ 32.69 Wyoming.

* * * * *

(a) *Bamforth National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory birds on designated areas of the refuge subject to the following conditions:

(i) Waterfowl hunters may enter the refuge 1 hour before legal shooting hours to set up decoys and blinds.

(ii) We allow the use of dogs when hunting.

(iii) You must only use portable blinds or blinds constructed from dead and downed wood.

(iv) You must remove portable blinds, tree stands, decoys, and other personal equipment from the refuge after each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of upland game birds and small game authorized by the State and turkey (during the fall turkey season only) on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of big game authorized by the State on designated areas of the refuge.

(4) [Reserved]

(b) *Cokeville Meadows National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory birds on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs when hunting.

(ii) Hunters may only access the refuge 1 hour before legal sunrise until 1 hour after legal sunset.

(2) *Upland game hunting.* We allow hunting of upland game birds, small game, red fox, raccoon, and striped skunk on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(ii) of this section applies.

(ii) We allow the use of dogs to find and retrieve legally harvested game birds.

(iii) Licensed migratory bird, big game, or upland/small game hunters may harvest red fox, raccoon, and striped skunk on the refuge from

September 1 until the end of the last open big game, upland bird, or small game season. You must remove from the refuge, all red fox, raccoon, and striped skunk that you harvest on the refuge.

(3) *Big game hunting.* We allow hunting of elk, mule deer, white-tailed deer, pronghorn, and moose subject to the condition set forth at paragraph (b)(1)(ii) of this section.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

(f) *Seedskadee National Wildlife Refuge.* (1) *Migratory game bird hunting.* We allow hunting of migratory birds except light goose on designated areas of the refuge subject to the following conditions:

(i) Waterfowl hunters may enter the refuge 1 hour before legal shooting hours to set up decoys and blinds.

(ii) We allow the use of dogs when hunting.

(iii) You must only use portable blinds or blinds constructed from dead and downed wood.

(iv) You must remove portable blinds, tree stands, decoys, and other personal equipment from the refuge after each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of game birds, small game, jackrabbit, raccoon, coyote, fox, and skunk on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs to find and retrieve game birds.

(ii) Licensed migratory bird, big game, or upland/small game hunters may harvest fox, coyote, raccoon, and skunk on the refuge from September 1 until the end of the last open big game, upland bird, or small game season.

(3) *Big game hunting.* We allow hunting of big game authorized by the state on designated areas of the refuge.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

PART 71—HUNTING AND SPORT FISHING ON NATIONAL FISH HATCHERIES

■ 32. The authority citation for part 71 continues to read as follows:

Authority: Sec. 4, Pub. L. 73–121, 48 Stat. 402, as amended; sec. 4, Pub. L. 87–714, 76 Stat. 654; 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 1534.

■ 33. Amend § 71.11 by:

■ a. Adding new paragraph (a);

■ b. Redesignating paragraphs (a) through (e) as paragraphs (b) through (f), respectively;

■ c. Revising and republishing newly redesignated paragraphs (c), (f)(2), and (f)(3);

■ c. Adding new paragraph (g);

■ d. Redesignating paragraphs (g) and (h) as paragraphs (h) and (i), respectively; and

■ e. Revising and republishing newly redesignated paragraphs (i)(2) and (i)(3).

The additions and revisions read as follows:

§ 71.11 National fish hatcheries open for hunting.

* * * * *

(a) *Craig Brook National Fish Hatchery* (1) *Migratory game bird hunting.* We allow the hunting of migratory game bird species authorized by the State on designated areas of the hatchery subject to the following conditions:

(i) We prohibit night hunting.

(ii) Hunters may enter the hatchery 1 hour before legal sunrise and must leave no later than 1 hour after legal sunset.

(iii) We allow only portable stands and blinds for hunting, and they must be removed at the end of each day's hunt.

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State on designated areas of the hatchery subject to the conditions set forth at paragraphs (a)(1)(i) through (iii) of this section.

(3) *Big game hunting.* We allow hunting of big game species authorized by the State on designated areas of the hatchery subject to the conditions set forth at paragraphs (a)(1)(i) through (iii) of this section.

* * * * *

(c) *Jordan River National Fish Hatchery.* (1) *Migratory game bird hunting.* We allow the hunting of migratory game bird species authorized by the State on designated areas of the hatchery subject to the following conditions:

(i) We allow entry into the hatchery 1 hour before legal sunrise and require hunters to leave the hatchery no later than 1 hour after legal sunset.

(ii) We prohibit shooting on or over any hatchery road and shooting within 50 feet (15 meters) from the centerline.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon during any open season.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow hunting of upland game species authorized by the State, except hunting of English sparrow and European starling, on designated areas of the hatchery subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (v) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We allow the harvest of feral hogs, including Russian boar, during big game hunting.

(3) *Big game hunting.* We allow hunting of bear, elk, white-tailed deer, and turkey on designated areas of the hatchery subject to the conditions set forth at paragraphs (c)(1)(i) through (v) of this section.

* * * * *

(f) * * *

(2) *Upland game hunting.* We allow hunting of bobcat, grouse, partridge, and porcupine on designated areas of the hatchery subject to the conditions set forth at paragraphs (f)(1)(i) and (ii) of this section.

(3) *Big game hunting.* We allow hunting of bear, elk, black-tailed deer, mule deer, and turkey on designated areas of the hatchery subject to the conditions set forth at paragraphs (f)(1)(i) and (ii) of this section.

* * * * *

(g) *Pendill's Creek National Fish Hatchery.* (1) *Migratory game bird hunting.* We allow hunting of migratory game bird species authorized by the State on designated areas of the hatchery subject to the following conditions:

(i) We allow entry into the hatchery 1 hour before legal sunrise and require hunters to leave the hatchery no later than 1 hour after legal sunset.

(ii) We prohibit shooting on or over any hatchery road and shooting within 50 feet (15 meters) from the centerline.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We allow the harvest of pigeon during any open season.

(v) You must remove all personal property, including but not limited to boats, decoys, blinds, blind materials, stands, platforms, and cameras, brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(2) *Upland game hunting.* We allow the hunting of upland game species authorized by the State, except for

English sparrows and European starlings, on designated areas of the hatchery subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) through (v) of this section apply.

(ii) We prohibit night hunting of upland game from 30 minutes after legal sunset until 30 minutes before legal sunrise the following day.

(iii) We allow the harvest of feral hog, including Russian boar, during big game hunting.

(3) *Big game hunting.* We allow white-tailed deer, turkey, and bear hunting on designated areas of the hatchery subject to the conditions set forth at paragraphs (g)(1)(i) through (v) of this section.

* * * * *

(i) * * *

(2) *Upland game hunting.* We allow hunting of bobcat, grouse, partridge, and porcupine on designated areas of the hatchery subject to the conditions set forth at paragraphs (i)(1)(i) and (ii) of this section.

(3) *Big game hunting.* We allow hunting of bear, elk, black-tailed deer, mule deer, and turkey on designated areas of the hatchery subject to the conditions set forth at paragraphs (i)(1)(i) and (ii) of this section.

* * * * *

■ 34. Amend § 71.12 by:

■ a. Adding new paragraph (q);

■ b. Redesignating paragraphs (q) through (t) as paragraphs (r) through (u), respectively;

The addition reads as follows:

§ 71.12 National fish hatcheries open for sport fishing.

* * * * *

(q) *Pendill's Creek National Fish Hatchery.* We allow sport fishing on designated areas of the hatchery only from legal sunrise to legal sunset.

* * * * *

Kevin Lilly,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2026–10465 Filed 5–26–26; 8:45 am]

BILLING CODE 4333–15–P

FEDERAL REGISTER

Vol. 91 Wednesday,

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Part IV

The President

Presidential Determination No. 2026–14 of May 21, 2026—Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026

Federal Register
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Wednesday, May 27, 2026

Presidential Documents

Title 3—

The President

Presidential Determination No. 2026–14 of May 21, 2026

Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2026

Memorandum for the Secretary of State[,] the Secretary of Homeland Security[, and] the Secretary of Health and Human Services

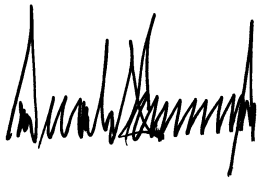
By the authority vested in me as President by the Constitution and the laws of the United States, in accordance with section 207(b) of the Immigration and Nationality Act (INA)(8 U.S.C. 1157(b)), and after appropriate consultations with the Congress, I have determined that, subsequent to the signing of Presidential Determination 2025–13 of September 30, 2025 (Presidential Determination on Refugee Admissions for Fiscal Year 2026) (PD 2025–13), an unforeseen emergency refugee situation now exists due to recent increases in the incitement of racially motivated violence on the part of the Government of South Africa and leaders of prominent political parties in South Africa, as well as new disruptions of United States Refugee Admissions Program operations in South Africa. I hereby determine that the admission to the United States of Afrikaners from South Africa in response to this emergency is justified by the grave humanitarian concerns and is otherwise in the national interest, that the admission of these refugees cannot be accomplished under the refugee ceiling of 7,500 for Fiscal Year 2026 as authorized in PD 2025–13, and that an increase in the ceiling to 17,500 is warranted.

The additional admissions shall be allocated among Afrikaners from South Africa, consistent with the directives in Executive Order 14204.

Refugee admissions under this determination, which may reach but not exceed the numerical limit described herein, are in all respects subject to the requirements of other Presidential policies and actions, whether issued prior or subsequent to this determination. Those Presidential policies and actions include, but are not limited to: Executive Order 14161, which mandates that refugees receive the most stringent identification verification of any class of alien seeking admission or entry to the United States; Executive Order 14163, which suspends the entry into the United States of refugees other than when the Secretaries of State and Homeland Security jointly determine that an admission is in the national interest and does not threaten the security and welfare of the United States; Executive Order 14204, which provides for refugee resettlement of Afrikaners from South Africa who are victims of unjust racial discrimination; and Proclamation 10998 which restricts the entry of certain foreign nationals whose admission would be detrimental to the national interest.

In accordance with section 101(a)(42)(B) of the INA (8 U.S.C. 110l(a)(42)(B)), and after appropriate consultation with the Congress, I specify that, for Fiscal Year 2026, Afrikaners from South Africa processed consistent with the directives in Executive Order 14204, may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, May 21, 2026

[FR Doc. 2026–10598
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