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

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

DEPARTMENT OF ENERGY

10 CFR Parts 300, 602, 605, 706, 708, 712, 719, 725, 727, 733, 760, 766, 782, 783, 784, 824, 840, 860, 861, 862, 950, 960, 963, 1009, 1015, 1016, 1045, 1046, and 1061

[Docket No. DOE–HQ–2025–0603]

RIN 1990–AA54

Zero-Based Regulating

AGENCY: Department of Energy (DOE).

ACTION: Direct final rule; request for comments.

SUMMARY: This direct final rule inserts sunset provisions into certain regulations, consistent with Executive order (E.O.), *Zero-Based Regulatory Budgeting to Unleash American Energy* (April 9, 2025), and agency policy. Each sunset provision will establish a conditional sunset date for covered regulations, as defined by E.O 14270. If DOE does not extend a particular regulation before its conditional sunset date, that regulation will expire, cease to be enforceable and will be removed from the Code of Federal Regulations. The conditional sunset date may be extended by DOE as many times as appropriate, but never to a date more than five years in the future.

DATES: The effective date of this rule is July 13, 2026. If significant adverse comments are received by June 29, 2026, a timely withdrawal of this rule will be published in the **Federal Register** and DOE will address the comments received in a subsequent final rule as a response to the companion proposed rule published in this issue of the **Federal Register**, or take other action as appropriate.

ADDRESSES: The docket for this rulemaking, which includes **Federal Register** notices, public meeting attendee lists and transcripts (if one is held), comments, and other supporting documents and 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/DOE-HQ-2025-0603.* The docket web page contains instructions on how to access all documents, including public comments, in the docket, as well as a summary of the rulemaking.

FOR FURTHER INFORMATION CONTACT: Ms. Clara Wheelock, U.S. Department of Energy, Office of Policy, OP–1, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2859. Email: *FederalRegisterOP@hq.doe.gov.*

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I. Background

A. Zero-Based Regulatory Budgeting To Unleash American Energy

On April 9, 2025, President Donald J. Trump issued Executive Order (E.O.) 14270, *Zero-Based Regulatory Budgeting to Unleash American Energy.* 90 FR 15643. In E.O. 14270, the President directed the Department of Energy (DOE), among other agencies, to ''the extent consistent with applicable law'' to ''issue a sunset rule, effective not later than September 30, 2025'' to insert a conditional sunset date into regulations promulgated under a variety of energy-related statutes. *Id.,* section4(a). E.O.14270 identified five statutes relevant to DOE: the Atomic Energy Act of 1954; the National Appliance Energy Conservation Act of 1987; the Energy Policy Act of 1992; the Energy Policy Act of 2005; and the Energy Independence and Security Act of 2007. *Id.,* section 3(b). E.O. 14270 directed DOE to issue its sunset rule with an effective date ''not later than September 30, 2025.'' *Id.,* section 4(a).

E.O. 14270 ordered that the ''sunset rule shall provide'' that each regulation issued pursuant to the identified statutes and their amendments, ''in effect on the date of this order,'' shall have a conditional sunset date ''1 year after the effective date of the sunset rule.'' *Id.,* section 4(b). Under the sunset provision, each regulation expires on the conditional sunset date unless DOE ''finds an extension is warranted'' and extends the sunset date of the regulation. *Id.,* section 4(d). Regulations that expire will cease to be effective and, to the maximum extent permitted by law, shall be removed from the *Code of Federal Regulations. Id.,* section 4(b).

E.O. 14270 also directed DOE to insert a sunset provision into each regulation promulgated under the same five statutes, going forward. E.O. 14270 directed DOE to insert a conditional sunset date for future covered regulations ''not more than 5 years in the future'' following the effective date of a particular regulation.[1] E.O. 14270 exempted permitting regimes authorized by statute. *Id.,* section 5(c).

B. Identified DOE Statutes and Regulations

As stated previously, E.O. 14270 directed DOE to issue a rule that inserts conditional sunset dates into each of the covered regulations, which are defined as ''regulation[s] issued in whole or in part pursuant to a statutory authority listed in sections 3(b)–(j) of this order.'' *Id.,* sections 2(c), 4(a). For DOE, the identified statutes are the Atomic

[1] *Id.,* section 4(c). Thus, DOE will include a conditional sunset date in future regulations to which the E.O. would apply, consistent with the approach taken herein.

Energy Act of 1954; the National Appliance Energy Conservation Act of 1987; the Energy Policy Act of 1992; the Energy Policy Act of 2005; and the Energy Independence and Security Act of 2007. *Id.,* section 3(b). The Atomic Energy Act of 1954 governs the development and use of nuclear energy. Public Law 83–703 (1954). The National Appliance Energy Conservation Act of 1987 established energy efficiency standards for appliances. The Energy Policy Act of 1992 amended the Energy Policy and Conservation Act (EPCA) to further increase energy efficiency in the United States. The Energy Policy Act of 2005 addressed energy production in the United States. The Energy Independence and Security Act of 2007 aimed to increase the energy independence of the nation.

DOE regulations promulgated under the authority of these statutes and for which it would be consistent with applicable law to include a conditional sunset date are codified in 10 CFR parts 300, 602, 605, 706, 708, 712, 719, 725, 727, 733, 760, 766, 782, 783, 784, 824, 840, 860, 861, 862, 950, 960, 963, 1009, 1015, 1016, 1045, and 1046. These regulations may be issued pursuant to multiple statutes, including statutes not listed in E.O. 14270. The CFR parts listed previously include regulations where DOE relied on one of the five statutes identified in E.O. 14270, or their amendments, for any section in that part, and where it would be consistent with applicable law to sunset.

There are several regulations codified in 10 CFR that are promulgated under the authority of these statutes but are not included in this rulemaking. E.O. 14270 directs DOE to issue a sunset rule ''to the extent consistent with applicable law.'' E.O. 14270, section 4. Thus, this rulemaking does not include regulations that could not be sunset ''consistent with applicable law.'' Specifically, there are several regulations that are required by Congress or are required to fulfill DOE's statutory duties, and conditional sunset dates for these provisions may have a chilling effect on the market. For example, 10 CFR parts 820, 830, and 835 either directly or indirectly serve as underlying nuclear safety requirements for Price Anderson Amendments Act (PAAA) indemnification, which provides a system of financial protection for persons (including DOE contractors) who may be liable and persons who may be injured by a nuclear incident. The potential for these regulations to sunset would be inconsistent with the requirements of PAAA and because this indemnification is a critical element of obtaining contractors to perform work for the Department, the potential for these regulations to sunset could negatively affect DOE's ability to secure contracts necessary for it to perform its statutory duties. For these reasons, regulations that are required by Congress or are required to fulfill DOE's statutory duties and would have a chilling effect on the market if DOE inserted a conditional sunset are excluded from the rulemaking.

II. Direct Final Rule Overview

A. Sunset Provisions for Specific Covered Regulations

The direct final rule (DFR) inserts a sunset provision into its regulations codified in each of the parts previously listed. This DFR amends the identified parts of title 10 of the *Code of Federal Regulations* to add a sunset provision to the end of the identified parts. The sunset provision added to parts 300, 602, 605, 706, 708, 719, 727, 733, 760, 766, 782, 783, 784, 824, 840, 861, 950, 960, 963, 1009, and 1015 state the identified part will automatically expire one year from the effective date unless the part expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

For sunset provisions added to parts 712, 725, 860, 862, 1016, 1045, and 1046, the DFR sets a conditional sunset date of five years from the effective date. These parts govern access to classified information/classified programs, administer the Human Reliability Program, protect worker health and safety, and establish processes to govern the production of nuclear material for the nuclear couriers and Security personnel at DOE and National Nuclear Security Administration (NNSA) facilities. The identified parts implicate DOE and NNSA abilities to protect DOE and NNSA personnel, facilities, materials, and information. Thus, the Secretary has determined that an extension of the conditional sunset date for these parts for a period of five years is warranted. Accordingly, instead of a conditional sunset date of one year from the effective date, the DFR sets a conditional sunset date that is 5 years from the effective date for these provisions.

B. Sunset Provisions for Covered Regulations Generally

The direct final rule also adds part 1061 to Chapter X of title 10 of the Code of Federal Regulations, which outlines how these sunset provisions are applied to covered regulations. The general sunset provisions reiterates that sections to which the sunset provisions apply would ''automatically expire and cease to be effective on the identified conditional sunset date unless the section expires, is rescinded, or is extended prior to that date.''

The general sunset provisions extend the conditional sunset date upon a written determination by the Secretary of Energy or his designee that ''an extension of the section is warranted[.]'' The written determination may extend the conditional sunset date for period not to exceed five years. Additionally, 10 CFR 1061.101 requires DOE to publish in the **Federal Register** a written determination in which DOE extends the conditional sunset date of a covered regulation. Consistent with the E.O. 14270, the direct final rule states that ''Amendments to an existing regulation shall not extend its sunset date[,]'' and provides that ''that DOE will give the public an opportunity to comment on the costs and benefits of extending any regulations covered by a sunset provision, through a request for information, before allowing any regulation to expire.'' *See* E.O. 14270, section 4(d).

Through publication of this direct final rule, DOE is also providing a comment period until June 29, 2026. If significant adverse comments are received, a timely withdrawal of this rule will be published in the **Federal Register** and DOE will address the comments received in a subsequent final rule as a response to the companion proposed rule published in this issue of the **Federal Register** or take other action, as appropriate.

III. Justifications and Authority

A. Executive Order 14270

E.O. 14270, *Zero-Based Regulatory Budgeting to Unleash American Energy,* states ''each of the Covered Agencies *shall* issue a sunset rule,'' and further specifies the general terms of those rules. E.O. 14270, section4(a). Consistent with this direction, DOE issues this direct final rule. The President's directive provides an independent and sufficient justification for this rulemaking. E.O. 14270 does not direct the Secretary to rescind or reissue any particular regulation. The Secretary retains his full authority to issue and repeal regulations under the five relevant statutes and their amendments. The President has directed only the manner in which the Secretary is to review and extend the conditional sunset dates for covered regulations, as defined in E.O. 14270.

B. DOE's Determination

Independent of E.O. 14270, DOE separately determines that it is good public policy to routinely review agency regulations and that this sunset rule is an appropriate mechanism to compel that review. Energy markets and needs are constantly changing. So is new energy technology. DOE's regulations must adapt to this changing landscape to foster innovation and growth. Having regulations expire unless extended would ensure DOE's regulations are programmatically reviewed. Simply promising to review rules is insufficient because it fails to provide the agency with an adequate incentive to periodically review its regulations.

E.O. 14270 covers a diversity of statutes, which all involve energy-production issues wherein science and technology are constantly evolving, and wherein regulations must adapt to the current energy needs of the country. For example, the Atomic Energy Act of 1954 is designed to ''encourage scientific and industrial progress,'' a goal that requires that the regulatory structure keep up with the rapid pace of scientific and industrial innovation. 42 U.S.C. 2013(b).

The sunset provisions do not force the expiration or the extension of any particular regulation. The decision whether to extend a conditional sunset date will come later, as DOE reviews the various covered regulations, as defined by E.O. 14270. DOE will consider the ongoing need for each individual regulation at that time, along with the particular statutory authorities for each regulation.

DOE is not the first governmental entity to consider a sunset rule—it is not even the first Federal agency to adopt one. On January 19, 2021, Health and Human Services adopted a sunset rule, 86 FR 5694, although it was later withdrawn, 87 FR 32246. Beyond that, many states have automatic sunset provisions. In New Jersey, for example, regulations automatically expire after seven years unless extended by the agency. N.J. Stat. Ann. sec. 52:14B–5.1(b). Indiana likewise has a seven-year sunset rule. Ind. Code sec. 4–22–2.5–2. And in 2019, the state of Idaho underwent a sunset review process for its entire regulatory code—ultimately rescinding more than 19,000 regulatory restrictions as part of the process. Office of Gov. Brad Little, Idaho's Historic Regulatory Cuts (July 2019). Other countries have also imposed sunset provisions, including South Korea. OECD Reviews of Regulatory Reform, Regulatory Policy in Korea, Toward Better Regulation, at 86 (2017), *https://publicadministration.un.org/unpsa/Portals/0/UNPSA_Submitted_Docs/2019/4cd3e219-c819-40f3-8246-7a024d9a82a9/2020%20UNPSA_the%20Regulatory %20Reform%20 Sinmungo_Evaluation%20Report_27112019_032807_e4d166a9-f6ef-4a6c-9aaf-99748fa94284.pdf?ver=2019-11-27-032807-637.*

Previous administrations have also recommended sunset provisions. An Obama administration report from the Council of Economic Advisors explained that sunset provisions could be useful in the context of occupational licensing ''because, even if licensing was justified when first introduced, technological and economic changes may have rendered it unnecessary or overly restrictive.'' *Occupational Licensing: A Framework for Policymakers,* The White House, at 48–50 (July 2015), *https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf.*

Overall, a sunset rule is one of the most important tools a government can use to reduce regulatory costs. Russell S. Sobel & John A. Dove, *State Regulatory Review: A 50 State Analysis of Effectiveness* 36 (Mercatus Ctr., Working Paper No. 12–18, 2012), *https://www.mercatus.org/system/files/State-Regulatory-Review-50-State-Analysis-Effectiveness.pdf.* This is consistent with the Secretary's policy of deregulation. The agency is committed to repealing outdated and unnecessary regulations as a pathway to maximize human freedom, stimulate economic growth, and promote innovation. Unless a regulation is statutorily required or critical to the public interest, the agency's general policy view is that it should be withdrawn and removed as expeditiously as possible. The sunset rule is the best way to achieve the Secretary's policy.

The Secretary's general authority to issue a sunset rule comes from DOE's general ''housekeeping'' authority, *see* 5 U.S.C. 301, as well as the same regulatory authority used to initially issue the regulations under the relevant statutes. Furthermore, ''[t]he Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions'' vested in DOE. 42 U.S.C. 7254.

IV. Procedural Issues and Regulatory Review

A. Executive Order 12866

E.O. 12866, ''Regulatory Planning and Review'' requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. For the reasons stated in the preamble, this DFR is consistent with these principles. Although the agency remains free to extend the sunset date on any particular regulation, the sunset rule is expected to generally result in decreased regulatory burdens and to ensure that regulations remain up to date in light of changing circumstances.

Section 6(a) of E.O. 12866 also requires agencies to submit ''significant regulatory actions'' to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review. OIRA has determined that this regulatory action is a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, this action was subject to review under that Executive Order by OIRA.

B. Administrative Procedure Act

A direct final rule is a regulatory document that is used for non-controversial regulatory amendments.[2] The direct final rule process allows an agency to issue a rule without having to go through the review process twice (*i.e.,* at the proposed and final rule stages), while at the same time offering the public the opportunity to challenge the agency's view that the rule is non-controversial. Consistent with E.O. 14270, this rulemaking would add a conditional sunset date to covered regulations, as defined by E.O. 14270. As previously explained, adding these conditional sunset dates does not require DOE to rescind or extend a regulation. Therefore, because DOE does

[2] Direct final rules fall under the ''unnecessary'' prong of the ''good cause'' exemption in 5 U.S.C. 553(b)(B), which DOE relies on here. *See* Admin. Conference of the U.S., Recommendation 95–4, Procedures for Noncontroversial and Expedited Rulemaking, 60 FR 43108, 43110–43111 (Aug. 18, 1995).

not anticipate significant public comments on this rulemaking and considers it to be non-controversial, DOE is using the ''direct final rule procedure'' for this rule. The amendments are effective on July 13, 2026. However, if DOE receives significant adverse comments on any part of this direct final rule by June 29, 2026, then DOE will publish a document that withdraws any such part of this action and will address the comments received in a subsequent final rule as a response to the companion notice of proposed rulemaking published in this issue of the **Federal Register** or take other action as appropriate.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that an agency prepare an initial regulatory flexibility analysis whenever an agency is required by section 553 of this title, or any other law, to publish general notice of proposed rulemaking for any proposed rule. DOE is not obligated to prepare a regulatory flexibility analysis for this rulemaking because there is not a requirement to publish a general notice of proposed rulemaking under the Administrative Procedure Act. *See* 5 U.S.C. 601(2), 603(a). DOE notes that the companion proposed rule addresses whether the preparation of an initial regulatory analysis is warranted.

D. Paperwork Reduction Act of 1995

This direct final rule imposes no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. 44 U.S.C. 3501 *et seq.*

E. National Environmental Policy Act of 1969

DOE has considered this DFR in accordance with NEPA, as amended, DOE's NEPA implementing regulations, set forth in 10 CFR part 1021, and DOE's NEPA implementing procedures published outside the Code of Federal Regulations on June 30, 2025. DOE has determined that NEPA does not apply to this action as this DFR is an administrative and routine action excepted from NEPA review necessary to add sunset provisions to certain DOE's regulations consistent with E.O. 14270. DOE has determined that this rulemaking is a Federal action, but it is not ''major'' and therefore not subject to NEPA. This action is one in which NEPA does not apply because it does not fall within the definition of ''major Federal action'' in section 110(10) of NEPA, 42 U.S.C. 4336e(10). For more information, please see appendix A of 10 CFR part 1021 (''A6, Procedural rulemakings'') and appendix A of DOE's NEPA implementing procedures, A6, Procedural rulemakings (June 30, 2025). Furthermore, before allowing specific regulations to expire, DOE will determine whether NEPA applies and, as appropriate, determine the level of NEPA review required in accordance with DOE's NEPA implementing procedures (Sections 2.1 and 2.2).

F. Executive Order 12988

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

Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this procedural rulemaking meets the relevant standards of E.O. 12988.

G. Executive Order 13132

E.O. 13132, *Federalism,* imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. 64 FR 43255 (Aug. 10, 1999), E.O. 13132 requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The E.O. also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735.

DOE has examined this DFR and has determined that it will not preempt State law and 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. The DFR does not directly affect any substantive DOE regulation that might implicate federalism because it is a procedural rule. Accordingly, no further action is required by E.O. 13132.

H. Executive Order 13175

Under E.O. 13175, *Consultation and Coordination With Indian Tribal Governments,* DOE may not issue a discretionary rule that has Tribal implications and imposes substantial direct compliance costs on Indian Tribal governments. 65 FR 67249, (Nov. 9, 2000). DOE has determined that this DFR will not have such effects and has concluded that E.O. 13175 does not apply to this DFR.

I. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a

statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.*

DOE examined this DFR according to UMRA and its statement of policy and determined that adding the sunset provisions does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of $100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As stated previously, adding the sunset provision does not direct the Secretary to rescind or reissue any particular regulation, but rather the provisions require the Secretary to review whether extending the regulations is warranted. As a result, the analytical requirements of UMRA do not apply.

J. Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This DFR will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

K. Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at *www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.*

DOE has reviewed this direct final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

L. Executive Order 13211

E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,* 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action will not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

M. Additional Executive Orders and Presidential Memoranda

DOE has examined this direct final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154 *Unleashing American Energy;* E.O. 14192, *Unleashing Prosperity Through Deregulation;* and Presidential Memorandum, *Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.* This DFR is not subject to E.O. 14192, *Unleashing Prosperity Through Deregulation,* 90 FR 9065 (February 6, 2025). As stated previously, adding a sunset provision to covered regulations does not rescind or extend any particular regulation. Thus, this action is neither regulatory nor deregulatory under E.O. 14192. Moreover, E.O. 14270 explicitly states that ''[n]either a determination to extend the conditional sunset date of a particular regulation, nor a regulation that expires as a result of [E.O. 14270], shall count towards the ten-for-one regulatory requirement in Executive Order 14192[.]'' E.O. 14270, section 5(a).

N. Congressional Review Act

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). The DFR does not rescind or reissue any particular regulation but rather the DFR requires the Secretary to review whether extending the regulations is warranted.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this direct final rule and request for comments.

List of Subjects

10 CFR Part 300

Administrative practice and procedure, Buildings and facilities, Business and industry, Energy conservation, Grant programs—energy, Housing, Reporting and recordkeeping requirements, Technical assistance.

10 CFR Part 602

Grant programs—health, Medical research, Occupational safety and health, Reporting and recordkeeping requirements.

10 CFR Part 605

Accounting, Administrative practice and procedure, Adult education, Aged, Agriculture, American Samoa, Bilingual education, Blind, Business and industry, Civil rights, Colleges and universities, Communications, Community development, Community facilities, Copyright, Credit, Cultural exchange programs, Educational facilities, Educational research, Education, Education of disadvantaged, Education of individuals with disabilities, Educational study programs, Electric power, Electric power rates, Electric utilities, Elementary and secondary education, Energy conservation, Equal educational opportunity, Federally affected areas, Government contracts, Grant programs, Grants administration, Guam, Home improvement, Homeless, Hospitals, Housing, Human research subjects, Indians, Indians—education, Infants and children, Insurance, Intergovernmental relations, International organizations, Inventions and patents, Loan programs, Manpower training programs, Migrant labor, Mortgage insurance, Nonprofit organizations, Northern Mariana Islands, Pacific Islands Trust Territories, Privacy, Renewable Energy, Reporting and recordkeeping requirements, Rural areas, Scholarships and fellowships, School construction, Schools, Science and technology, Securities, Small businesses, State and local governments, Student aid, Teachers,

Telecommunications, Telephone, Urban areas, Veterans, Virgin Islands, Vocational education, Vocational rehabilitation, Waste treatment and disposal, Water pollution control, Water resources, Water supply, Watersheds, Women.

10 CFR Part 706

Administrative practice and procedure, Labor management relations, Security measures.

10 CFR Part 708

Administrative practice and procedure, Whistleblowing.

10 CFR Part 712

Administrative practice and procedure, Alcohol abuse, Classified information, Drug abuse, Government contracts, Government employees, Health, Occupational safety and health, Radiation protection, Security measures.

10 CFR Part 719

Government contracts, Legal services.

10 CFR Part 725

Classified information, Nuclear energy, Reporting and recordkeeping requirements.

10 CFR Part 727

Classified information, Computer technology, Government employees, National defense.

10 CFR Part 733

Investigations, Reporting and recordkeeping requirements, Science and technology, Scientists.

10 CFR Part 760

Public lands—mineral resources, Reporting and recordkeeping requirements, Radioactive materials.

10 CFR Part 766

Confidential business information, Electric utilities, Nuclear energy, Radioactive materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 782

Claims, Copyright, Inventions and patents.

10 CFR Part 783

Inventions and patents.

10 CFR Part 784

Inventions and patents.

10 CFR Part 824

Government contracts, Nuclear energy, Penalties, Security measures.

10 CFR Part 840

Administrative practice and procedure, Government contracts, Nuclear energy, Reporting and recordkeeping requirements.

10 CFR Part 860

Federal buildings and facilities, Penalties, Security measures.

10 CFR Part 861

Federal buildings and facilities, Penalties, Traffic regulations.

10 CFR Part 862

Aircraft, Federal buildings and facilities, Security measures.

10 CFR Part 950

Government contracts, Radiation protection.

10 CFR Part 960

Hazardous waste, Nuclear energy, Radiation protection.

10 CFR Part 963

Hazardous waste, Nuclear energy, Radiation protection.

10 CFR Part 1009

Fees.

10 CFR Part 1015

Administrative practice and procedure, Antitrust, Claims, Fraud, Government employees, Privacy.

10 CFR Part 1016

Classified information, Nuclear energy, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 1045

Classified information.

10 CFR Part 1046

Government contracts, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 1061

Administrative practice and procedure.

Signing Authority

This document of the Department of Energy was signed on May13, 2026, by Chris Wright, 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 27, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons set forth in the preamble, DOE amends chapters II, III, and X of title 10 of the Code of Federal Regulations, as set forth below.

PART 300—VOLUNTARY GREENHOUSE GAS REPORTING PROGRAM: GENERAL GUIDELINES

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

Authority: 42 U.S.C. 7101, *et seq.,* and 42 U.S.C. 13385(b).

■ 2. Add § 300.14 to read as follows:

§ 300.14 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 602—EPIDEMIOLOGY AND OTHER HEALTH STUDIES FINANCIAL ASSISTANCE PROGRAM

■ 3. The authority citation for part 602 continues to read as follows:

Authority: 42 U.S.C. 2051; 42 U.S.C. 5817; 42 U.S.C. 5901–5920; 42 U.S.C. 7254 and 7256; 31 U.S.C. 6301–6308.

■ 4. Add § 602.20 to read as follows:

§ 602.20 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 605—THE OFFICE OF SCIENCE FINANCIAL ASSISTANCE PROGRAM

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

Authority: Section 31 of the Atomic Energy Act, as amended, Pub. L. 83–703, 68 Stat. 919 (42 U.S.C. 2051); sec. 107 of the Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1240 (42 U.S.C. 5817); Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577, 88 Stat. 1878 (42 U.S.C. 5901 *et seq.*); secs. 644 and 646 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Federal Grant and Cooperative Agreement Act, as amended (31 U.S.C. 6301 *et seq.*).

■ 6. Add § 605.21 to read as follows:

§ 605.21 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 706—SECURITY POLICIES AND PRACTICES RELATING TO LABOR-MANAGEMENT RELATIONS

■ 7. The authority citation for part 706 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201.

■ 8. Add § 706.41 to read as follows:

§ 706.41 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 708—DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

■ 9. The authority citation for part 708 continues to read as follows:

Authority: 42 U.S.C. 2201(b), 2201(c), 2201(i), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254, 7255, and 7256; and 5 U.S.C. Appendix 3.

■ 10. Add § 708.44 to read as follows:

§ 708.44 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 712—HUMAN RELIABILITY PROGRAM

■ 11. The authority citation for part 712 continues to read as follows:

Authority: 42 U.S.C. 2165; 42 U.S.C. 2201; 42 U.S.C. 5814–5815; 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.;* E.O. 10450, 3 CFR 1949–1953 Comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 Comp., p. 398, as amended; 3 CFR Chap. IV.

■ 12. Add § 712.39 to read as follows:

§ 712.39 Sunset provision.

Sections in this part will automatically expire July 13, 2031, unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 719—CONTRACTOR LEGAL MANAGEMENT REQUIREMENTS

■ 13. The authority citation for part 719 continues to read as follows:

Authority: 42 U.S.C. 2201, 5814, 5815 and 7101, *et seq.;* 50 U.S.C. 2401, *et seq.*

■ 14. Add § 719.53 to read as follows:

§ 719.53 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 725—PERMITS FOR ACCESS TO RESTRICTED DATA

■ 15. The authority citation for part 725 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 943, 42 U.S.C. 2201.

■ 16. Add § 725.32 to read as follows:

§ 725.32 Sunset provision.

Sections in this part will automatically expire July 13, 2031, unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 727—CONSENT FOR ACCESS TO INFORMATION ON DEPARTMENT OF ENERGY COMPUTERS

■ 17. The authority citation for part 727 continues to read as follows:

Authority: 42 U.S.C. 7101, *et seq.;* 42 U.S.C. 2011, *et. seq.;* 50 U.S.C. 2425, 2483; E.O. No. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333; and E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

■ 18. Add § 727.7 to read as follows:

§ 727.7 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 733—ALLEGATIONS OF RESEARCH MISCONDUCT

■ 19. The authority citation for part 733 continues to read as follows:

Authority: 42 U.S.C. 2201; 7254; 7256; 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 20. Add § 733.9 to read as follows:

§ 733.9 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 760—DOMESTIC URANIUM PROGRAM

■ 21. The authority citation for part 760 is added to read as follows:

Authority: The Atomic Energy Act of 1954, as amended (68 Stat. 919, 42 U.S.C. 2011 *et seq.*)

§ 760.1 [Amended]

■ 22. Amend § 760.1 by removing the parenthetical authority citation at the end of the section.

■ 23. Add § 760.2 to read as follows:

§ 760.2 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 766—URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND; PROCEDURES FOR SPECIAL ASSESSMENT OF DOMESTIC UTILITIES

■ 24. The authority citation for part 766 continues to read as follows:

Authority: 42 U.S.C. 2201, 2297g, 2297g–1, 2297g–2, 7254.

■ 25. Add § 766.108 to read as follows:

§ 766.108 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 782—CLAIMS FOR PATENT AND COPYRIGHT INFRINGEMENT

■ 26. The authority citation for part 782 continues to read as follows:

Authority: Dept. of Energy Organization Act; sec. 651, 91 Stat. 601, 42 U.S.C. 7261; Atomic Energy Act of 1954; sec. 107(d), 88 Stat. 1241, 42 U.S.C. 5817(d); sec. 161(g), 80 Stat. 443, 42 U.S.C. 2201(g); sec. 172, 62 Stat. 933, 42 U.S.C. 2223; Foreign Assistance Act of 1961, sec. 2356, 75 Stat. 440, 22 U.S.C. 2356; Patents, Invention Secrecy Act; sec. 183, 66 Stat. 4, 35 U.S.C. 183; Judiciary and Judicial Procedure Act, sec. 1498, 62 Stat. 601, 28 U.S.C. 1498.

■ 27. Add § 782.9 to read as follows:

§ 782.9 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 783—WAIVER OF PATENT RIGHTS

■ 28. The authority citation for part 783 continues to read as follows:

Authority: Secs. 152, 161, 68 Stat. 944, 948, as amended; (42 U.S.C. 2182, 2201).

■ 29. Add § 783.3 to read as follows:

§ 783.3 Sunset provision.

Sections in this part will automatically expire July 13, 2027

unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 784—PATENT WAIVER REGULATION

■ 30. The authority citation for part 784 continues to read as follows:

Authority: 42 U.S.C. 7151; 42 U.S.C. 5908; 42 U.S.C. 2182; 35 U.S.C. 202 and 210; 42 U.S.C. 7261a.

■ 31. Add § 784.14 to read as follows:

§ 784.14 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 824—PROCEDURAL RULES FOR THE ASSESSMENT OF CIVIL PENALTIES FOR CLASSIFIED INFORMATION SECURITY VIOLATIONS

■ 32. The authority citation for part 824 continues to read as follows:

Authority: 42 U.S.C. 2201, 2282b, 7101 *et seq.,* 50 U.S.C. 2401 *et seq.;* 28 U.S.C. 2461 note.

■ 33. Add § 824.17 to read as follows:

§ 824.17 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 840—EXTRAORDINARY NUCLEAR OCCURRENCES

■ 34. The authority citation for part 840 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954, Pub. L. 83–703, 68 Stat. 919 (42 U.S.C. 2201); sec. 170 of the Atomic Energy Act of 1954, Pub. L. 85–256, 71 Stat. 576, as amended by Pub. L. 89–645, 80 Stat. 891 (42 U.S.C. 2210); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565–613 (42 U.S.C. 7101–7352).

■ 35. Add § 840.6 to read as follows:

§ 840.6 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 860—TRESPASSING ON DEPARTMENT OF ENERGY PROPERTY

■ 36. The authority citation for part 860 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, sec. 229, 70 Stat. 1070; (42 U.S.C. 2201; 2278a); sec. 104, 88 Stat. 1237, sec. 105, 88 Stat. 1238 (42 U.S.C. 5814, 5815); sec. 5, Pub. L. 100–185, 101 Stat. 1279 (18 U.S.C. 3559); sec. 6, Pub. L. 100–185, 101 Stat. 1280 (18 U.S.C. 3571); sec. 7041, Pub. L. 100–690, 102 Stat. 4899 (18 U.S.C. 3559).

■ 37. Add § 860.9 to read as follows:

§ 860.9 Sunset provision.

Sections in this part will automatically expire July 13, 2031, unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 861—CONTROL OF TRAFFIC AT NEVADA TEST SITE

■ 38. The authority citation for part 861 continues to read as follows:

Authority: 42 U.S.C. 2201.

■ 39. Add § 861.8 to read as follows:

§ 861.8 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 862—RESTRICTIONS ON AIRCRAFT LANDING AND AIR DELIVERY AT DEPARTMENT OF ENERGY NUCLEAR SITES

■ 40. The authority citation for part 862 continues to read as follows:

Authority: 42 U.S.C. 2201(b), 2201(i) and 2278(a).

■ 41. Add § 862.8 to read as follows:

§ 862.8 Sunset provision.

Sections in this part will automatically expire July 13, 2031, unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 950—STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS

■ 42. The authority citation for part 950 continues to read as follows:

Authority: 42 U.S.C. 2201, 42 U.S.C. 7101 *et seq.,* and 42 U.S.C. 16014.

■ 43. Add § 950.43 to read as follows:

§ 950.43 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 960—GENERAL GUIDELINES FOR THE PRELIMINARY SCREENING OF POTENTIAL SITES FOR A NUCLEAR WASTE REPOSITORY

■ 44. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 2011 *et seq.,* 42 U.S.C. 7101 *et seq.,* 42 U.S.C. 10101 *et seq.*

■ 45. Add § 960.6 to subpart D to read as follows:

§ 960.6 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 963—YUCCA MOUNTAIN SITE SUITABILITY GUIDELINES

■ 46. The authority citation for part 963 continues to read as follows:

Authority: 42 U.S.C. 2011 *et seq.;* 42 U.S.C. 7101 *et seq.;* 42 U.S.C. 10101, *et seq.*

■ 47. Add § 963.18 to read as follows:

§ 963.18 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1009—GENERAL POLICY FOR PRICING AND CHARGING FOR MATERIALS AND SERVICES SOLD BY DOE

■ 48. The authority citation for part 1009 continues to read as follows:

Authority: Sec. 644 of the Dept. of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7254); Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*) ''User Fee Statute'', 31 U.S.C. 483a, 42 U.S.C. 2111, 2112 and 2201.

■ 49. Add § 1009.7 to read as follows:

§ 1009.7 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1015—COLLECTION OF CLAIMS OWED THE UNITED STATES

■ 50. The authority citation for part 1015 continues to read as follows:

Authority: 31 U.S.C. 3701, 3711, 3716, 3717, 3718, and 3720B; 42 U.S.C. 2201 and 7101, *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 51. Add § 1015.506 to subpart E to read as follows:

§ 1015.506 Sunset provision.

Sections in this part will automatically expire July 13, 2027 unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1016—SAFEGUARDING OF RESTRICTED DATA BY ACCESS PERMITTEES

■ 52. The authority citation for part 1016 continues to read as follows:

Authority: Sec. 161i of the Atomic Energy Act of 1954, 68 Stat. 948 (42 U.S.C. 2201).

■ 53. Add § 1016.33 to read as follows:

§ 1016.33 Sunset provision.

Sections in this part will automatically expire July 13, 2031, unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1045—NUCLEAR CLASSIFICATION AND DECLASSIFICATION

■ 54. The authority citation for part 1045 continues to read as follows:

Authority: 42 U.S.C. 2011; E.O. 13526, 75 FR 705, 3 CFR 2010 Comp., pp. 298–327.

■ 55. Add § 1045.226 to read as follows:

§ 1045.226 Sunset provision.

Sections in this part will automatically expire July 13, 2031, unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1046—MEDICAL, PHYSICAL READINESS, TRAINING, AND ACCESS AUTHORIZATION STANDARDS FOR PROTECTIVE FORCE PERSONNEL

■ 56. The authority citation for part 1046 continues to read as follows:

Authority: 42 U.S.C. 2011, *et seq.;* 42 U.S.C. 7101, *et seq.;* 50 U.S.C. 2401, *et seq.*

■ 57. Add § 1046.21 to read as follows:

§ 1046.21 Sunset Provision.

Sections in this part will automatically expire July 13, 2031, unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

■ 58. Add part 1061 to read as follows:

PART 1061—GENERAL SUNSET PROVISIONS

Authority: 42 U.S.C. 7254; E.O. 14270 (April 9, 2025).

§ 1061.101 Sunset Provisions.

(a) Pursuant to a sunset provision, an affected section will automatically expire and cease to be effective on the identified conditional sunset date unless the section expires, is rescinded, or is extended prior to that date.

(b) If, prior to the expiration of a Section, the Secretary of Energy or designee (Secretary) makes a written determination that an extension of the Section is warranted, the Secretary may continue the sections for a period stated in the determination, which shall not exceed five calendar years from the date of the determination. DOE shall promptly publish in the **Federal Register** a written determination of any extension under this section.

(c) Amendments to an existing regulation shall not extend its sunset date.

(d) DOE will give the public an opportunity to comment on the costs and benefits of extending any regulations covered by a sunset provision, through a request for information or other means, before allowing any regulation to expire.

[FR Doc. 2026–10727 Filed 5–28–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3988; Project Identifier MCAI–2025–00443–T; Amendment 39–23353; AD 2026–10–13]

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 A330–200, –200 Freighter, –300, –800, and –900 series airplanes. This AD was prompted by the identification of an incorrect shot peening application implemented in production. This AD requires repetitive special detailed inspections (SDIs) of affected central windshield frames and applicable corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 6, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 6, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–3988 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–2025–3988.

FOR FURTHER INFORMATION CONTACT: Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *nicholas.h.benson@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 A330–200, –200 Freighter, –300, –800, and –900 series airplanes. The NPRM was published in the **Federal Register** on November 17, 2025 (90 FR 51222). The NPRM was prompted by AD 2025–0071, dated March 31, 2025 (EASA AD 2025–0071) (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 an incorrect shot peening application was implemented in production and the fatigue life of affected central windshield frames could consequently be lower than the certified value. This condition, if not addressed, could adversely affect the structural integrity of the airplane.

In the NPRM, the FAA proposed to require repetitive SDIs of affected central windshield frames and applicable corrective actions, as specified in EASA AD 2025–0071. 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–2025–3988.

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 to extend the comment period at least 60 days. 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 reporting is not required. 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 11 domestic entities, of which three 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 [1]

NAICS code	Description	Number of airplanes	Average annual revenue	Cost per AD/ annual revenue (%)
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	5	$1,007,000	0.17
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	5	3,960,000	0.00
481111	Scheduled Passenger Air Transportation	1	278,910	0.00
Total	.....	11	1,748,637	0.06

[1]Source: SBA (2023). NAICS (North American Industrial Classification System). Dun & Bradstreet. D&B Hoovers. Retrieved April 12, 2024. *https://app.hoovers.dnb.com/.*

While the FAA has determined that this AD affects a 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 airplane to be $340 (4 work-hours × $85 per work-hour). The total cost burden is less than 1 percent of average annual revenue for all small entities. 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 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

EASA AD 2025–0071 specifies procedures for repetitive SDIs (*i.e.,* high frequency eddy current inspections) for cracking of the windshield central lower framing fillet radius on the left-hand and right-hand sides and applicable corrective actions. Corrective actions include repair.

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

Costs of Compliance

The FAA estimates that this AD affects 85 airplanes of U.S. registry. The FAA estimates the following total costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Total cost per product	Total cost on U.S. operators
4 work-hours × $85 per hour = $340	$0	$340	$28,900

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs 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:

2026–10–13 Airbus SAS: Amendment 39–23353; Docket No. FAA–2025–3988; Project Identifier MCAI–2025–00443–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 6, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS airplanes identified in paragraphs (c)(1) through (5) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0071, dated March 31, 2025 (EASA AD 2025–0071).

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–223F and –243F airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Model A330–841 airplanes.

(5) Model A330–941 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the identification of an incorrect shot peening application that was implemented in production. The FAA is issuing this AD to address the fatigue life of affected central windshield frames that might be lower than the certified value. This condition, if not addressed, could adversely affect the 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 paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0071.

(h) Exceptions to EASA AD 2025–0071

(1) Where paragraph (2) of EASA AD 2025–0071 specifies if ''any crack is found on an affected part, before next flight, contact Airbus for repair instructions and, within the compliance time specified in those instructions, accomplish those instructions accordingly.'', this AD requires replacing that text with ''any cracking is found on an affected part, 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.''

(2) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0071.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0071 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 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 Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *nicholas.h.benson@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 2025–0071, dated March 31, 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. 2026–10802 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2544; Project Identifier MCAI–2025–00531–T; Amendment 39–23355; AD 2026–10–15]

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 A318–111, –112, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. This AD was prompted by the detection of a deviation from the manufacturing process during a review of the cold working process in the assembly line. This AD requires repetitive special detailed inspections (SDIs) and rototest or high frequency eddy current (HFEC) and rototest inspections of the affected fasteners and fastener holes, 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 6, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 6, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–2544; 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–2025–2544.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: *Dan.Rodina@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 A318–111, –112, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. The NPRM was published in the **Federal Register** on September 15, 2025 (90 FR 44350). The NPRM was prompted by AD 2025–0078, dated April 9, 2025 (EASA AD 2025–0078) (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 a deviation from the manufacturing process was detected during a review of the cold working process in the assembly line, which could adversely affect the fatigue life of the affected areas (forward pressure bulkhead connection to frame (FR) 35 for Airbus A319 and A320 airplanes and FR35.8 for Airbus A321 airplanes, between stringer (STR) 28 and STR 31, both left-hand (LH) and right-hand (RH) sides; and fuselage skin at FR35 for Airbus A318, A319 and A320 airplanes and FR35.8 for Airbus A321 airplanes, at STR30, both LH and RH sides). This condition, if not detected and corrected, could lead to crack initiation and propagation, possibly resulting in reduced structural integrity of the airplane.

In the NPRM, the FAA proposed to require repetitive SDIs around the fastener holes at FR35, STR 28 to STR 31 to check if the fasteners and fastener holes are in nominal design condition, repetitive rototest or HFEC and rototest inspections around the fasteners and fastener holes for cracks, and applicable corrective actions, as specified in EASA AD 2025–0078. 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–2025–2544.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters, including American Airlines (American), the Citizens Rulemaking Alliance, and JetBlue. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Correct a Typographical Error

American requested that the FAA correct a typographical error in Airbus Service Bulletin A320–53–1520, dated November 18, 2024. American noted the instructions in that material, for Option 2, Configuration 002, specify to remove 12 fasteners whereas only 9 fasteners are shown in the corresponding figure. American stated Airbus confirmed via Repair and Design Approval Form (RDAF) 81664262/004/2025#A that only 9 fasteners are to be removed.

The FAA agrees and has added a new exception to paragraph (h)(4) of this AD, accordingly.

Request To Revise Fastener Removal Procedure

JetBlue requested that the FAA allow removal of the fasteners and inspection of all affected fasteners holes at the same time with any applicable repair to follow, instead of removal of one fastener at a time followed by inspection and repair of one fastener hole at a time, as specified in paragraph C(4)(b) of Airbus Service Bulletin A320–53–1519, dated November 18, 2024, and Airbus Service Bulletin A320–53–1520 dated November 18, 2024. JetBlue stated that Airbus confirmed via Tech Request 8159376 that 100% of the fasteners can be removed from the affected holes prior to performing non-destructive tests and corrective actions, if needed. JetBlue also stated this approach is intended to prevent work stoppages and improve efficiency during the inspection process.

The FAA agrees and has added a new exception to paragraph (h)(5) of this AD, accordingly.

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 and delay compliance enforcement. The commenter also requested that the FAA add to the AD docket the chronology of the underlying events and the quantitative risk assessment that justifies 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 notes that this AD incorporates by reference EASA AD 2025–0078, 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 2025–0078 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 2025–0078 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 reporting is not required. 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, including the number of small entities operating affected airplanes, or prepare an initial regulatory flexibility analysis that identifies alternatives to minimize impact if the cost analysis shows the impact on small entities is not de minimis.

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 23 domestic entities, of which 8 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 [1]

NAICS code	Description	Affected small entities	Average annual revenue	Number of aircraft	Cost per AD/annual revenue (%)
336412	Aircraft Engine and Engine Parts Manufacturing	1	$5,200,000	5	0.52
336413	Other Aircraft Part and Auxiliary Equipment Manufacturing	1	3,960,000	1	0.14
336413	Other Aircraft Part and Auxiliary Equipment Manufacturing	1	215,930	1	2.48
336413	Other Aircraft Part and Auxiliary Equipment Manufacturing	1	520,000	1	1.03
481211	Nonscheduled Chartered Passenger Air Transportation	1	246,350,000	22	0.05
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing.	1	1,020,000	1	0.53
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing.	1	1,070,000	2	1.00
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing.	1	218,330	2	4.91

[1] Source: SBA (2023). NAICS (North American Industrial Classification System). Dun & Bradstreet. D&B Hoovers. Retrieved April 12, 2024. *https://app.hoovers.dnb.com/.*

While the FAA has determined that this AD affects a substantial number of small entities, the compliance cost of the AD relative to small entities' annual revenue is minimal. The estimated cost per affected airplane is $5,355 (63 work-hours × $85 per work-hour). Based on the number of airplanes per small entity, the total cost burden is less than 3 percent of average annual revenue for all but one small entity. 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 cost per small entity, including downtime and recordkeeping.

The FAA recognizes that, in doing the actions required by an AD, operators might incur indirect costs (such as loss of revenue due to airplane downtime, recordkeeping to document AD compliance, 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 may vary significantly among operators. However, 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.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the estimated cost per airplane on the U.S. registry. 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. 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, and any other changes described previously, 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 2025–0078 specifies procedures for repetitive SDIs around the fastener holes at FR35, STR 28 to STR 31 to check if the fasteners and fastener holes are in nominal design condition, repetitive rototest or HFEC and rototest inspections around the fasteners and fastener holes for cracks, and applicable corrective actions. Corrective actions include repair.

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

Costs of Compliance

The FAA estimates that this AD affects 1,474 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
Up to 63 work-hours × $85 per hour = $5,355	$0	Up to $5,355	Up to $7,893,270.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs 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:

2026–10–15 Airbus SAS: Amendment 39–23355; Docket No. FAA–2025–2544; Project Identifier MCAI–2025–00531–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 6, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (4), certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0078, dated April 9, 2025 (EASA AD 2025–0078).

(1) Model A318–111, –112, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–211, –212, –213, –231, –232, –251N, 252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the detection of a deviation from the manufacturing process during a review of the cold working process in the assembly line. The FAA is issuing this AD to address reduced fatigue life of the affected areas of the forward pressure bulkhead connection to, and fuselage skin at, certain frames. The unsafe condition, if not addressed, could 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 2025–0078.

(h) Exceptions to EASA AD 2025–0078

(1) Where EASA AD 2025–0078 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (2) and (3) of EASA AD 2025–0078 specify ''discrepancy'', this AD requires replacing that text with ''fastener or fastener hole that is not in a nominal design condition''.

(3) Where paragraph (6) of EASA AD 2025–0078 specifies ''If, during inspection as required by paragraph (3), (4) or (5) of this AD, any crack is found, 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, during any inspection required by paragraph (3), (4), or (5) of this AD, any cracking is found, 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.''

(4) Where Airbus Service Bulletin A320–53–1520 referenced in EASA AD 2025–0078 to remove ''12 FASTENERS'', this AD requires replacing that text with ''9 FASTENERS''.

(5) Where Airbus Service Bulletin A320–53–1519 and Airbus Service Bulletin A320–53–1520 referenced in EASA AD 2025–0078 contain Notes that specify to ''Remove only one fastener and follow the Service Bulletin process from the inspection to the installation and repeat the same process for other fasteners,'' and Cautions that specify ''Only one fastener to be removed at a time from the affected holes'' and ''The rototest inspection has to be performed hole by hole with only one fastener removed at a time from the affected holes,'' this AD allows all fasteners to be removed from the affected fastener holes at the same time prior to performing non-destructive tests and corrective actions.

(6) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0078.

(i) No Reporting Requirement

Although the material referenced EASA AD 2025–0078 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 (h)(4) and (5), (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 Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: *Dan.Rodina@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 2025–0078, dated April 9, 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 13, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10799 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3422; Project Identifier AD–2025–00763–T; Amendment 39–23354; AD 2026–10–14]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, 747SP, and 747SR series airplanes. This AD was prompted by reports of corrosion damage found on a certain satellite communications (SATCOM) high gain antenna adapter plate. This AD requires repetitive detailed inspections (DETs) of the SATCOM high gain antenna adapter plate for corrosion 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 6, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 6, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–3422; 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, 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 Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- 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–2025–3422.

FOR FURTHER INFORMATION CONTACT: Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@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 The Boeing Company Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, 747SP, and 747SR series airplanes. The NPRM was published in the **Federal Register** on September 30, 2025 (90 FR 46771). The NPRM was prompted by reports of corrosion damage found on a certain SATCOM high gain antenna adapter plate. In the NPRM, the FAA proposed to require repetitive DETs of the SATCOM high gain antenna adapter plate for corrosion and applicable on-condition actions. The FAA is issuing this AD to prevent corrosion damage of the SATCOM high gain antenna adapter plates. The unsafe condition, if not addressed, could result in the SATCOM high gain antenna system parts departing and impacting the airplane, which can cause damage that results in loss of continued safe flight and landing.

Discussion of Final Airworthiness Directive

Comments

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

The FAA received additional comments from Cathay Pacific Airways Limited (Cathay) and the Citizens Rulemaking Alliance. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise the Applicability

Cathay requested that the FAA revise the applicability of the proposed AD to exclude airplanes that have been modified in accordance with a certain supplemental type certificate (STC) to remove the Inmarsat Antenna and the related adapter plates (part numbers (P/Ns) 100–602074–000 and 100–602549–000).

The FAA disagrees. The FAA does not have sufficient information regarding that STC to determine if the modification removes all components associated with the unsafe condition. Operators may request approval of an alternative method of compliance

(AMOC) under the provisions of paragraph (i) of this AD for airplanes that have been modified in accordance with the STC. The FAA has not revised this AD in response to this comment.

Request To Justify Forgoing Notice and Comment or Reopen Comment Period

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice, if invoked, or reopen the comment period for the non-immediate actions. The commenter asserted the FAA's use of the good cause exemption appears overbroad given the compliance is 1 month instead of before further flight.

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 add to the AD docket all materials incorporated by reference and extend the comment period by at least 45 days after adding the material to the docket. The commenter stated that the FAA's current practices for IBR frequently fail to meet the legal and regulatory standards for reasonable availability.

The FAA disagrees with extending the comment period. In the preamble of the NPRM, the FAA notified the public that the IBR material would be available for review at *regulations.gov* under Docket No. FAA–2025–3422. This material was posted to the AD docket on October 1, 2025. 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. 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 prepare an initial regulatory flexibility analysis, or 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 including significant alternatives considered to minimize the burden on small operators without compromising safety.

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 11 domestic entities, of which eight 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

Number of affected entities	NAICS [1] code	Description [2]	Number of affected airplanes	Average annual revenue	Cost per AD/annual revenue (%)
1	532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing.	1	$1,000,000	0.09
1	423860	Transportation Equipment and Supplies Merchant Wholesalers	1	5,590,000	0.02
1	481219	Other Freight Air Transportation	2	221,410	0.84
1	481112	Scheduled Freight Air Transportation	2	10,330,000	0.02
1	481212	Nonscheduled Chartered Freight Air Transportation	2	58,110	3.22
1	481212	Nonscheduled Chartered Freight Air Transportation	4	48,450,000	0.01
1	481212	Nonscheduled Chartered Freight Air Transportation	9	55,250,000	0.02
1	481212	Nonscheduled Chartered Freight Air Transportation	24	390,000,000	0.01

[1] North American Industrial Classification System.
[2] Dun & Bradstreet. D&B Hoovers. Retrieved April 16, 2026. *app.hoovers.dnb.com.*

While the FAA has determined that this 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 airplane to be $935 (11 work-hours × $85 per work-hour). There is one small business operator whose revenue impact exceeds 3% based on the number of affected airplanes in their fleet, however, seven small business entities have impacts that are below 1% 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 provide an explicit Unfunded Mandates Reform Act (UMRA) determination and a more complete cost analysis. The commenter stated that, in addition to estimated costs provided in the proposed AD, the FAA should also consider airplane

downtime, scheduling disruptions, ferry flight and maintenance positioning, cost of special tools, pricing of scarce parts, engineering and planning time for unique configurations, and the ongoing cost of repetitive inspections.

The FAA notes that in the preamble of the proposed AD, the FAA certified that this regulation is not a ''significant regulatory action'' under Executive Order 12866 and will not have an annual effect on the economy of $100 million or more. Further, in the Costs of Compliance section of the proposed AD, the FAA disclosed the number of affected airplanes on the U.S. registry and the number of work hours per affected airplane to estimate the cost of the AD on all U.S.-operators per inspection cycle. The inspection must be repeated every 48 or 96 months, depending on findings. 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 or scheduling disruptions 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 provide additional information in the AD docket. The FAA did not change this AD as a result of this comment.

Conclusion

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 Boeing Alert Requirements Bulletin 747–23A2628 RB, dated April 18, 2025. This material specifies procedures for repetitive DETs of the SATCOM high gain antenna adapter plates for corrosion and applicable on-condition actions. On-condition actions include repairing the SATCOM high gain antenna adapter plate or replacing it with a new or serviceable SATCOM high gain antenna adapter plate if any corrosion found is less than or equal to 0.005 inch in depth; and replacing the SATCOM high gain antenna adapter plate with a new or serviceable SATCOM high gain antenna adapter plate if any corrosion found is greater than 0.005 inch in depth. 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 115 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Detailed inspection	11 work-hours × $85 [1] per hour = $935 per inspection cycle.	$0	$935 per inspection cycle.	$107,525 per inspection cycle.

[1] The FAA estimated operators would incur $85 in costs per labor hour, which is the weighted average fiscal year (FY) 2026 fully loaded wage of an aircraft mechanic ($69.85) working 60% of the labor hours and a general and operations manager ($108.15) working 40% of the labor hours. The FAA estimated these wages by taking average the FY 2024 Bureau of Labor Statistics (BLS) air transportation industry average wage for aircraft mechanics and general and operations managers (See: *Occupational Employment and Wage Statistics Query System,* BLS (May 2024), *data.bls.gov/oes/*); multiplying each wage by a fringe benefit factor of 1.42 (See: *Employer Cost for Employee Compensation—December 2024,* BLS (2024), *bls.gov/news.release/archives/ecec_03142025.pdf*); and adjusting these 2024 wages to 2026 dollars using an implicit Gross Domestic Product (GDP) Price Deflator of 2.8% (See: *Gross Domestic Product: Implicit Price Deflator,* FRED (2026) *fred.stlouisfed.org/series/GDPDEF*).

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair adapter plate	5 work-hour × $85 per hour = $425	$0	$425
Replace adapter plate	2 work-hour × $85 per hour = $170	18,000	18,170

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:

2026–10–14 The Boeing Company: Amendment 39–23354; Docket No. FAA–2025–3422; Project Identifier AD–2025–00763–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 6, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, 747SP, and 747SR series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 23, Communications system.

(e) Unsafe Condition

This AD was prompted by reports of corrosion damage found on a certain satellite communications (SATCOM) high gain antenna adapter plate. The FAA is issuing this AD to prevent corrosion damage of the SATCOM high gain antenna adapter plates. The unsafe condition, if not addressed, could result in the SATCOM high gain antenna system parts departing and impacting the airplane, which can cause damage that results in loss of continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 747–23A2628 RB, dated April 18, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 747–23A2628 RB, dated April 18, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 747–23A2628, dated April 18, 2025, which is referred to in Boeing Alert Requirements Bulletin 747–23A2628 RB, dated April 18, 2025.

(h) Exception to Requirements Bulletin Specifications

Where Boeing Alert Requirements Bulletin 747–23A2628 RB, dated April 18, 2025, refers to the original issue date of Requirements Bulletin 747–23A2628 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(2) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Additional Information

(1) For more information about this AD, contact Camille Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5149; email: *camille.l.seay@faa.gov.*

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 747–23A2628 RB, dated April 18, 2025.

(ii) [Reserved]

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

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

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

Issued on May 11, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10803 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2286; Project Identifier MCAI–2025–01556–T; Amendment 39–23357; AD 2026–10–17]

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 A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by reports of broken bolts in seat rail connections of certain frames. This AD requires replacement of the nylon bushes with bronze bushes in the affected areas and also prohibits the installation of affected parts in those areas. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 6, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 6, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2286; 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–2026–2286.

FOR FURTHER INFORMATION CONTACT:

Camille L. Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone 817–222–5149; email *Camille.L.Seay@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 A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM was published in the **Federal Register** on March 10, 2026 (91 FR 11478). The NPRM was prompted by EASA AD 2025–0207R1, dated October 30, 2025 (EASA AD 2025–0207R1) (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 reports were received of broken bolts in the seat rail connections in the area of frame (FR) 47 (for Model A320 and A321 series airplanes), FR47/51 (for Model A319 series airplanes), FR47/54 (for Model A318 series airplanes), FR35 (for Model A318, A319, and A320 series airplanes), and FR35.8 (for A321 series airplanes), as applicable. This condition, if not corrected, could lead to seat detachment and passenger injuries under emergency landing loads.

In the NPRM, the FAA proposed to require replacement of the nylon bushes with bronze bushes in the affected areas and to prohibit the installation of affected parts in those areas, as specified in EASA AD 2025–0207R1. 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–2026–2286.

Discussion of Final Airworthiness Directive

Comments

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

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 2025–0207R1 specifies procedures for replacement of the nylon bushes with bronze bushes in the affected areas. The replacement includes doing a rotating probe inspection of the fastener holes for cracking, checking the hole diameter of the bracket assemblies, seat track, and long beam, as applicable, to determine if it is within tolerance, checking the inner diameter of the bushing to determine if it is within tolerance, and contacting the manufacturer for repair instructions and doing the repair. EASA AD 2025–0207R1 also prohibits the installation of affected parts in those areas. 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 1,404 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
Up to 76 work-hours × $85 per hour = $6,460	Up to $13,400	Up to $19,860	Up to $27,883,440.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs 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:

2026–10–17 Airbus SAS: Amendment 39–23357; Docket No. FAA–2026–2286; Project Identifier MCAI–2025–01556–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 6, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0207R1, dated October 30, 2025 (EASA AD 2025–0207R1).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of broken bolts in the affected seat rail connections of certain frames. The FAA is issuing this AD to address broken bolts in the affected seat rail connections of certain frames. The unsafe condition, if not addressed, could result in seat detachment and passenger injuries under emergency landing loads.

(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 2025–0207R1.

(h) Exceptions to EASA AD 2025–0207R1

(1) Where EASA AD 2025–0207R1 refers to October 7, 2025 (the effective date of the original issue of EASA AD 2025–0207), this AD requires using the effective date of this AD.

(2) Where the service information specified in EASA AD 2025–0207R1 specifies to contact Airbus if any cracking is found or if any diameter is not within tolerance, this AD requires doing a repair 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 2025–0207R1.

(i) 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 (j) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, 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 (h)(2) and (i)(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.

(j) Additional Information

For more information about this AD, contact Camille L. Seay, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone 817–222–5149; email *Camille.L.Seay@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0207R1, dated October 30, 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 13, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10801 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4645; Project Identifier MCAI–2026–00451–T; Amendment 39–23365; AD 2026–11–04]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A319 series airplanes; Model A320 series airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. This AD was prompted by aeroelastic stability assessments that indicate that reduced stability margins may exist due to accumulation of additional mass from rudder repainting or repairs. This AD requires airframe vibration troubleshooting after an airframe vibration event, reporting results, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 15, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 15, 2026.

The FAA must receive comments on this AD by July 13, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–4645; 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 street address for Docket Operations is listed above.

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–2026–4645.

FOR FURTHER INFORMATION CONTACT: Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *frank.carreras@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–4645; Project Identifier MCAI–2026–00451–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *frank.carreras@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2026–0083, dated April 22, 2026 (EASA AD 2026–0083) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A319 series airplanes; Model A320 series airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states that aeroelastic stability assessments indicate that reduced stability margins may exist due to accumulation of additional mass from rudder repainting or repairs. This condition, if not addressed, could, in combination with a rudder actuator disconnection, result in potential risk of flutter, possibly leading to reduced control of the airplane.

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–2026–4645.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2026–0083 specifies procedures for accomplishing airframe vibration troubleshooting after an airframe vibration event, reporting results, and applicable on-condition actions. On-condition actions include the following:

- Operational test of the rudder servo controls with individual hydraulic system.
- Contacting Airbus for further instructions and doing the instructions.
- Contacting Airbus to define the source of the vibration.
- Rudder servo control and hinge bearings freeplay check.
- Rudder weight assessment.
- Rudder weighing.
- Rudder replacement.
- Maintenance record check.
- Rudder paint thickness measurement.
- Paint removal and restoration.

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

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2026–0083 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2026–0083 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2026–0083 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2026–0083 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2026–0083. Material required by EASA AD 2026–0083 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–4645 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because recent aeroelastic stability assessments conducted on the Airbus SAS Model A319 series airplanes; Model A320 series airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes, indicate that reduced stability margins may exist due to accumulation of additional mass from rudder repainting or repairs done during in-service operation. This condition, if not addressed, could, in combination with a rudder actuator disconnection, result in potential risk of flutter, possibly leading to reduced control of the airplane. Additionally, the compliance time in this AD is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 1,996 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
5 work-hours × $85 per hour = $425	$0	$425	$848,300

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 ACTIONS

Labor cost	Parts cost	Cost per product
Up to 132 work-hours × $85 per hour = $11,220.	$0*	Up to $11,220

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

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of

information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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, and

(2) Will not affect intrastate aviation in Alaska.

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:

2026–11–04 Airbus SAS: Amendment 39–23365; Docket No. FAA–2026–4645; Project Identifier MCAI–2026–00451–T.

(a) Effective Date

This airworthiness directive (AD) is effective June 15, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by aeroelastic stability assessments that indicate that reduced stability margins may exist due to accumulation of additional mass from rudder repainting or repairs. This condition, if not addressed, could, in combination with a rudder actuator disconnection, result in potential risk of flutter, possibly leading to reduced control 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 2026–0083, dated April 22, 2026 (EASA AD 2026–0083).

(h) Exceptions to EASA AD 2026–0083

(1) Where EASA AD 2026–0083 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0083.

(3) The service information specified in EASA AD 2026–0083 specifies to report results to Airbus within a certain compliance time. For this AD, report results at the applicable time specified in paragraph (h)(3)(i) or (ii) of this AD.

(i) If the actions required by paragraph (g) of this AD were done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the actions required by paragraph (g) of this AD were done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) 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 (j) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, 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) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material referenced in EASA AD 2026–0083 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, 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 instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Frank Carreras, Aviation Safety

Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *frank.carreras@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2026–0083, dated April 22, 2026.

(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 21, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10800 Filed 5–27–26; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1360; Project Identifier AD–2024–00710–Q,T; Amendment 39–23345; AD 2026–10–05]

RIN 2120–AA64

Airworthiness Directives; Goodrich Cabin Attendant Seats

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Goodrich cabin attendant seats installed on Airbus SAS Model A330–200 series, A330–200 Freighter series, A330–300 series, A330–743L, A330–841, A330–941, A340–200 series, A340–300 series, A340–541, A340–542, A340–641, and A340–642 airplanes. This AD was prompted by a report that track attachments used on certain part-numbered seats are non-compliant. This AD requires replacing all seat track attachments and hardware and re-identifying the seat with a new part number. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 6, 2026.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 6, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1360; 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, 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 Goodrich material identified in this AD, contact Goodrich Aircraft Interior Products, 1275 North Newport Road, Colorado Springs, CO 80916–2779; phone: 719–380–0391; email: *cos_techpubs31218@collins.com;* website: *collinsaerospace.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–1360.

FOR FURTHER INFORMATION CONTACT: David Kim, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 562–627–5274; email: *David.Kim@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 Goodrich cabin attendant seats installed on Airbus SAS Model A330–200 series, A330–200 Freighter series, A330–300 series, A330–841, A330–941, A340–200 series, A340–300 series, A340–541, and A340–642 airplanes. The NPRM was published in the **Federal Register** on July 11, 2025 (90 FR 30829). The NPRM was prompted by a report that track attachments used on certain part-numbered seats are non-compliant. In the NPRM, the FAA proposed to require replacing all seat track attachments and hardware and re-identifying the seat with a new part number. The FAA is issuing this AD to address cabin attendant seats that might detach from the airplane due to non-compliance with the seat requirement to withstand certain forces. This condition, if not addressed, could result in injury to the occupant or a blocked exit during an emergency evacuation.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters, including Aviation Insight Pte Ltd, an individual, and an anonymous commenter, who supported the NPRM without change.

The FAA also received comments from Airbus, Collins Aerospace, and Delta Air Lines (Delta). The following presents these comments and the FAA's response.

Request To Change References to Service Information

Two commenters requested that the FAA revise the referenced service information to refer to the most recent service information. Collins Aerospace requested that the FAA update the references in the proposed AD for ''Goodrich Service Bulletin 2057–25–071, Revision A, dated November 27, 2017'' to ''Goodrich Service Bulletin 2057–25–075, Revision A, dated September 26, 2019.''

Delta noted that updated revisions of Goodrich Service Bulletin 2157–25–092, Revision C, dated May 18, 2022, exist and requested that Goodrich Service Bulletin 2157–25–092, Revision D, dated April 4, 2024, be referenced. Delta also requested that credit be given for Goodrich Service Bulletin 2157–25–092, Revision A, dated September 13, 2016. Delta stated that across all revisions of Goodrich Service Bulletin 2157–25–092, the primary change pertains to warranty considerations, the modification involving the seats has remained largely consistent throughout, and the re-identification of the seat remained the same throughout all the revisions. Delta also requested that a note be added to specify that if the service bulletin label installed from previous accomplishment is worn out, it is allowed to re-install the SB label showing the revision to which the original work was done.

The FAA partially agrees with the request to update service information references for ''Goodrich Service Bulletin 2057–25–071, Revision A, dated November 27, 2017'' to ''Goodrich Service Bulletin 2057–25–075, Revision A, dated September 26, 2019.'' The FAA notes that Goodrich Service Bulletin 2057–25–075 supersedes, *i.e.,* replaces

Goodrich Service Bulletin 2057–25–071. In addition, the FAA has reviewed Goodrich Service Bulletin 2057–25–075, Revision C, dated June 20, 2025, which is the newest revision of the service information. Revision C of Goodrich Service Bulletin 2057–25–075, does not add any new actions to the Accomplishment Instructions. Therefore, the FAA has revised this final rule to refer to Goodrich Service Bulletin 2057–25–075, Revision C, dated June 20, 2025. The FAA has also added Goodrich Service Bulletin 2057–25–071, Revision A, dated November 27, 2017; Revision B, dated September 24, 2018; and Revision C, dated October 21, 2019; and Goodrich Service Bulletin 2057–25–075, Revision NC, dated September 13, 2019; Revision A, dated September 26, 2019; and Revision B, dated April 4, 2024, as credit service information to paragraph (h) of this AD.

The FAA agrees with Delta's request to use updated revisions of Goodrich Service Bulletin 2157–25–092 and allow credit for the previous revisions. The FAA has reviewed Goodrich Service Bulletin 2157–25–092, Revision E, dated June 20, 2025, which is the newest revision of the service information and which does not add any new actions to the Accomplishment Instructions. Therefore, the FAA has revised this final rule to refer to Goodrich Service Bulletin 2157–25–092, Revision E, dated June 20, 2025. The FAA has also added Goodrich Service Bulletin 2157–25–092, Revision A, dated September 13, 2016; Goodrich Service Bulletin 2157–25–092, Revision C, dated May 18, 2022; and Goodrich Service Bulletin 2157–25–092, Revision D, dated April 4, 2024, as credit service information to paragraph (h) of this AD.

Regarding Delta's request to add a note to the credit paragraph to allow re-installing labels, the FAA does not agree as it is not necessary. Operators may re-install service bulletin labels provided it can be conclusively determined from a records review which revision was done.

Additionally, the other service information referenced in the NPRM has been updated in this AD to refer to the newest revision of that service information; the requirements of this service information have not changed, and therefore, will not change the requirements of this AD. The changed references can be found in this AD in the Additional Changes section of this final rule.

Request To Update Applicability

Airbus stated that for the Goodrich A330/A340 Cabin Attendant Seats (CAS) Models 2157, 2071, and 2201 installed under Airbus Design Organization Approval (DOA), the certification is covered by Airbus's Modifications (MOD) and Goodrich Declaration of Design and Performance. Airbus noted that in 2016, the Goodrich A330/A340 CAS Models 2157, 2071 and 2201 (track mounted variants only) had been modified by MOD introducing a new track stud option. Airbus added this change requested by the supplier Goodrich based on an obsolescence of the original stud design (stud part number 2D1125–7).

Airbus stated the root cause of the Goodrich-declared obsolescence is based on a failed Goodrich internal test campaign using the original stud part number in a different context, without Airbus or the European Union Aviation Safety Agency (EASA) involvement. Airbus explained the test had been performed on a modified CAS part number not used and not controlled by Airbus and that the original CAS certification of the Airbus CAS part numbers covered by declaration of design and performance (DDP) passed all requirements and tests successfully. Airbus further stated there is no change to the Airbus CAS part numbers other than documented by the DDP and associated documentation.

Airbus concluded that the CAS as installed under Airbus DOA are in compliance with Joint Aviation Requirements (JAR)/Federal Aviation Regulation (FAR) 25.562 and that there is no design deficiency identified so far. Airbus also concluded that since Airbus certifies all affected CAS independently of Technical Standard Order (TSO) approval, this non-compliance does not affect Airbus aircraft as all certification tests have been successfully completed. The FAA infers that Airbus is requesting that the applicability of the proposed AD be revised to exclude Airbus Model A330 and A340 airplanes with CAS installed under the Airbus DOA.

The FAA disagrees with Airbus's request. Initial certification of the 2157, 2071, and 2201 seat models was completed under the Airbus DOA. Per Goodrich, the suspect track attachment 2D1125–7 was introduced via a minor change in 2005 at Airbus's request and was substantiated without testing. The 2D1125–7 cast track attachment was introduced and implemented on models delivered to Airbus under the Airbus DOA. Later testing on the cast track attachment showed the 2D1125–7 cast track attachment does not meet 14 CFR 25.562 and, therefore, the seat models are applicable. The FAA has not revised the applicability of this AD.

Additional Changes

This final rule has also been updated with revised service information as follows:

- Goodrich Service Bulletin 2071–25–046, Revision C, dated January 14, 2020, has been changed to Goodrich Service Bulletin 2071–25–046, Revision G, dated August 22, 2025; and
- Goodrich Service Bulletin 2201–25–013, Revision E, dated May 20, 2024, has been changed to Goodrich Service Bulletin 2201–25–013, Revision F, dated June 20, 2025.

Additionally, the FAA has also added Goodrich Service Bulletin 2071–25–046, Revision C, dated January 14, 2020; Revision D, dated April 4, 2024; Revision E, dated May 23, 2025; and Revision F, dated June 20, 2025; and Goodrich Service Bulletin 2201–25–013, Revision E, dated May 20, 2024, as credit service information to paragraph (h) of this AD.

Conclusion

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, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Explanation of Applicability

Although Model A330–743L, A340–542, and A340–641 airplanes are not on the U.S. registry, the affected seats could be installed on the A330 and A340 variants that are not on the U.S. type certificate data sheet (TCDS). Therefore, the FAA has included Model A330–743L, A340–542, and A340–641 airplanes in the applicability.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed the following material:

- Goodrich Service Bulletin 2057–25–075, Revision C, dated June 20, 2025;
- Goodrich Service Bulletin 2071–25–046, Revision G, dated August 22, 2025;
- Goodrich Service Bulletin 2157–25–092, Revision E, dated June 20, 2025; and
- Goodrich Service Bulletin 2201–25–013, Revision F, dated June 20, 2025.

This material specifies procedures for replacing all seat track attachments and hardware and then re-identifying the seat with a new part number. These

documents apply to different airplane configurations. This service information is also identified as the property of UTC Aerospace Systems and Collins Aerospace.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement and seat re-identification	15 work-hours × $85 per hour = $1,275	$1,500	$2,775	$163,725

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:

2026–10–05 Goodrich: Amendment 39–23345; Docket No. FAA–2025–1360; Project Identifier AD–2024–00710–Q,T.

(a) Effective Date

This airworthiness directive (AD) is effective July 6, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Goodrich cabin attendant seats, part numbers 2057–11XXXXXX with floor seating option, except for 2057–1 hard point mounted seats; 2201–1XXYY and –2XXYY; 2157–7XXXXXXX and –9XXXXXXX; and 2071–2XXXX and –A2XXXX. These seats are installed on the Airbus SAS airplanes, certificated in any category, listed in paragraphs (c)(1) and (2) of this AD.

(1) Model A330–201, –202, –203, –223, –243, –223F, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, –743L, –841, and –941 airplanes.

(2) Model A340–211, –212, –213, –311, –312, –313, –541, –542, –641, and –642 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that track attachments used on certain cabin attendant seats are non-compliant. The FAA is issuing this AD to prevent the cabin attendant seat from detaching from the airplane. The unsafe condition, if not addressed, could result in injury to the occupant or a blocked exit during an emergency evacuation.

(f) Compliance

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

(g) Seat Track Attachment Replacement

Within 2 years after the effective date of this AD, replace the seat track attachments and hardware and re-identify the seat with a new part number in accordance with the applicable service information identified in paragraphs (g)(1) through (4) of this AD, except you are not required to discard parts. Instead, remove those parts from service.

(1) Goodrich Service Bulletin 2057–25–075, Revision C, dated June 20, 2025.

(2) Goodrich Service Bulletin 2071–25–046, Revision G, dated August 22, 2025.

(3) Goodrich Service Bulletin 2157–25–092, Revision E, dated June 20, 2025.

(4) Goodrich Service Bulletin 2201–25–013, Revision F, dated June 20, 2025.

(h) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the material listed in (h)(1) through (5) of this AD.

(1) Goodrich Service Bulletin 2057–25–071, Revision A, dated November 27, 2017; Revision B, dated September 24, 2018; and Revision C, dated October 21, 2019.

(2) Goodrich Service Bulletin 2057–25–075, Revision NC, dated September 13, 2019; Revision A, dated September 26, 2019; and Revision B, dated April 4, 2024.

(3) Goodrich Service Bulletin 2071–25–046; Revision B, dated December 10, 2019; Revision C, dated January 14, 2020; Revision D, dated April 4, 2024; Revision E, dated May 23, 2025; and Revision F, dated June 20, 2025.

(4) Goodrich Service Bulletin 2157–25–092, Revision A, dated September 13, 2016; Revision B, dated January 12, 2021; Revision C, dated May 18, 2022; and Revision D, dated April 4, 2024.

(5) Goodrich Service Bulletin 2201–25–013, Revision E, dated May 20, 2024.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, AIR–770, West Certification Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the West Certification Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(j) Related Information

(1) For more information about this AD, contact David Kim, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 562–627–5274; email: *David.Kim@faa.gov.*

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

(k) Material Incorporated by Reference

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

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

(i) Goodrich Service Bulletin 2057–25–075, Revision C, dated June 20, 2025.

(ii) Goodrich Service Bulletin 2071–25–046, Revision G, dated August 22, 2025.

(iii) Goodrich Service Bulletin 2157–25–092, Revision E, dated June 20, 2025.

(iv) Goodrich Service Bulletin 2201–25–013, Revision F, dated June 20, 2025.

Note 1 to paragraph (k)(2): This service information is also identified as the property of UTC Aerospace Systems and Collins Aerospace.

(3) For Goodrich material identified in this AD, contact Goodrich Aircraft Interior Products, 1275 North Newport Road, Colorado Springs, CO 80916–2779; phone: 719–380–0391; email: *cos_techpubs31218@collins.com;* website: *collinsaerospace.com.*

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

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

Issued on May 21, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–10806 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 882

[Docket No. FDA–2026–N–5197]

Medical Devices; Neurological Devices; Classification of the Transcutaneous Electrical Nerve Stimulator To Treat Fibromyalgia Symptoms

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

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

DATES: This order is effective May 29, 2026. The classification was applicable on May 18, 2022.

FOR FURTHER INFORMATION CONTACT: Chun Xu, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4256, Silver Spring, MD 20993–0002, *Chun.Xu@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

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

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

Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

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

II. De Novo Classification

On October 5, 2021, FDA received NeuroMetrix, Inc.'s request for De Novo classification of the Quell-FM device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

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

Therefore, on May 18, 2022, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 882.5888.[1] We have named the generic type of device ''transcutaneous electrical nerve stimulator to treat fibromyalgia symptoms,'' and it is identified as a prescription device that transcutaneously stimulates a patient's sensory nerves through electrodes placed on the skin to treat fibromyalgia symptoms.

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

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR TRANSCUTANEOUS ELECTRICAL NERVE STIMULATOR TO TREAT FIBROMYALGIA SYMPTOMS

Identified risks to health	Mitigation measures
Adverse tissue reaction.	Biocompatibility evaluation.
Skin discomfort, burns, electrical shock, or pain at stimulation site.	Electromagnetic compatibility testing; Electrical, mechanical, and thermal safety testing; Non-clinical performance testing; Software verification, validation, and hazard analysis; and Labeling.
Device failure due to interference with other devices.	Electromagnetic compatibility testing; Software verification, validation, and hazard analysis; and Labeling.
Delayed or ineffective treatment due to user error.	Labeling.

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

At the time of classification, transcutaneous electrical nerve stimulators to treat fibromyalgia symptoms are for prescription use only. Prescription devices are exempt from the requirement for adequate directions for use for the layperson under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) and 21 CFR 801.5, as long as the conditions of 21 CFR 801.109 are met.

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

III. Analysis of Environmental Impact

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

IV. Paperwork Reduction Act of 1995

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

List of Subjects in 21 CFR Part 882

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 882 is amended as follows:

PART 882—NEUROLOGICAL DEVICES

■ 1. The authority citation for part 882 continues to read as follows:

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

■ 2. Add § 882.5888 to subpart F to read as follows:

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

§ 882.5888 Transcutaneous electrical nerve stimulator to treat fibromyalgia symptoms.

(a) *Identification.* A transcutaneous electrical nerve stimulator to treat fibromyalgia symptoms is a prescription device that transcutaneously stimulates a patient's sensory nerves through electrodes placed on the skin to treat fibromyalgia symptoms.

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

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

(i) Characterization of the electrical stimulation parameters, including the following: waveforms; output modes; maximum output voltage and maximum output current (at 500Ω, 2kΩ, and 10kΩ loads); pulse duration; frequency; net charge per pulse; maximum phase charge, maximum current density, maximum average current, and maximum average power density (at 500Ω);

(ii) Characterization of the impedance monitoring system; and

(iii) Characterization of electrode performance, including the electrical performance, adhesive integrity, shelf life, reusability, and current distribution of the electrode surface area.

(2) The patient-contacting components of the device must be demonstrated to be biocompatible.

(3) Performance testing must demonstrate electrical, thermal, and mechanical safety along with electromagnetic compatibility of the device in the intended use environment.

(4) Software verification, validation, and hazard analysis must be performed.

(5) Labeling must include the following:

(i) Recommended treatment regimes, including but not limited to, frequency and duration of use, application site(s), and typical sensations experienced during treatment;

(ii) A shelf life for the electrode and reuse information;

(iii) Summaries of the electrical stimulation parameters and device technical parameters (including any wireless specifications); and

(iv) Instructions on how to correctly use and maintain the device, including all user-interface components.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10675 Filed 5–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No. MT–048–FOR; Docket No. OSM–2025–0008; S1D1S SS08011000 SX064A000 266S180110; S2D2S SS08011000 SX064A000 26XS501520]

Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is APPROVING an amendment to the Montana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Montana submitted this proposed amendment to OSM on its own initiative in response to a State law passed by the Montana Legislature House Bill 587 (HB 587). The proposed amendment provides a new definition of ''Material damage'' with respect to the hydrologic balance, alluvial valley floors, and subsidence. It also creates an option for a permit applicant to provide self-collected information related to its determination of probable hydrologic consequences, if an appropriate Federal or State agency cannot provide such information. Finally, HB 587 includes contingencies that apply to the proposed amendment but are not codified into the Montana Code Annotated (MCA): a severability clause, a contingent voidness clause, an effective date clause, and a retroactive applicability clause.

DATES: The effective date is June 29, 2026.

FOR FURTHER INFORMATION CONTACT:

Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Montana Program
II. Submission of the Amendment
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I. Background on the Montana Program

Section 503(a) of SMCRA permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with SMCRA and consistent with the Federal implementing regulations. *See* 30 U.S.C. 1253(a)(1) and (7); 30 CFR 730.5 and 732.15(a). On the basis of these criteria, the Secretary of the Interior conditionally approved the Montana program on April 1, 1980. You can find background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program in the April 1, 1980, **Federal Register** (45 FR 21560). You can also find later actions concerning the Montana program and program amendments at 30 CFR 926.15.

II. Submission of the Amendment

By letter dated May 15, 2025 (Administrative Record No. MT–048–01), Montana sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). We found Montana's proposed amendment to be administratively complete on May 15, 2025. Montana submitted the proposed amendment to us, on its own volition, after the Montana legislature passed HB 587 during the 2025 legislative session. HB 587 amends the Montana Strip and Underground Mine Reclamation Act (MSUMRA) as well as sections 82–4–203 and 222 of the MCA.

Specifically, Montana proposes changes to its definition of ''Material damage,'' at 82–4–203(35) of the MCA. Montana proposes to remove the previous definition and create three sub-definitions. The first, paragraph (a), defines ''Material damage . . . with respect to the hydrologic balance outside the permit area,'' as a quantifiable adverse impact from coal mining and reclamation operations on the quality and quantity of surface or groundwater. The adverse impact must preclude any existing or reasonably foreseeable use of water outside the permit area. It further defines a ''quantifiable adverse impact'' as an effect that can be quantified and measured to a significant degree of confidence. Last, it states that ''existing or reasonably foreseeable uses of water'' are those beneficial uses recognized in title 75, chapter 5, part 3 of the MCA.

Next, in paragraph (b), Montana defines ''Material damage . . . with

respect to an alluvial valley floor'' as degradation or reduction by coal mining and reclamation operations to water quality or quantity supplied to the alluvial valley floor that significantly decreases its ability to support agricultural activities.

And in paragraph (c), Montana defines ''Material damage . . . with respect to subsidence caused by underground mining'' as a functional impairment to surface lands, features, structures, or facilities; a physical change that has significant adverse impact on an affected land's ability to support any current or reasonably foreseeable uses or causes significant loss to production or income; or a significant change in the condition, appearance, or utility of a structure or facility.

In addition to the changes to ''Material damage,'' Montana proposes changes to its permit application requirements in 82–4–222(1)(m) of the MCA. Currently, an operator can receive necessary hydrologic and geologic information from an appropriate Federal or State agency to determine probable hydrologic consequences. Under Montana's proposal, an operator may use information collected on their own when the necessary information is not available from a Federal or State agency.

Last, HB 587 adds four contingencies to the proposed changes of §§ 82–4–203 and 222 that are not codified into the MCA but apply to the sections amended by the legislation. These provisions cover severability, contingent voidness, effective date, and retroactive applicability.

We announced receipt of the proposed amendment in the August 4, 2025, **Federal Register** (90 FR 36407). We received 373 written comments on the proposed rule.

III. OSM's Findings

OSM reviewed Montana's submittal according to the requirements of SMCRA and the Federal regulations at 30 CFR 730.5, 732.15, and 732.17. As described below, we are approving Montana's submittal.

A. Montana Code Annotated (MCA) 82–4–203(35)(a)

For section 82–4–203(35)(a), Montana proposes to replace its definition of ''Material damage'' as it relates to impacts to the hydrologic balance from surface and underground coal mining operations. Current section 82–4–203(35) of the MCA defines ''material damage'' with respect to protection of the hydrologic balance as the ''degradation or reduction by coal mining and reclamation operations of the quality or quantity of water outside of the permit area in a manner or to an extent that land uses or beneficial uses of water are adversely affected, water quality standards are violated, or water rights are impacted. Violation of a water quality standard, whether or not an existing water use is affected, is material damage.'' This definition was previously determined by OSM to be in accordance with SMCRA and consistent with the Federal implementing regulations when OSM conditionally approved Montana's Permanent coal program. 45 FR 21560 (Apr. 1, 1980).

Montana's proposed revision would define ''Material damage . . . with respect to the hydrologic balance outside the permit area'' as: ''a quantifiable adverse impact from surface coal mining and reclamation operations on the quality or quantity of surface water or ground water that precludes an existing or reasonably foreseeable use of surface water or ground water outside the permit area. A quantifiable adverse impact is an effect that can be quantified and measured to a significant degree of confidence. Existing or reasonably foreseeable uses of surface water or ground water are those beneficial uses recognized in the classification of State waters pursuant to Title 75, chapter 5, part 3.''

The phrase ''material damage to the hydrologic balance outside the permit area'' appears in SMCRA and within the Federal regulations (30 CFR 816.41), and these references, and other elements of SMCRA and the Federal regulations, provide parameters for interpreting this phase. As a threshold matter, SMCRA's performance standards require that all surface coal mining and reclamation operations ''minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation.'' 30 U.S.C. 1265(b)(10). This standard is accomplished by avoiding acid forming materials, preventing ''to the extent possible using the best technology currently available'' contributions of material to streams but under no circumstances allowing violations of any State or Federal water quality laws, and other practices designed to protect the existing hydrologic systems. *Id.* Similarly, SMCRA requires that underground coal mining operations ''minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quantity of water in surface ground water systems both during and after surface coal mining operations and during reclamation.'' 30 U.S.C. 1266(b)(9).

Section 510(b)(3) of SMCRA also states that no application for surface coal mining operations can be approved unless the application affirmatively demonstrates, and the regulatory authority finds in writing based on the application and available information, that ''the assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in Section 507(b) has been made by the regulatory authority and the proposed operation thereof has been designed to prevent material damage to the hydrologic balance outside the permit area.'' 30 U.S.C. 1260(b)(3). Section 507(b)(11) requires that an applicant submit ''a determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the regulatory authority of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability.'' 30 U.S.C. 1257(b)(11).

In addition to the statutory standards, the Federal regulations add additional contours to the meaning of ''material damage to the hydrologic balance outside the permit area.'' First, the regulations at 30 CFR 773.15(e) require the regulatory authority to perform an assessment to determine if ''the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.'' Second, the regulations at 30 CFR 780.21(g) and 784.14(f) require a finding that the Cumulative Hydrologic Impact Assessment (CHIA) is ''sufficient to determine, for the purposes of permit approval, whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.'' Third, the regulations at 30 CFR 780.21(h) and 784.14(g) require a permit applicant to provide a Hydrologic Reclamation Plan. These sections state, in relevant part, that the plan must ''contain the steps to be taken during mining and reclamation through bond release to minimize disturbance to the hydrologic balance within the permit and adjacent areas; to prevent material damage outside the permit area; [and] to meet applicable

Federal and State water quality laws and regulations.'' *Id.* The fact that the Hydrologic Reclamation Plan must outline how an operation will (1) minimize disturbance to the hydrologic balance within the permit area and the adjacent areas, (2) prevent material damage outside the permit area, and (3) meet all applicable Federal and State water quality laws indicates that each element provides a distinct protective benefit and that merely satisfying one element is not sufficient. Fourth, the regulations at 30 CFR 816.41(a) and 817.41(a) require that all surface and underground mining and reclamation activities must be conducted ''to minimize disturbance to the hydrologic balance within the permit and adjacent areas [and] . . . prevent material damage to the hydrologic balance outside the permit area,'' and that the ''regulatory authority may require additional preventative, remedial or monitoring measures to assure that material damage to the hydrologic balance outside the permit area is prevented.'' Last, the regulations at 30 CFR 816.41(c) and (e), as well as section 817.41(c) and (e), authorize the regulatory authority to modify the monitoring requirements, including parameters and frequency, if the monitoring data demonstrate that the operation has ''minimized disturbance to the hydrologic balance in the permit and adjacent area and prevented material damage to the hydrologic balance outside the permit area.''

While neither SMCRA nor the current Federal regulations define ''material damage to the hydrologic balance outside a permit area,'' for the Federal and Indian lands programs, OSM has defined the phrase, as recently as 2024 in various CHIAs as meaning ''any quantifiable adverse impact from surface coal mining and reclamation operations on the quality or quantity of surface water or groundwater that would preclude any existing or reasonably foreseeable use of surface water or groundwater outside the permit area.'' *See* Cumulative Hydrologic Impact Assessment for the Pacific Coast Coal Company John Henry No. 1 Mine, p. 2 (Jan. 2014); Cumulative Hydrologic Impact Assessment of the Navajo Mine and Pinabete Permit Areas, p. 14 (Mar. 2015); Cumulative Hydrologic Impact Assessment of the Peabody Western Coal Company Kayenta Mine Complex, App. A (Sept. 2016); Review and Analysis of Navajo Aquifer Material Damage Criteria for Peabody Western Coal Company's Kayenta Mine Complex, p. 14 (Aug. 2024). These documents recognize that surface coal mining operations will cause hydrologic impacts but indicate OSM's interpretation that disturbances to the hydrologic balance within the permit area should be minimized and material damage outside the permit area should be prevented. *Id.* The CHIAs also direct that material damage criteria for both groundwater and surface water quality should be related to existing standards that generally are based on the maintenance and protection of specified water uses such as public and domestic water supply, agriculture, industry, aquatic life, recreation, and other parameters of local significance to water use. OSM also provided a definition of material damage to the hydrologic balance in a 2016 rule (81 FR 93066); however, that rule was disapproved under the Congressional Review Act in 2017 and is no longer in effect.

Taken all together, SMCRA and the Federal program, thus, require that: (1) the regulatory authority must make a written finding that the operation is designed to prevent material damage to the hydrologic balance outside the permit area before the permit can be issued; (2) a permit application must include a plan that shows the operation has been designed to prevent such damage; (3) the operation must be conducted in a manner to prevent such damage; (4) the water monitoring requirements can be modified if warranted to determine whether or not such damage is occurring; and (5) applicable Federal and State water quality laws and regulations must be followed.

With this background in mind, we have evaluated the proposed amendment to the Montana program in relation to Federal statutory and regulatory requirements for preventing ''material damage to the hydrologic balance outside the permit area'' and determined that Montana's proposed changes to section 82–4–203(35)(a) are in accordance with SMCRA and consistent with the Federal regulations.

First, Montana's adoption of OSM's Federal and Indian Lands program definition in its proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area,'' is in accordance with SMCRA and consistent with the Federal regulations. Montana proposes to define Material damage as ''any quantifiable adverse impact from surface coal mining and reclamation operations on the quality or quantity of surface water or groundwater that would preclude any existing or reasonably foreseeable use of surface water or groundwater outside the permit area.'' This is the exact definition that OSM uses for its Federal and Indian lands programs in Cumulative Hydrologic Impact Assessments (CHIAs). While this is not a definition a State must adopt, as it only applies within the Federal and Indian Land Programs, it is a definition that matches SMCRA and Federal regulations guidelines for ''material damage to the hydrologic balance outside the permit area.'' Thus, Montana's proposed adoption of OSM's Federal and Indian Lands program definition of material damage with respect to the hydrologic balance outside the permit area is in accordance with SMCRA and consistent with the Federal regulations.

Second, Montana's proposed definition of ''quantifiable adverse impact'' is in accordance with SMCRA and consistent with the Federal regulations. Montana defines ''quantifiable adverse impact'' as ''an effect that can be quantified and measured to a significant degree of confidence.'' OSM's Federal and Indian Lands program does not further define ''quantifiable adverse impact,'' but we can assess from the plain text of the definition that a relevant party must prove with scientific data, as opposed to anecdotal evidence, that adverse impact has or has not occurred

As discussed above, Montana's definition of ''Material damage'' must be in accordance with State and Federal water quality standards (WQS) including those set by the EPA under the Clean Water Act, and Montana has created a WQS program that is in accordance with and approved by the EPA. Under this program amendment, any effect that can be quantified and measured to a significant degree of confidence would be material damage to the hydrologic balance outside the permit area. How MDEQ chooses to interpret how the effect is ''measured to a significant degree of confidence'' is up to that agency. Simply defining ''quantifiable adverse impact'' as ''an effect that can be quantified and measured to a significant degree of confidence,'' is in accordance with SMCRA and consistent with the Federal regulations.

Third, Montana's proposed definition of ''existing and reasonably foreseeable uses'' is in accordance with SMCRA and consistent with the Federal regulations. Montana defines ''existing and reasonably foreseeable uses'' as ''those beneficial uses recognized in the classification of state waters pursuant to Title 75, chapter 5, part 3'' of the MCA. The definition used by OSM's Federal and Indian Lands program does not further define ''existing and reasonably foreseeable uses,'' but State

Representative Parry explained in his September 3, 2025 letter that the proposed definition of ''existing or reasonably foreseeable uses'' within the definition of ''Material damage to the hydrologic balance'' was derived from a Montana regulation, 75–5–301(1) MCA, which states: ''Consistent with the provisions of 80–15–201 and this chapter, the department shall: (1) establish the classification of all state waters in accordance with their present and future most beneficial uses.'' He continued and stated that the Montana Department of Environmental Quality (MDEQ) had already established these classifications in its Administrative Rules: ARM 17.30.607 and 17.30.616. State Representative Parry noted that designating the uses of waters is wholly within MDEQ's authority pursuant to the Federal Clean Water Act, as MDEQ is responsible for reviewing, establishing, and revising water quality standards under 40 CFR 131.4(a), and these standards, including uses, are reviewed and approved by the EPA. Through this definition of ''existing or reasonably foreseeable uses,'' Montana is integrating its coal program, approved by OSM, with its Clean Water Act program, approved by the EPA. And as established by OSM in the September 26, 1983 preamble promulgating hydrologic balance rules, OSM intentionally established basic permitting and performance standards so that State and Tribal programs have the opportunity to customize their rules to their particular mining situations. 48 FR 43956 (Sept. 26, 1983). Montana has met the basic Federal standards, and incorporating its state water rules into its definition of ''material damage to the hydrologic balance'' is well within the State's powers as they do not conflict with the Federal regulations. Thus, Montana's proposed definition of ''existing and reasonably foreseeable uses'' is in accordance with SMCRA and consistent with the Federal regulations.

B. MCA 82–4–203(35)(b)

Montana's proposed changes to section 82–4–203(32)(b) of the MCA are in accordance with SMCRA and consistent with the Federal regulations. Section 82–4–203(32)(b) proposed to define ''material damage'' with respect to alluvial valley floors as ''degradation or reduction by coal mining and reclamation operations of the water quality or quantity supplied to the alluvial valley floor that significantly decreases the capability of the alluvial valley floor to support agricultural activities[.]'' Montana previously proposed these exact changes in its June 1, 2023, amendment submission. OSM approved Montana's changes to this section but denied other areas of the proposed amendment. *See* 90 FR 3673, 3687 (January 15, 2025). Because Montana is proposing the same changes that were previously approved January 15, 2025, we find the changes are in accordance with SMCRA and consistent with the Federal regulations, and we are approving the changes again, with the same reasoning as is detailed at 90 FR 3673, 3677 (Jan. 15, 2025).

C. MCA 82–4–203(35)(c)

Montana's proposed changes to section 82–4–203(33)(c) of the MCA are in accordance with SMCRA and consistent with the Federal regulations. Montana proposes a definition for what would be considered material damage with respect to subsidence. This includes ''(i) a functional impairment of surface lands, features, structures, or facilities; (ii) a physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or (iii) a significant change in the condition, appearance, or utility of a structure or facility from its presubsidence condition.'' This is nearly identical to the Federal definition of ''material damage'' for subsidence at 30 CFR 701.5, and it has no substantive differences from the Federal definitions. Thus, Montana's proposed changes to MCA section 82–4–203(33)(c) are in accordance with SMCRA and consistent with the Federal regulations.

D. MCA 82–4–222(1)(m)

Montana's proposed changes to MCA section 82–4–222(1)(m) are in accordance with SMCRA and consistent with the Federal regulations. Montana proposes that for hydrologic information needed to determine an applicant's Probable Hydrologic Consequences (PHC), Montana may use data collected by the operator to make the PHC determination in the event the appropriate Federal or State agency does not have that information available. In its current form, Montana may only use hydrologic information from an appropriate Federal or State agency to make its PHC determination for an applicant; there are no exceptions. By comparison, the Federal regulations at 30 CFR 780.21(c)(2) allows the regulatory authority to use information submitted by the applicant in its PHC determination, if that information is not available from an appropriate State or Federal agency. Because the proposed Montana regulation is nearly identical with and has no substantive differences to the Federal regulations at 30 CFR 780.21(c)(2), we find that proposed changes to section 82–4–222(1)(m) are consistent with SMCRA and the Federal regulations.

E. Sections 3, 4, 5, and 6 of HB 587

HB 587 also added contingencies that are not codified into the MCA but that affect the amended parts of the MCA.

1. Section 3. Severability

Section 3 of HB 587 states that if any part of HB 587 is found invalid, the remainder of the bill that is found valid will be severable from the invalid part and remain in effect. While this is legislative language and not part of Montana's surface mining program, we note that the Federal regulation at 30 CFR 732.17(h)(7) requires the Director to consider all relevant information, using the criteria set forth in 30 CFR 732.15, to approve or disapprove the amendment. The Director may approve all or parts of an amendment that are in accordance with SMCRA and consistent with the Federal regulations.

2. Section 4. Contingent Voidness

Section 4 of HB 587 states that if the Secretary of the Interior disapproves of any provision of HB 587 under 30 CFR part 732, then that portion of the bill is void. Furthermore, MDEQ is required to notify the code commissioner of a disapproval within 15 days of the effective date of disapproval. Notwithstanding HB 587, the Federal regulation gives the Director the authority to approve or disapprove all or part of a proposed amendment to a State program. 30 CFR 732.17(h)(7). Any program amendment or part of a program amendment disapproved by the Director would be void and would not become part of Montana's approved program.

3. Section 5: Effective Date

Section 5 of HB 587 states that its provisions are ''effective on passage and approval.'' Section 5 of HB 587 does not specify who is providing the ''approval'' that triggers the effective date. SMCRA and the Federal regulations state that no change to law or programs can take effect for purposes of a State program until the amendment is approved by the Director. 30 CFR 732.17(g). The Federal regulations further specify that all decisions approving or not approving a State program amendment must be published in the **Federal Register** and will be effective upon publication unless the notice specifies otherwise. 30 CFR 732.17(h)(12).

By looking at the text of HB 587 preceding Section 5, OSM interprets the term ''approval'' to mean approval by

the OSM Director. Section 3 speaks to the need for Secretarial approval but provides that if a provision is disapproved, that portion of the HB 587 is severed from the approved portions of the bill. In Section 4, HB 587 states that any provision of HB 587 that the Secretary of the Interior ''disapprov[es]'' shall be void. Taken together, it is appropriate to read ''approval'' as used in Section 5 of HB 587 as referring to action taken consistent with the regulatory review and approval process by the Secretary of the Interior, as delegated to the OSM Director. This interpretation is also consistent with 30 CFR 732.17(g), which refers to approval by the Director of OSM and states that ''[n]o such change to [State] laws or regulations shall take effect for purposes of a State program until approved as an amendment.'' Thus, OSM interprets Section 5 in a way that is both supported by the surrounding statutory text of HB 587, and leads to consistency with SMCRA.

Notwithstanding OSM's interpretation, should the drafters or implementers of HB 587 interpret Section 5 as becoming effective upon approval by an entity other than the OSM Director, that interpretation would conflict with SMCRA and the Federal regulations. No change to State programs can be implemented or become effective prior to approval by the Director. 30 CFR 732.17(g). Thus, the effective date of HB 587 is June 29, 2026.

4. Section 6: Retroactive Applicability

Section 6 of HB 587 states that amendments to the MCA apply retroactively to actions for judicial review, amendment, license, arbitration, action, certificate, or inspection that are pending but not yet decided on or after the effective date of HB 587. Section 6 of HB 587 attempts to make the proposed changes to sections 82–4–203(35) and 82–4–222(1)(m) apply retroactively to pending issues that have not been decided on or after the effective date of HB 587. As with the attempt to make changes to HB 587 effective immediately, this section is contrary to SMCRA and the Federal regulations. Specifically, the Federal regulations at 30 CFR 732.17(g), which mandate that no changes to laws will take effect until OSM approves the amendment, and section 723.17(i)(12), which states that all decisions of the Secretary to approve or disapprove program amendments must be published in the **Federal Register**. The Administrative Procedure Act (APA) generally requires a 30-day delay before a rule becomes effective. 5 U.S.C. 553(d).

Furthermore, under section 405(a) of SMCRA, ''[n]o State law or regulation in effect on the date of the enactment of [SMCRA], or which may become effective thereafter, shall be superseded by any provision of [SMCRA] or any regulation pursuant thereto, *except insofar as such State law or regulation is inconsistent with the provisions of [SMCRA].*'' 30 U.S.C. 1255(a) (emphasis added). Montana declares that HB 587 applies retroactively within the meaning of 1–2–109 of the MCA, which states ''[n]o law contained in any of the statutes of Montana is retroactive unless expressly so declared.'' Despite Montana declaring that the amendments to 82–4–203(35) and 82–4–222(m)(1) apply retroactively to select proceedings, as discussed above, retroactive application is contrary to SMCRA and the Federal regulations. Thus, SMCRA and the Federal regulation supersede 1–2–109 of the MCA in this instance, and the amendments to 82–4–203(35) and 83–4–222(m)(1) cannot be applied retroactively.

IV. Summary and Disposition of Comments

OSM asked for initial public comments on the amendment during a public comment period that ended on September 3, 2025. OSM received 373 written comments during the comment period. (Administrative Record No. MT–048–08 through MT–048–20).

Due to the large number of comments, substantially similar comments and points have been consolidated to avoid redundancy. Comments expressing generalized support for or opposition to the proposed amendment, generalized concerns about environmental impacts from mining operations, concerns about the mining industry, fossil fuel use, and a transition to renewable energy, general statements about the Montana Constitution, general statements about OSM's previous denial of HB 576 and prior legislative efforts, general statements about the public's opposition to HB 587, and other non-responsive comments are beyond the scope of this amendment and no response is necessary. To view comments in full, visit *https://www.regulations.gov/.*

A. 82–4–203(35)(a) Material Damage to the Hydrologic Balance

1. General Comments on the Definition of ''Material Damage to the Hydrologic Balance''

Comment: A large group of 300+ commenters opined that the proposed definition of ''Material damage to the hydrologic balance'' undermines SMCRA at 30 U.S.C. 1202(b) and its goal to ensure mining, agriculture, and landowners can coexist, as it would give mining companies more leeway to damage the hydrologic balance for neighboring property owners, which would strip property right protections from those landowners.

OSM Response: OSM disagrees with the commenters; Montana's proposed definition for ''Material damage to the hydrologic balance'' is in accordance with SMCRA and consistent with the Federal regulations. 30 U.S.C. 1202(b) states that part of SMCRA's purpose is to ''assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations[.]'' Montana is required to prevent ''Material damage . . . with respect to the hydrologic balance outside the permit area.'' The proposed definition recognizes the beneficial water uses of neighboring water users, including surface landowners and other persons with a legal interest, and would find material damage if those uses were precluded by pollution caused by coal mine operations. Please see our full discussion on this topic in section III(A).

Comment: Multiple commenters stated that Montana's proposed removal of language that recognizes exceedances of water quality standards as ''Material damage to the hydrologic balance'' violates SMCRA and is less protective than the Federal regulations. The commenter points to SMCRA at 30 U.S.C. 1265(b)(10)(B)(i), which prohibits mine drainage in excess of requirements set by applicable State or Federal law, as well as OSM's statement in our January 15, 2025, denial of a prior Montana amendment where OSM states ''[a] violation of a State or Federal WQS as a result of a surface coal mining and reclamation operation is not allowed under SMCRA and would constitute material damage to the hydrologic balance. . . .'' And also ''Because a violation of a WQS is an established criterion for determining if ''Material damage . . . with respect to the hydrologic balance outside the permit area'' has occurred, any regulation proposed by Montana must be in accordance with and consistent with this Federal standard.'' 90 FR 3673, 3676 (Jan. 15, 2025).

OSM Response: OSM disagrees with the commenters that Montana's proposed definition removes the requirement that an exceedance of a WQS be considered ''Material damage

. . . with respect to the hydrologic balance outside the permit area.'' Under Montana's proposed definition, material damage will be found where there is a quantifiable adverse impact that precludes an existing or reasonably foreseeable water use. Montana further defines an ''[e]xisting or reasonably foreseeable uses'' of water as ''those beneficial uses recognized in the classification of state waters pursuant to Title 75, chapter 5, part 3 [of the MCA].'' As discussed further in section III(A), Title 75, Chapter 5 of the MCA contains the Montana Water Quality Act, and Montana's classification of State waters in Title 75, chapter 5, part 3 includes WQS that are set in line with this EPA approved program. If a WQS is exceeded under these rules, a beneficial use would no longer be available, an existing or reasonably foreseeable use of State waters would be precluded, and ''Material damage to the hydrologic damage'' would occur. Thus, Montana's proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' recognizes that an exceedance of a WQS is Material damage.

Comment: A commenter stated that the proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' is contrary to SMCRA because it omits any protection of water rights. They specified that 30 U.S.C. 1258(a)(13)(B) requires an assessment of water rights in the permitting process, and Montana's proposed removal of water rights from its definition removes any means for regulators to ensure protection of water rights at the permitting stage.

OSM Response: OSM disagrees with the commenter that the proposed definition's lack of reference to water rights makes the Montana program inconsistent with SMCRA and the Federal regulations. While Montana is removing the term ''water rights'' in this definition, another area of the Montana program fulfills SMCRA's requirement to consider ''water rights.'' 30 U.S.C. 1258(a)(13)(B) requires that each reclamation plan submitted as part of a permit application must include a detailed description of measures to be taken to ''assure the rights of present users to such water.'' Montana's counterpart regulations for protecting the ''rights of present user to such water'' are contained within section 82–4–222 of the MCA. Section 82–4–222(1)(m) of the MCA requires an applicant to conduct a determination of the PHC that considers the impact the operation will have on beneficial uses of water in and adjacent to the permit area, and section 82–4–222(1)(n) requires an applicant to plan for monitoring groundwater and surface water for protection of the hydrologic balance. While Montana does not use the term ''water rights'' in its regulations, ''beneficial uses of water'' is a reference to water rights. At section 85–2–102(5)(a), Montana defines ''Beneficials use'' as ''a use of water for the benefit of *the appropriator,* other persons, or the public, including but not limited to agricultural, stock water, domestic, fish and wildlife, industrial, irrigation, mining, municipal power, and recreational uses.'' (Emphasis added). At section 85–2–102(2), ''Appropriation right'' is defined as ''[having] the same meaning as 'water right . . . .''' Montana requiring an applicant to plan for an operation's effects on ''beneficial uses'' is requiring an applicant to consider the beneficial uses of any potentially affected water rights holder, which is equivalent to the SMCRA requirement that an applicant consider water rights. Thus, Montana removing reference to ''water rights'' from its definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' is in accordance with SMCRA and consistent with the Federal regulations.

Comment: A couple of commenters stated that the proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' is in accordance with SMCRA and its allowance to ''develop a definition based on regional environmental and regulatory conditions'' (quoting OSM, *Cumulative Hydrologic Impact Assessment of the Pacific Coast Coal Company, John Henry No. 1 Mine,* p. 2 (January 2014)). They opined that the proposed definition was created to address the specific needs of Montana while balancing protection of the environment and agricultural productivity with the Nation's need for coal as an essential energy source.

OSM Response: OSM is approving the amendment and agrees with the commenters that Montana has created a definition that is tailored to support its local hydrologic needs. Please see OSM's full discussion of this topic in section III(A).

Comment: A few commenters opined that Montana's definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' should be approved because its nearly identical to the definition OSM has been using internally since at least 2014.

OSM Response: OSM has approved the amendment and agrees with the commenters that Montana's proposed a definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' is substantially similar to the definition used in our CHIAs for Federal and Indian lands. While there is no codified Federal definition for ''Material damage to the hydrologic balance,'' Montana's proposed definition is consistent with SMCRA and the Federal regulations. Please see OSM's full discussion of this topic in section III(A).

2. ''Preclusion''

Comment: A large group of 300+ commenters opposed the requirement that a beneficial use of water must be precluded to be considered ''Material damage . . . with respect to the hydrologic balance outside the permit area.'' They stated that the preclusion requirement would violate SMCRA and the Federal regulations, in particular 30 CFR 816.41. They opined that Montana's proposed definition would be a loophole that would allow a mining operation to contaminate water resources without consequence so long as minimal water use remains, and one of these commenters was concerned that because all the receiving waters for Montana's coal mines are already listed as impaired water bodies, a water use would not be deemed precluded until the stream can no longer support aquatic life.

OSM Response: OSM disagrees with these commenters that Montana's proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' is a loophole for water pollution so long as minimal beneficial use remains. As proposed, Montana's definition would find material damage where an existing or reasonably foreseeable use of water is precluded. Montana further defines ''existing or reasonably foreseeable uses'' as those beneficial uses recognized under Title 75, chapter 5, part 3 of the MCA. In the Administrative Rules of Montana (ARM) at Title 17, chapter 30, sub-chapters 6 and 10, MDEQ lists the water-use classifications and their standards. Every body of water within Montana's jurisdiction is assigned a classification based on the water body's characteristics. There are 16 classifications of surface waters and 4 classifications of groundwaters, and each classification lists the types of beneficial uses that must be supported and the water quality standards that must be followed. Beneficial uses like stock-watering, which would fall under ''agriculture'' or ''drinking water for livestock and wildlife'' in the rules is

protected within 14 of the surface water classifications and 3 of the groundwater classifications. It appears the commenters are concerned that their ability to use water for stock-watering must be completely prevented in any way to be considered precluded, but Montana's proposed definition for ''Material damage . . . with respect to the hydrologic balance outside the permit area'' in context with the MCA and ARM show that the use must only be precluded within its classification. For example, if a neighboring rancher used water for stock watering classified under Class I groundwater, and coal mining pollution violated water quality standards for Class I groundwater, then any of the beneficial uses listed for a Class I groundwater would be prevented, resulting in material damage. Thus, under Montana's proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area,'' a water use would not need to be precluded to the point of not supporting aquatic life for material damage to be found.

Comment: The same group of 300+ commenters stated that the preclusion requirement would put the economic burden on taxpayers and local governments, including farmers, ranchers, and tourism services who are highly dependent on clean water for their livelihoods, and who would bear the brunt of the water degradation. One of these commenters gave the example that, for ranchers and farmers, while water polluted by neighboring coal mine operations may still be ''beneficial'' enough to be used to keep their cattle and crops alive, the degradation in quality may cause health issues that will in turn impact quality and profit margins.

OSM Response: OSM disagrees with the commenters that Montana's proposed definition of material damage to the hydrologic balance outside the permit area would put an economic burden on taxpayers and local governments. The requirement for MDEQ and coal operators to prevent ''Material damage . . . with respect to the hydrologic balance outside the permit area'' still exists in the Montana Code, and, as discussed above, degradation of water quality to the point of not meeting the classification requirements, as contained in Title 17, chapter 30, sub-chapter 6 of ARM, is considered preclusion of a beneficial use. Stock-watering would not need to be prevented all together to be considered preclusion of a beneficial use, which is included in Montana's definition of material damage to the hydrologic balance outside the permit area. Instead, in this example the beneficial use would need only to be precluded within its classification.

3. ''Quantifiable Adverse Impacts''

Comment: Multiple commenters who were opposed to Montana's proposed amendment stated that the proposed changes rely on a system with complex calculations and statistical analysis that would make coal operators and State regulators less accountable and less transparent. One of these commenters stated that because Montana's proposed use of a ''quantifiable adverse impacts'' standard does not specify the degree of confidence needed, it could require the public to demonstrate a preponderance of evidence standard (50.1%) or it could require a virtual certainty standard (99%) that material damage had occurred to enforce the material damage standard. They stated that this gives the regulators unlimited discretion to decide the level of confidence required, and if the regulators implemented the 99% confidence standard, then it would be virtually impossible to prove material damage.

OSM Response: OSM disagrees with the commenters that the proposed changes rely on complex statistical analysis that favors coal operators and State regulators. The bill does not propose, and we are not approving, any particular method to determine whether an effect that can be ''quantified and measured to a significant degree of confidence.'' As noted in a comment by State Representative Parry, the sponsor of the bill, one way MDEQ may apply this definition is to use the publicly available EPA guidance for ''statistical significance,'' which is what he stated he intended. (Administrative record no. MT–048–17, citing ''Basic Principles & Issues: Additional Information on Interpreting Statistics,'' EPA, *https://www.epa.gov/caddis/basic-principles-issues-2,* last visited May 11, 2026).

However, because this standard was not incorporated into the statute, it is not controlling, although it is worth noting that the author of the proposed changes intended for the statistical analysis to be consistent with EPA guidance for ''Confidence Intervals.'' (Administrative record no. MT–048–17). The EPA guidance for ''Confidence Intervals'' (Administrative record no. MT–048–17) currently uses a 95% standard where ''(1) There is a 95% chance of the true value of the parameter falling within the interval; (2) Values outside the interval can be rejected on the basis of a two-sided statistical test with alpha 5%.'' In this scenario, a 95% confidence interval would not be the regulators determining that they are 95% confident material damage has occurred, instead it would give a range of numbers that would, if repeated with multiple data samplings, are 95% likely to contain the true value of the desired statistical parameter, such as a population mean.

Furthermore, it should be noted, if adopted by MDEQ, this standard would apply equally to operators when they are presenting evidence in their permit application that their operation will not cause material damage to the hydrologic balance outside the permit area. MCA section 82–4–227(3)(a).

Comment: One commenter stated that Montana's proposed definition would remove current language with clear standards for measuring impacts to the hydrologic balance and replacing them with unreasonable and unspecified metrics. The commenter opined that the proposed requirement that ''Material damage . . . with respect to the hydrologic balance outside the permit area'' must be proven through ''quantifiable adverse impact. . . . an effect that can be quantified and measured to a significant degree of confidence'' is inconsistent with SMCRA and the Federal regulations. The commenter stated that this standard ''provides excessive subjective discretion and established a standard that would be onerous to prove.'' The commenter citied to *Ohio River Valley Env't Coal., Inc.* v. *Norton,* No. CIV.A. 3:04–0084, 2005 WL 2428159, at *3 (S.D.W. Va. Sept. 30, 2005), *aff'd sub nom. Ohio River Valley Env't Coal., Inc.* v. *Kempthorne,* 473 F.3d 94 (4th Cir. 2006), a case where a West Virginia definition of ''Material damage to the hydrologic balance'' was invalidated by the court for having vague and overly subjective criteria. The commenter stated that Montana's proposed definition is also vague and subjective, as ''significant degree of confidence'' does not have a definition, and the degree of statistical confidence can be easily manipulated.

OSM Response: OSM disagrees with the commenter that there are not clear standards for measuring hydrologic balance impacts. As discussed above, the plain language in Montana's statute indicates that scientific data is required, as opposed to anecdotal evidence, that an adverse impact has or has not occurred. Further, State Representative Parry asserted in this comment that he developed the definition for ''quantifiable adverse impacts'' so that a methodology such as the EPA guidance for ''Confidence Intervals.'' (Administrative Record No. MT–048–17) could be used. If MDEQ chooses to adopt them, they would be clear and

accessible standards. Furthermore, OSM disagrees that the finding in *Ohio River Valley Env't Coal., Inc.* v. *Norton* applies in this situation. As is inherent in the name of the term, ''quantifiable adverse impact'' requires MDEQ to use objective criteria, and the definition of that term elaborates that the quantified impact must be able to be measured to a significant degree of confidence. While that gives MDEQ some appropriate level of discretion to determine if it has a significant degree of confidence, it is clear that they must have a higher level of confidence than reasonable probable or another known standard that is typically applied. Moreover, MDEQ could use the guidelines for statistical analysis suggested by State Representative Parry. That EPA guidance offers techniques to prevent data manipulation in the statistical analysis process. (EPA, *https://www.epa.gov/caddis/basic-principles-issues-2,* last visited December 17, 2025). Thus the proposed definition of ''quantifiable adverse impact'' is not overly vague or prone to abuse.

Comment: One commenter stated that the ''quantifiable adverse impacts'' standard would put the burden of proof on the public, directly conflicting with 30 U.S.C. 1260(b) of SMCRA which requires the permittee to affirmatively demonstrate that material damage will not occur.

OSM Response: OSM disagrees with the commenter; Montana's proposed definition does not shift the burden of proving no material damage will occur from the permittee to the public. Per section 82–4–227(3)(a) of the MCA, operators are required to provide an assessment of probable cumulative impact and must show that the mining operation has been designed to prevent material damage to the hydrologic balance outside the permit area. Montana's proposed rule still puts the burden of proof on the operator for permit applications, as the operator must be the one to show that there will be no ''quantifiable adverse impacts.''

Comment: A commenter questioned the ''significant degree of confidence standard'' and how MDEQ's current sampling practices would affect material damage findings in Montana. The commenter opined that MDEQ would need to require significant and repeated sampling to meet this new standard, and MDEQ's current quarterly sampling is insufficient to detect to a degree of statistical significance for large pollution increases. Furthermore, under the proposed standard a single measurement of extremely high pollution levels could be statistically erased as an outlier by being deemed ''not statistically significant.'' The commenter stated that this defeats the purpose of sampling, which is to ensure compliance. They opined that under the proposed rule a single sampling or even multiple sampling events identifying violations of water quality standards might not be deemed statistically significant, which is contrary to the Federal requirement that water quality standards serve as material damage criteria.

OSM Response: OSM disagrees with the commenter. MDEQ's sampling techniques are consistent with the Federal regulations. MDEQ requires monitoring and sampling of groundwater and surface water (ARM sections 17.24.645 and 17.24.646, respectively) and must sample the water to such a frequency as is necessary to adequately identify changes in water quality and quantity from mining operations. If it is demonstrated that a site needs more frequent water monitoring, including sampling, MDEQ can adjust accordingly. Furthermore, a WQS violation is still considered material damage under Montana's rule, as it under the regulations, but proving WQS violation still requires procedures and analysis. For example, the EPA sets ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' at 40 CFR part 136 and devised a ''Stressor Identification Guidance Document,'' US EPA, December 2000, (*https://www.epa.gov/sites/default/files/2018-10/documents/stressor-identification-guidance-document.pdf,* last visited May 11, 2026), which gives guidance for properly identifying WQS violations. The EPA created the ''Casual Analysis/Diagnosis Decision Information System'' or CADDIS using the framework from this document. CADDIS is often used by States, Tribes, and others as guidance for sampling and analysis procedures. In his comment, State Representative Parry stated that he created the definition for ''quantifiable adverse impact'' in line with CADDIS guidance for confidence intervals. (Administrative record no. MT–048–17, citing ''Basic Principles & Issues: Additional Information on Interpreting Statistics,'' EPA, *https://www.epa.gov/caddis/basic-principles-issues-2,* last visited May 11, 2026). Thus, Montana's proposed requirement of statistical significance to prove a ''quantifiable adverse impact,'' including a WQS violation, is in line with the Federal regulations.

Comment: In a September 3, 2025 letter commenting on this proposed program amendment, the author of Montana's definition, Montana House Representative Parry, explained that his intent for including ''quantifiable adverse impact'' within the definition of ''Material damage to the hydrologic balance'' was to follow EPA guidance that ''Confidence intervals, . . . , can be used to analyze data without assumptions about the relative burden of proof for different outcomes.'' State Representative Parry credited the EPA Casual Analysis/Diagnosis Decision Information System (CADDIS) website for guiding his creation of the ''quantifiable adverse impacts'' definition. (Administrative record no. MT–048–17, referencing ''Basic Principles & Issues: Additional Information on Interpreting Statistics,'' EPA, *https://www.epa.gov/caddis/basic-principles-issues-2,* last visited May 11, 2026). CADDIS was created by the EPA to support State, Tribal, and other water programs in sampling and analyzing water quality data.

OSM Response: OSM appreciates State Representative Parry's insights and background on the program amendment. While we understand the intent of this State Representative may have been to follow the EPA guidance, the EPA guidance is not incorporated by reference into the statute and is not part of the proposed amendment that we are reviewing.

Comment: A few commenters, including U.S. Senator Daines of Montana, opined that the proposed amendment clarifies the coal mining permitting and operational process by requiring the material damage determination to be based on demonstratable, measurable impacts. One of those commenters specified further that Montana's proposed definition of ''quantifiable adverse impact'' is appropriate to be defined as ''an effect that can be quantified and measured to a significant degree of confidence'' because (1) hydrologic impacts involve numerous and variable factors and (2) a finding of material damage carries serious consequences, potentially including denial of a permit or cessation of mining operations. They stated that by requiring material damage to be found through demonstratable, tangible, and measurable facts, MDEQ is able to ensure environmental protection and regulatory certainty when making its findings.

OSM Response: OSM agrees with the commenters that Montana's proposed definition requires material damage to be assessed on demonstratable and measurable impacts. Please see further discussion of this topic in section III(A).

4. ''Existing or Reasonably Foreseeable Uses''

Comment: Multiple commenters stated that Montana's proposed limitation of adverse impacts to ''existing or reasonably foreseeable use of surface water or ground water'' is inconsistent with SMCRA, and they claimed that OSM had previously rejected a similar provision to the Montana program. The commenters cited OSM's discussion at 70 FR 8002, 8004 (Feb. 16, 2005) where OSM found Montana's 2003 proposed definition of ''hydrologic balance'' would only consider dynamic hydrologic relationships to the extent they relate to uses of the land and water, which would result in components of the hydrologic regime not being identified, protected, or monitored unless those components relate to postmining uses of land and water. The commenters stated there is a parallel between the rejected 2003 definition and Montana's proposed definition here, as Montana's limiting of material damage to ''existing or reasonably foreseeable uses[s]'' fails to protect the hydrologic balance as a ''natural resource.'' One of these commenters opined further that Montana's designated beneficial uses are independent of existing or reasonably foreseeable uses, thus the inconsistency makes the proposed definition inconsistent with SMCRA.

OSM Response: OSM disagrees with the commenters that our denial of Montana's 2003 proposed definition of ''hydrologic balance'' requires us to deny Montana's 2025 proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area.'' Unlike the 2003 definition of ''hydrologic balance,'' Montana's proposed definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' is not related to or reliant on postmining land use. ''[E]xisting or reasonably foreseeable uses of water'' is related to Montana's classification of beneficial uses, not how the water will be used for postmining land use.

Furthermore, OSM disagrees with the commenter that the definition separates Montana's designated beneficial uses from its proposed definition of ''existing or reasonably foreseeable uses.'' As State Representative Parry explained in his comment, the definition was designed to ensure consistency between the Montana Surface and Underground Mining Reclamation Act and Montana Water Quality Act and clarified that the classification of State waters mentioned in the proposed definition reference the water classifications in ARM sections 17.30.607 and 17.30.617. (Administrative Record No. Mt-048–17).

Comment: One commenter opposed the proposed definition because it did not consider the ''beneficial'' water quality standards that local landowners valued and enjoyed prior to the life of the coal mine, which punishes the landowners instead of the polluting coal mine operators.

OSM Response: OSM disagrees with the commenter. As discussed further in section III(A), Montana is proposing to incorporate established State water law standards into its definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area,'' and these State water law standards use the term ''Beneficial use.'' At section 85–2–102(5)(a), Montana defines ''Beneficial use'' as ''a use of water for the benefit of the appropriator, other persons, or the public, including but not limited to agricultural, stock water, domestic, fish and wildlife, industrial, irrigation, mining, municipal power, and recreational uses.'' Montana water law, and thus the Montana coal program through this amendment, recognizes a wide variety of ''beneficial uses'' and does not limit these uses by whether they were in place before or after the life of coal mines.

Comment: A couple of commenters stated they support the amendment, and that material damage assessments will consider beneficial uses, which the commenter opined will protect the farmers, ranchers, businesses, and families who put Montana's waters to beneficial use. Furthermore, they stated that the proposed adoption of Montana's classifications and beneficial uses of water into the definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' will provide regulators, operators, and the public with a clear and predictable basis for evaluating material damage. And this would reduce the risk of arbitrary or inconsistent outcomes while ensuring assessments remain accurate and reliable.

OSM Response: OSM agrees with the commenters that Montana's proposed adoption of classification and beneficial uses of water into its definition of ''Material damage . . . with respect to the hydrologic balance outside the permit area'' will provide a predictable basis for evaluating material damage, while also protecting the users of Montana's waters. Please see our full discussion of this topic in section III(A).

B. 82–4–203(35)(b) Material Damage With Respect to Alluvial Valley Floors

Comment: One commenter opined that OSM should approve Montana's proposed definition of ''Material damage . . . with respect to alluvial valley floors'' because OSM previously approved an identical definition in 90 FR 3673, 3677 (Jan. 15, 2025).

OSM Response: OSM agrees with the commenter, OSM had previously approved this section in our January 15, 2025 decision, and as proposed now, Montana's definition of ''Material damage . . . with respect to alluvial valley floors'' is consistent with the Federal regulations. Please see section III(B) for our discussion on this topic.

C. 82–4–203(35)(c) Material Damage With Respect to Subsidence

Comment: One commenter opined that OSM should approve Montana's proposed definition of ''Material damage . . . with respect to subsidence'' because Montana incorporated OSM's feedback from our prior denial of the definition in MT–042–FOR. 90 FR 3673, 3677 (Jan. 15, 2025).

OSM Response: OSM agrees with the commenter, OSM had previously denied this section in our January 15, 2025 decision, but Montana has incorporated our feedback and as proposed now Montana's definition of ''Material damage . . . with respect to subsidence'' is consistent with the Federal regulations. Please see section III(C) for our discussion on this topic.

D. 82–4–222(1)(m) Hydrologic Information Requirements

Comment: One commenter stated that Montana's proposed rule allowing operators to submit their own hydrologic and geologic information in the absence of State or Federal information creates a conflict of interest and undermines the public's trust in regulatory authorities.

OSM Response: OSM disagrees with the commenter. The Federal regulations at 30 CFR 780.21 allows an operator to submit their own hydrologic and geologic information when it cannot be sourced by a relevant Federal or State agency. Montana's proposed changes are consistent with the Federal regulations, and, thus, OSM is approving them. Please see section III(D) for our discussion on this topic.

Comment: One commenter stated that OSM should approve Montana's proposed changes to requirements for hydrologic information because the language was drawn directly from the Federal regulations at 30 CFR 780.21(c).

OSM Response: OSM agrees with the commenter as Montana's proposed changes to its hydrologic information requirements are consistent with the

Federal regulations. Please see section III(D) for our discussion on this topic.

Comment: In a comment, the sponsor of HB 587, State Representative Parry, stated that the proposed changes to requirements for submitting hydrologic information were made because the current rule, which only allows information from a State or Federal agency, is inadequate, and that in practice this information is best sourced from the operator themselves. State Representative Parry stated that to correct this, he changed the language under the proposed rule so that operators may provide this information if it is not available from the appropriate Federal and State agencies, and that MDEQ retains sole authority over determination of compliance.

OSM Response: The Federal regulations prefer that the hydrologic information is sourced by a relevant Federal or State agency, but when those agencies cannot provide that information, the regulations allow the hydrologic information to be sourced by the operator. OSM is approving Montana's proposed changes to these requirements because they were consistent with the Federal regulations. Please see section III(D) for our discussion on this topic.

E. HB 587 §§ 5 & 6—Immediate Effectiveness and Retroactive Application

Comment: Several commenters opined that the immediate effectiveness and retroactivity provisions of HB 587 violate SMCRA. Multiple commenters cited OSM's previous denial of identical provisions in HB 576, which found those provisions to violate 30 CFR 732.17(g), and stated that OSM should similarly deny the similar provisions in HB 587.

OSM Response: As discussed in section III(E), OSM agrees that the effective date of HB 587 is June 29, 2026. In addition, the U.S. District Court for the District of Montana recently held that ''the 'immediately effective' provisions of [HB] 576 and [SB] 392 conflict with the federal review process required by the SMCRA'' and entered a consent decree, agreed to by MDEQ, that stated that MDEQ would not ''apply, effectuate, or enforce any provision of HB 576 or SB 392 unless and until it is reviewed and approved by the Director of OSM, pursuant to the provisions of 30 CFR 732.17 and the Montana cooperative agreement.'' *Mont. Env't Ctr.* v. *Mont. Dep't of Env't Quality,* 2025 U.S. Dist. LEXIS 11470, *3–*5 (D. Mont. Jan. 22, 2025). While this case applies only to HB 576 and SB 392, the precedent from this case would likely invalidate the ''immediately effective'' provision in HB 587 as well.

F. Other Comments

Comment: A few commenters stated that OSM must assure that State programs are in compliance with SMCRA, and OSM must review and deny any changes to State standards that do not comply with the minimum Federal standards under SMCRA and the Federal regulations.

OSM Response: OSM agrees with the commenters, as directed by SMCRA and the Federal regulations at 30 CFR 730.11 and 732.17, OSM is required to assess whether a State program is in accordance with SMCRA and consistent with the Federal regulations, and, if there is a deficiency in a State's proposed amendment to its program, OSM must deny those defective aspects.

Comment: One commenter stated that OSM should only evaluate whether the current bill, HB 587, is consistent with SMCRA and the Federal regulations, and previous versions of MSURMA, other States' requirements, or other programs and desired outcomes are beyond the scope of OSM's duties and not authorized by SMCRA.

OSM Response: OSM disagrees with the commenter that SMCRA and the Federal regulations prevent us from considering information outside of the amendment when making our decision. OSM assesses State program amendments as required by SMCRA and the Federal regulations, and 30 CFR 732.17(h)(7) requires that the Director ''considers all relevant information, including any information obtained from public hearing and comments . . . .'' While OSM mainly reviews text of the proposed amendment compared to SMCRA and the Federal regulations, OSM must consider all relevant information in our assessment as to whether a proposed amendment is consistent with SMCRA and the Federal regulations, which can include how OSM has treated similar amendments in other States.

Comment: A few commenters, including U.S. Senator Daines of Montana, commented that Montana's amendment is consistent with the following Federal Executive Orders: *Unleashing American Energy* (Jan. 20, 2025), *Immediate Measures to Increase American Mineral Production* (Mar. 20, 2025), and *Reinvigorating America's Beautiful Clean Coal Industry* (Apr. 8, 2025).

OSM Response: OSM agrees that the Montana amendment is consistent with those Executive Orders. OSM is approving this amendment, though OSM's approval of any State program amendment is dependent on the procedures and requirements as dictated by SMCRA and the Federal regulations at 30 CFR 732.17.

Federal Agency Comments

On September 10, 2025, pursuant to 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies that have an actual or potential interest in the Montana program (Administrative Record No. MT–048–04). These agencies did not provide comments on this amendment.

EPA Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the CWA (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (43 U.S.C. 7401 *et seq.*). This amendment does not relate to air or water quality standards and thus does not require a written concurrence from the EPA. Even so, on September 10, 2025, under 30 CFR 732.17(h)(11)(i), we sent a letter requesting comments from the EPA on the amendment (Administrative Record No. MT–048–04). The EPA did not provide any comments for this amendment.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On September 10, 2025, we requested comments on the amendment (Administrative Record No. MT–048–04). Montana SHPO and the ACHP did not provide a comment.

V. OSM's Decision

Based on the above findings, we are approving Montana's proposed amendment (MT–048–FOR) sent to us on June 22, 2023 (Administrative Record No. MT–048–01). To implement this decision, we are amending the Federal regulations, at 30 CFR part 926, that codify decisions concerning the Montana program. In accordance with the APA, this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires that a State program must have rules and regulations that are in accordance with

SMCRA and consistent with Federal regulations.

VI. Procedural Determinations

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not effect a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Orders 12866—Regulatory Planning and Review and 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by Section 3 of Executive Order 12988. The Department determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review proposed regulations to eliminate drafting errors and ambiguity; that the agency write its regulations to minimize litigation; and that the agency's regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because Section 3 focuses on the quality of Federal regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program amendment that Montana drafted.

Executive Order 13132—Federalism

This rule has potential Federalism implications, as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to ''grant the States the maximum administrative discretion possible'' with respect to Federal statutes and regulations administered by the States. Montana, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the state level. This rule approves an amendment to the Montana program submitted and drafted by the State, and thus is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined that, although no Indian lands, as defined under SMCRA, are implicated by this rule, this State program amendment may have substantial direct effects on 20 Federally recognized Tribes because of the potential implications for the Tribe or Tribal members, Tribal treaty rights, reserved rights, trust resources, or ancestral lands. Therefore, on August 4, 2025, we sent invitation letters to consult to these 20 Tribes (Administrative Record No. MT–048–07).

In response to our invitation, we received a written comment from the Northern Cheyenne Tribe (NCT) on September 3, 2025. (Administrative record no. MT–048–13) NCT urged OSM to deny HB 587 because it is inconsistent with SMCRA and the Federal regulations. The NCT stated that clean water is spiritually and practically vital to its members way of life, and that OSM (as well as other Federal agencies) have fiduciary obligations to consider and protect the Tribe's best interests and natural resources. The NCT stated that HB 587 removes protections for water rights and rolls back legal protection of water resources when the receiving waters for all of Montana's coal mines are impaired and neighboring tribal members are seeing once reliable water sources disappear or polluted beyond use. The NCT also stated that HB 587 allows coal operators to violate WQS and reduce water quantity to a degree that hurts wildlife, stock-watering, irrigation, and domestic use. And that HB 587 would diminish the public oversight role by requiring locals affected by water quality and quantity changes to take on extra burdens to prove their claims, like hiring a statistician to prove significant water pollution. Lastly, the NCT stated that OSM should reject the bill because it repeats provisions that OSM have rejected on multiple occasions.

OSM Response: OSM appreciates the Tribes comments and agrees that OSM, along with other Federal agencies, has responsibility for Federal activities that can have Tribal implications. OSM disagrees that Montana's proposed definition of material damage would allow Montana coal mines to violate WQS, reduce water quality, or diminish public oversight. Please see our full discussion of this topic in section III(A) and in the comment section.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not a significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), a State program amendment is a not major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (43 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based on corresponding Federal regulations for which an economic analysis was

prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied on the data and assumptions for the corresponding Federal regulations.

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does 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. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Marcelo Calle,

Acting Regional Director, Unified Regions, 5, 7–11.

For the reasons set out in the preamble, 30 CFR part 926 is amended as set forth below:

PART 926—Montana

■ 1. The authority citation for part 926 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Amend § 926.15 by adding an entry for ''May 15, 2025'' at the end of the table to read as follows:

§ 926.15 Approval of Montana regulatory program amendment.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	*	* * * * *
May 15, 2025	May 29, 2026	Mont. Code. Ann. 82–4–203(35)(a), (b), and (c) *Definitions—Material damage—Approved.* 82–4–222(1)(m) *Permit Applications—Hydrologic Information*—Approved.

[FR Doc. 2026–10722 Filed 5–28–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2026–0595]

RIN 1625–AA08

Special Local Regulation; Detroit River, MI

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) for certain navigable waters of the Detroit River. The SLR is needed to protect personnel, vessels, and the marine environment from potential hazards created during a rowing regatta on June 27, 2026. This regulation prohibits persons and vessels from entering the regulated area unless specifically authorized by the Captain of the Port Detroit or their designated representative.

DATES: This rule is effective from 7 a.m. through 4 p.m. on June 27, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0595.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

An organization notified the Coast Guard that from 7 a.m. through 4 p.m. on June 27, 2026, they will sponsor a rowing regatta. The Coast Guard received a request under 33 CFR 100.15 from the Wyandotte Boat Club for a Marine Event Permit to host a rowing regatta race from Point Hennepin to the Grosse Ile toll bridge in the Detroit River. The rowing event will include approximately 400 participants.

The Captain of the Port Detroit (COTP) is issuing this special local regulation (SLR) under the authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the rowing regatta include increased vessel congestion due to the number of participants, tipping hazards of the rowing shells, and recovery of persons in cold-water temperatures. The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event.

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. We must establish this SLR by June 27, 2026, to protect personnel and vessels. Therefore, we do not have enough time to solicit and respond to comments.

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

III. Discussion of the Rule

This rule establishes a temporary SLR from 7 a.m. through 4 p.m. on June 27, 2026. The special local regulation will cover all navigable waters of the Detroit River, Trenton Channel, from Point Hennepin to the Grosse Ile toll bridge. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative.

IV. Regulatory Analyses

We developed this 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 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 special local regulation. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

List of Subjects in 33 CFR Part 100

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 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T999–0595 to read as follows:

§ 100.T999–0595 Special Local Regulation; Detroit River, MI.

(a) *Location.* This special local regulation applies to the following regulated area: All waters of the Detroit River, Trenton Channel, from surface to bottom, shoreline to shoreline from Point Hennepin to the Grosse Ile toll bridge.

(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 Detroit (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

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

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

(d) *Enforcement period.* This section will be enforced from 7 a.m. through 4 p.m. on June 27, 2026.

Dated: May 26, 2026.

Richard P. Armstrong,

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

[FR Doc. 2026–10756 Filed 5–28–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2026–0478]

RIN 1625–AA08

Special Local Regulation; Maumee River, Toledo, OH

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation (SLR) for certain navigable waters of the Maumee River. This SLR is necessary to protect personnel, vessels, and the marine environment from potential hazards created during a paddle event on the Maumee River from 5:30 p.m. until 8 p.m. on June 11, 2026, June 24, 2026, July 15, 2026, and August 5, 2026. This regulation prohibits persons and vessels from entering the regulated area unless specifically authorized by the Captain of the Port Detroit or their designated representative.

DATES: This rule is effective from 5:30 p.m. until 8 p.m. on June 11, 2026, June 24, 2026, July 15, 2026, and August 5, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0478.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST1 Cera Turner, Marine Safety Unit Toledo, Waterways Management Division, U.S. Coast Guard; telephone 419–418–6050, or email *D09-SMB-MSUToledo-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
SLR Special Local Regulation
U.S.C. United States Code

II. Background and Authority

An organization notified the Coast Guard that from 5:30 p.m. until 8 p.m. on June 11, 2026, June 24, 2026, July 15, 2026, and August 5, 2026, they will sponsor a paddle event. The Coast Guard received a request under 33 CFR 100.15 from the Black Swamp Conservancy for a Marine Event Permit. The paddle event will include approximately 150 participants and 130 spectator craft.

The Captain of the Port Detroit (COTP) is issuing this special local regulation (SLR) under the authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the paddle event include increased vessel congestion due to the number of participants, and transiting in the pathway of commercial traffic. The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event.

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. We must establish this SLR by June 24, 2026, to protect personnel and vessels. Therefore, we do not have enough time to solicit and respond to comments.

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

III. Discussion of the Rule

This rule establishes a temporary SLR from 5:30 p.m. until 8 p.m. on June 11, 2026, June 24, 2026, July 15, 2026, and August 5, 2026. The special local regulation will cover all navigable waters of the Maumee River from riverbank to riverbank and extending from the Robert Craig Memorial Bridge to the Glass City River Wall. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *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 special local regulation. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

List of Subjects in 33 CFR Part 100

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 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T999–0478 to read as follows:

§ 100.T999–0478 Special Local Regulation; Maumee River, Toledo, OH.

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

Maumee River, Toledo, OH, from surface to bottom and from riverbank to riverbank, between the Craig Memorial Bridge at position 41°39′37.623″ N, 83°30′42.908″ W to the Glass City River Wall in position 41°37′36.397″ N, 83°31′52.431″ W. These coordinates are based on the World Geodetic System (WGS 84)/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 Detroit (COTP) in the enforcement of the regulated area. *Participant* means all persons and vessels registered with the event sponsor as a participant in the race.

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

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

(d) *Enforcement periods.* This section will be enforced from 5 p.m. until 8 p.m. on June 11, 2026, June 24, 2026, July 15, 2026, and August 5, 2026.

Dated: May 26, 2026.

Richard P. Armstrong,

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

[FR Doc. 2026–10762 Filed 5–28–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0557]

RIN 1625–AA00

Safety Zone; St. Clair River, Marine City, MI

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on the St. Clair River. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with an over water fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Detroit, or their designated representative.

DATES: This rule is effective from 7:30 p.m. through 10:30 p.m. on June 19, 2026, and in the case of inclement weather from 7:30 p.m. through 10:30 p.m. on June 20, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0557.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Ms. Tracy Girard, Sector Detroit Waterways Management Division, U.S. Coast Guard; telephone 313–347–3007, or email *Tracy.M.Girard@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 fireworks will be launched from a barge on the St. Clair River, Marine City, MI as part of the Maritime Days festival. The Captain of the Port Detroit (COTP) has determined that potential hazards associated with fireworks are a safety concern for anyone within a 200-yard radius of the fireworks display. 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. The Coast Guard was notified of this event on April 29, 2026, but we must establish this safety zone by June 19, 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 reason, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone from 7:30 p.m. through 10:30 p.m. on June 19, 2026, and in the case of inclement weather from 7:30 p.m. through 10:30 p.m. on June 20, 2026. The day and time of enforcement will depend on the weather conditions and will be announced to the public in advance. The safety zone will cover all navigable waters in the St. Clair River within a 200-yard radius of the launch position at 42°43.15′ N, 082°29.2′ W. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the COTP.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

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

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

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0557 to read as follows:

§ 165.T09–0557 Safety Zone; St. Clair River, Marine City, MI.

(a) *Location.* The following area is a safety zone: All waters of the St. Clair River, from surface to bottom, within a 200-yard radius of the fireworks launch position at 42°43.15′ N, 082°29.2′ W. These coordinates are based on the World Geodetic System (WGS 84)/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 Detroit (COTP) in the enforcement of the safety zone.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (833) 388–8724. 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 7:30 p.m. through 10:30 p.m. on June 19, 2026, and in the case of inclement weather from 7:30 p.m. through 10:30 p.m. on June 20, 2026.

Dated: May 26, 2026.

Richard P. Armstrong,

Captain, U.S. Coast Guard, Captain of the Port Sector Detroit.

[FR Doc. 2026–10757 Filed 5–28–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0605]

RIN 1625–AA00

Safety Zone; Lake Erie, Hamburg, NY

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on Lake Erie. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with a military training operation involving aircraft and fast boats. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Eastern Great Lakes, or their designated representative.

DATES: This rule is effective from 8:30 a.m. to 6:30 p.m. on both June 3, 2026, and June 4, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0605.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST1 Alexander Leatherman, Sector Eastern Great Lakes Waterways Management Division, U.S. Coast Guard; telephone 716–931–4680, or 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 received notification that the US Army will be conducting Airborne search and rescue drills with local waterborne units from a staging point on Hamburg Town Beach to a designated drop zone (DZ) offshore. The Captain of the Port (COTP) Eastern Great Lakes has determined that potential hazards associated with military operations are a safety concern for anyone within the DZ. 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. The Coast Guard was notified of this event on April 26, 2026, but we must establish this safety zone by 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 reason, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone from 8:30 a.m. to 6:30 p.m. on both June 3, 2026, and June 4, 2026. The day and time of enforcement will depend on the weather conditions and will be announced to the public in advance. The safety zone will cover a 1 nautical mile radius from a central point at 42°46′20.6″ N, 78°52′42.5″ 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; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T09–0605 to read as follows:

§ 165.T09–0605 Safety Zone; Lake Erie, Hamburg, NY.

(a) *Location.* The following area is a safety zone: All waters of the Lake Erie from surface to bottom, in a 1 nautical mile radius from a point at 42°46′20.6″ N, 78°52′42.5″ 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 Eastern Great Lakes (COTP) in the enforcement of the safety zone.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (888) 230–4703. 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 8:30 a.m. to 6:30 p.m. on both June 3, 2026, and June 4, 2026.

Matthew J. Walter,

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

[FR Doc. 2026–10763 Filed 5–28–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2025–2532; FRL–13045–02–R3]

Air Plan Approval; Maryland; Clean Data Determination for the Baltimore, MD Nonattainment Area for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Baltimore, Maryland (MD) nonattainment area (the Baltimore Area or the Area) has clean data for the 2015 8-hour ozone national ambient air quality standard (NAAQS or standard). This determination is based upon quality-assured, quality-controlled, and certified ambient air monitoring data for the 2022–2024 design value (DV) period showing that the Baltimore Area attained the 2015 ozone NAAQS, with the exclusion of certain monitoring data impacted by exceptional events. The EPA is taking final agency action on portions of three exceptional event (EE) requests submitted by the Maryland Department of the Environment (MDE) on February 2, 2024, on behalf of MD, and concurred on by the EPA on November 12, 2025. As a result of the clean data determination (CDD), under the EPA's Clean Data Policy, the EPA is suspending the requirements for the Baltimore Area to submit attainment demonstrations and associated Reasonably Available Control Measures (RACM), Reasonable Further Progress (RFP) plans, contingency measures, and other planning SIPs related to attainment of the 2015 ozone NAAQS, for as long as the Baltimore Area continues to attain the standard.

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2025–2532. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Ian Neiswinter, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2011. Mr. Neiswinter can also be reached via electronic mail at *neiswinter.ian@epa.gov.*

SUPPLEMENTARY INFORMATION: This CDD is based upon quality-assured, quality-controlled, and certified ambient air monitoring data from 2022–2024 available in the EPA's Air Quality System (AQS) database. This CDD does not redesignate the Baltimore Area to attainment for the 2015 ozone NAAQS. The Baltimore Area remains designated nonattainment until such time as MD submits a request for redesignation pursuant to CAA section 107(d)(3) and the EPA determines that the Baltimore Area meets the CAA requirements for redesignation to attainment and takes action to redesignate the Baltimore Area.

I. Background

On October 26, 2015, the EPA promulgated a revised primary and secondary ozone NAAQS to provide requisite increased protection of public health and welfare, respectively.[1] In that action, the EPA strengthened both standards from 0.075 parts per million (ppm) to 0.070 ppm and retained the indicator (ozone), averaging time (8-hour), and form (annual fourth-highest daily maximum, averaged over three years) of the existing standards. Effective August 3, 2018, the EPA designated 51 areas throughout the country as nonattainment for the 2015 ozone NAAQS, including the Baltimore Area, which was classified as a Marginal nonattainment area.[2] This designation was based on quality-assured, quality-controlled, and certified air quality monitoring data from calendar years 2014–2016. The EPA established the attainment date for Marginal 2015 ozone NAAQS nonattainment areas as three years from the effective date of the final designations, meaning the Baltimore Area had an attainment date of August 3, 2021.[3]

Effective November 7, 2022, the EPA determined that 22 Marginal areas or portions of areas failed to attain the standard by August 3, 2021, the applicable Marginal attainment date, including the Baltimore Area.[4] As a result of the EPA's November 2022 finding, the Baltimore Area was reclassified by operation of law to Moderate nonattainment for the 2015 ozone NAAQS. That finding was based on quality-assured, quality-controlled, and certified ambient air monitoring data from calendar years 2018–2020. The Moderate area attainment date was August 3, 2024.[5]

On July 18, 2024, MD requested voluntary reclassification under CAA section 181(b)(3) for the Baltimore Area from Moderate to Serious. On August 1, 2024, the EPA approved MD's reclassification request from Moderate to Serious.[6] The 2015 ozone Serious area attainment date is August 3, 2027.

On February 2, 2024, MDE, on behalf of MD, submitted three EE demonstrations to show that the ozone concentration at certain MD monitors on June 2, June 29–30, and July 17–18, 2023 were influenced by wildfire smoke events originating in Canada and/or the United States. On May 6, 2025, MDE provided additional information for the June 2, 2023 demonstration. On November 12, 2025, the EPA concurred on portions of the June 2, June 29–30, and July 17–18, 2023 EE demonstrations.

On January 23, 2026, the EPA published a notice of proposed rulemaking (NPRM), which proposed to determine that the Baltimore Area has attained the 2015 ozone NAAQS, based upon quality-assured, quality-controlled and certified ambient air monitoring data for the 2022–2024 DV period, which pursuant to the EPA's concurrence on portions of the three MDE EE demonstrations now excludes exceptional event-influenced monitor days.[7] Such a determination, based upon the EPA's Clean Data Policy and 40 CFR 51.1318, is known informally as a CDD (for Clean Data Determination). In that action, the EPA noted that, if the CDD is finalized, the requirements for the Baltimore Area to submit an attainment demonstration, associated RACM, RFP plan, contingency measures, and any other SIP revisions related to the attainment of the 2015 ozone NAAQS, would be suspended for so long as the Baltimore Area continues to attain the 2015 ozone NAAQS. The EPA also explained that the CDD does not constitute a redesignation to attainment, and that the Baltimore Area will remain designated nonattainment for the 2015 ozone NAAQS until such time as MD submits a request for redesignation pursuant to CAA section 107(d)(3) and the EPA determines that the Baltimore Area meets the CAA requirements for redesignation to

[1] *See* 80 FR 65292 (October 26, 2015).

[2] *See* 83 FR 25776 (June 4, 2018). The Baltimore Area consists of the following counties/cities: Anne Arundel County, Baltimore County, Carroll County, Harford County, Howard County, and the City of Baltimore in Maryland. *See* 40 Code of Federal Regulations (CFR) 81.321.

[3] *See* 83 FR 10376 (March 9, 2018) and 40 CFR 51.1303(a).

[4] *See* 87 FR 60897 (October 7, 2022). Because the 2015 primary and secondary NAAQS for ozone are identical, for convenience, the EPA refers to them in the singular as ''the 2015 ozone NAAQS'' or as ''the standard.''

[5] *See* 87 FR 60897 (October 7, 2022).

[6] *See* 89 FR 62663 (August 1, 2024).

[7] *See* 91 FR 2887 (January 23, 2026).

attainment and takes action to redesignate the Baltimore Area.

The EPA's proposed CDD relied upon the EPA's concurrence on portions of the EE demonstrations submitted by MDE on February 2, 2024. In the January 23, 2026 NPRM, the EPA also proposed to take final agency action on the exceptional events concurrences, which removed the event-influenced data from the DV. The NPRM opened an opportunity for public comment on the EPA's concurrences.

II. Summary of the EPA Analysis

As detailed in the NPRM, the EPA has reviewed the 2022–2024 quality-assured, quality-controlled, and certified ambient air quality monitoring data for ozone for the Baltimore Area, which as noted, excludes exceptional event-influenced monitor days.[8] Preliminary data for 2025, that has now since been certified by Maryland and concurred on by the EPA, was also reviewed. As detailed in the NPRM, the DVs for each monitor within the Baltimore Area are less than or equal to 0.070 ppm, which is the 2015 ozone NAAQS.[9] All monitors, with the exception of two circumstances described in the NPRM, meet the data completeness requirements.[10] Based on this 2022–2024 data from the EPA's AQS database and consistent with the requirements contained in 40 CFR part 50, the EPA has concluded that the Baltimore Area attained the 2015 ozone NAAQS. Additionally, the now certified 2025 data indicates that the Baltimore Area continues to attain the standard based on the 2023–2025 DV. Other specific requirements of the CDD and the rationale for the EPA's actions, including the EPA's concurrence on portions of the exceptional events demonstrations, were explained in the NPRM and associated technical support documents (TSDs) included in the docket for this action, and will not be restated here.

III. EPA's Response to Comments Received

The EPA's January 23, 2026 NPRM opened a 30-day public comment period, which closed on February 23, 2026.[11] The EPA received one comment. That comment and the EPA's response are discussed below. The comment received and any submitted attachments are included in the docket for this rule, available at, *www.regulations.gov,* Docket ID Number EPA–R03–OAR–2025–2532.

Comment: The commenter acknowledges that the exclusion of monitoring data impacted by wildfire smoke allows the Baltimore Area to attain the 2015 ozone NAAQS but disagrees that this is the correct approach. The commenter states that it is increasingly evident that wildfires are a more ever-present part of the world climate landscape and argues that by excluding exceptional events-impacted monitoring days to issue a CDD, the proposed action ''disregard[s] a critical facet of our changing planet affecting our current air quality. . . .'' Instead, the commenter urges the EPA to revise the NAAQS to account for extraneous circumstances such as wildfires. The commenter also states that the current rule proposing a CDD should be avoided because localities will be absolved of critical climate initiatives. The commenter argues that CDDs reduce accountability of states to submit implementation plans and ''weaken the environmentally conscious posture of state governments.''

Response: The EPA disagrees with the commenter that the exclusion of monitoring data impacted by wildfire smoke to support the issuance of a CDD is not the proper approach. Similarly, the EPA disagrees with the commenter that a CDD should not be issued in this instance. Rather, this action is consistent with statutory authority delineated by Congress, the relevant implementing regulations, and long-established agency policy.

As discussed in detail in the NPRM, in 2005, Congress provided the statutory authority for the exclusion of data influenced by ''exceptional events'' meeting specific criteria by adding section 319(b) to the CAA and granting the EPA with the authority to propose regulations to review and manage air quality monitoring data influenced by exceptional events, as defined by the CAA. On March 22, 2007, the EPA promulgated the 2007 Exceptional Events Rule in order to implement this 2005 CAA amendment.[12] On October 3, 2016, the EPA promulgated a comprehensive revision to the 2007 Exceptional Events Rule.[13] The 2016 Exceptional Events Rule revision included the requirement that if a state demonstrates to the Administrator's satisfaction that emissions from a wildfire smoke event caused a specific air pollution concentration in excess of the NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of 40 CFR 50.14, the EPA must exclude that data from use in determinations of exceedances and violations.[14]

Accordingly, the CAA provides for the exclusion of air quality monitoring data from DV calculations when there are NAAQS exceedances caused by events, such as wildfires, that meet the criteria for an exceptional event identified in CAA section 319(b) and in the EPA's Exceptional Events Rule at 40 CFR 50.1, 50.14, and 51.930. As explained in detail in the NPRM and the three TSDs included in the docket for this action, the EPA found that portions of MDE's June 2, June 29–30, and July 17–18, 2023 demonstrations met the Exceptional Events Rule criteria and determined that monitoring data impacted by wildfire smoke had regulatory significance for purposes of calculating the Baltimore Area's most recent DV (2022–2024 monitoring data).[15] The removal of this exceptional event-impacted data is consistent with the CAA and implementing regulations and provides for a DV that meets the NAAQS.[16]

Following enactment of the CAA Amendments of 1990, the EPA promulgated its interpretation of the requirements for implementing the NAAQS in the general preamble for the implementation of Title I of the CAA

[8] *See* 91 FR 2887 (January 23, 2026).

[9] Under the EPA regulations at 40 CFR part 50, the 2015 ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations at an ozone monitor is less than or equal to 0.070 ppm. *See* 40 CFR 50.19(b) and 40 CFR part 50, appendix U. This 3-year average is referred to as the design value (DV). When calculating the DV, digits to the right of the third decimal place are truncated. See 40 CFR 51.1300(b), which refers to 40 CFR part 50, appendix U. When the DV is less than or equal to 0.070 ppm at each monitor within the area, then the area is attaining the NAAQS.

[10] The data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than or equal to 90 percent (%), and no single year has less than 75% data completeness as determined in appendix U of 40 CFR part 50. The data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA's AQS database. The Glen Burnie monitor (AQS Site ID #24–003–1003 has incomplete data for data year 2024 because operation of the monitor was discontinued in 2024. The Brooklyn Park monitor (AQS Site ID #24–003–1004) has incomplete data for data years 2022 and 2023 because the monitor became operational on April 1, 2024. Further details and explanation are included in the NPRM and will not be restated here.

[11] *See* 91 FR 2887 (January 23, 2026).

[12] *See* 72 FR 13560 (March 22, 2007).

[13] *See* 81 FR 68216 (October 3, 2016).

[14] *See* 40 CFR 50.14(b)(4).

[15] As detailed in the NPRM, the EPA has reviewed the 2022 through 2024 quality-assured, quality-controlled, and certified ambient air quality monitoring data for ozone for the Baltimore Area, consistent with the requirements contained in 40 CFR 50.19(b) and 40 CFR part 50, appendix U, and recorded in the EPA's AQS database.

[16] Under the EPA regulations at 40 CFR part 50, the 2015 ozone NAAQS is attained when the DV does not exceed 0.070 ppm at each monitor site within the nonattainment area. *See* 40 CFR part 50, appendix U. When the DV is less than or equal to 0.070 ppm at each monitor within the area, then the area is attaining the NAAQS.

Amendments of 1990 (General Preamble).[17] In 1995, based on the interpretation of CAA sections 171, 172, and 182 in the General Preamble, the EPA set forth what has become known as its ''Clean Data Policy'' for the 1-hour ozone NAAQS in a memorandum issued by John S. Seitz (Seitz Memorandum).[18] The Seitz Memorandum provided that requirements to submit SIP revisions addressing RFP, an attainment demonstration, and other related requirements such as contingency measures and other specific ozone-related requirements in CAA section 182 would be suspended for as long as the nonattainment area continued to monitor attainment of the NAAQS. The approach set forth in the memorandum was subsequently codified for the 1997, 2008, and 2015 ozone NAAQS.[19] The EPA's longstanding Clean Data Policy has been upheld by the Court of Appeals for the District of Columbia Circuit (D.C. Circuit) and all other courts that have considered it. The D.C. Circuit upheld the EPA's rule embodying the Clean Data Policy for the 1997 8-hour ozone standard in *NRDC* v. *EPA,* 571 F.3d 1245 (D.C. Cir. 2009). Other courts have reviewed and considered rulemakings applying the EPA's Clean Data Policy and have consistently upheld them.[20]

Thus, the CAA and implementing regulations provide for the exclusion of air quality monitoring data from DV calculations when there are NAAQS exceedances caused by events, such as wildfires, that meet the criteria for an exceptional event identified in the CAA and the associated regulations. Here, the state has submitted, and the EPA has concurred on, EE demonstrations that show certain monitoring data in the Baltimore Area during the 2022–2024 DV period were influenced by an exceptional event as defined by statute and regulation. As a result, the EPA has appropriately excluded that data in its calculation of the 2022–2024 ozone DV. The calculated 2022–2024 DV for each monitor within the Baltimore Area meets the NAAQS, and each monitor has valid data and meets the data completeness requirements (except for two monitors in Anne Arundel County).[21] Pursuant to regulation and longstanding agency policy that has been consistently upheld in Federal court, a CDD is appropriate in this instance. In addition, as discussed in the NPRM, preliminary data for 2025, that has since been certified by MD and concurred on by the EPA, indicates that the Baltimore Area continues to attain the standard.

Lastly, the EPA disagrees with the commenter that CDDs reduce accountability of states to submit implementation plans and weaken the ''environmentally conscious posture of state governments.'' This action implements longstanding agency policy based on the air quality measurements for ground level ozone in the Baltimore Area. Due to the implementation of pollution reduction programs, such air quality measurements have improved significantly over time to meet health-based air quality standards. If the Baltimore Area falls back into nonattainment, those suspended attainment planning SIPs become immediately due upon a determination by the EPA that the Baltimore Area is no longer attaining the NAAQS. Moreover, MD may still submit SIPs in anticipation of this event, and the EPA will be required to act on those SIPs in accordance with CAA section 110(k)(2) and (3). The Clean Data Policy embodies the EPA's longstanding interpretation that certain planning requirements in the CAA no longer have meaning for areas that are attaining the standard because the purpose of these provisions is to help a nonattainment area reach attainment, a goal which will already have been achieved.

The commenter's suggestion that the EPA should revise the NAAQS to better reflect extraneous circumstances such as wildfires is beyond the scope of this action, which is limited to the determination that the Baltimore Area has attained the 2015 ozone NAAQS and a CDD is appropriate, consistent with the CAA, implementing regulations, and agency policy, as described previously.

IV. Final Action

For the reasons discussed in detail in the NPRM and summarized herein, the EPA is taking final action to determine that the Baltimore Area has clean data for the 2015 ozone NAAQS based upon quality-assured, quality-controlled and certified ambient air monitoring data for the 2022–2024 DV period. The EPA is also taking final action on portions of three EE requests submitted by MDE on February 2, 2024, and concurred on by the EPA on November 12, 2025. As a result of the CDD, the EPA is suspending the requirements for the Baltimore Area to submit attainment demonstrations and associated RACM, RFP plans, contingency measures, and other planning SIPs related to attainment of the 2015 ozone NAAQS, for as long as the Baltimore Area continues to attain the 2015 ozone NAAQS.

This action does not constitute a redesignation of the Baltimore Area to attainment of the 2015 ozone NAAQS under CAA section 107(d)(3). This action also does not involve approving any maintenance plan for the Baltimore Area and does not determine that the Baltimore Area has met all the requirements for redesignation under the CAA, including that the attainment be due to permanent and enforceable measures. Therefore, the designation status of the Baltimore Area will remain nonattainment for the 2015 ozone NAAQS until such time as MD submits a request for redesignation pursuant to CAA section 107(d)(3), the EPA determines that the Baltimore Area meets the CAA requirements for redesignation to attainment, and the EPA takes action to redesignate the Baltimore Area.

V. Statutory and Executive Order Reviews

This rule makes an attainment determination based on ambient air quality data and will result in the suspension of certain Federal requirements and will not impose any additional requirements. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;

[17] *See* 57 FR 13498, 13564 (April 16, 1992).

[18] *See* Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard, EPA memorandum from John S. Seitz, Director, Office of Air Quality Planning Standards, May 10, 1995 (''Seitz Memorandum'').

[19] See 40 CFR 51.918, 40 CFR 51.1118, and 40 CFR 51.1318.

[20] *See e.g., Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F. 3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir. June 28, 2005 (Memorandum Opinion)), *Latino Issues Forum* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. March 2, 2009 (Memorandum Opinion)).

[21] As discussed in the NPRM, The Glen Burnie monitor, located in Anne Arundel County, was discontinued in 2024 because the site land was sold, as described in MDE's 2024 Annual Network Plan included in the docket for this action. To replace the Glen Burnie monitor, on April 1, 2024 the Brooklyn Park monitor, also located in Anne Arundel County and approximately 4 miles north of the Glen Burnie site, became operational, as described in MDE's 2025 Annual Network Plan included in the docket for this action. Based on the monitoring history for these sites and proximity to each other, the EPA determined that it is reasonable to conclude that the Glen Burnie and Brooklyn Park sites would not have exceeded the 2015 ozone NAAQS for the 2022–2024 DV.

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under Executive Order 12866;

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

■ 2. Amend § 52.1076 by adding paragraph (jj) to read as follows:

§ 52.1076 Control strategy plans for attainment and rate-of-progress: Ozone.

* * * * *

(jj) EPA has determined, as of May 29, 2026, that based on 2022 to 2024 ambient air quality data, the Baltimore, MD serious nonattainment area for the 2015 8-hour ozone national ambient air quality standards (2015 ozone NAAQS) has attained the 2015 ozone NAAQS. This determination, in accordance with 40 CFR 51.5138, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 2015 ozone NAAQS.

[FR Doc. 2026–10755 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0175; FRL–11888.1–01–R9]

Air Plan Approval; California; San Joaquin Valley Unified Air Pollution Control District; Ventura County Air Pollution Control District; South Coast Air Quality Management District; Oil and Gas Production; Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), Ventura County Air Pollution Control District (VCAPCD), and South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) from crude oil and natural gas production facilities. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or ''Act'').

DATES: This rule is effective June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2024–0175. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nicole Law, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4126 or by email at *Law.Nicole@epa.gov.*

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

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II. Public Comments and EPA Responses
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IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On May 3, 2024, (89 FR 36729), the EPA proposed to approve the following rules into the California SIP.

Agency	Rule No.	Rule title	Amended/revised	Submitted
SJVUAPCD	4409	Components at Light Crude Oil Production Facilities, Natural Gas Production Facilities, and Natural Gas Processing Facilities.	06/15/2023	10/13/2023
SJVUAPCD	4623	Storage of Organic Liquids	06/15/2023	10/13/2023
SJVUAPCD	4401	Steam-Enhanced Crude Oil Production Wells	06/15/2023	10/13/2023
VCAPCD	71.1	Crude Oil Production and Separation	07/11/2023	01/10/2024
SCAQMD	463	Organic Liquid Storage	05/05/2023	10/13/2023
SCAQMD	1178	Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities.	09/01/2023	02/14/2024

We proposed to approve these rules because we determined that they comply with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation. Our proposed action also proposed to approve California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4 Subarticle 13: Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities (''CARB Oil and Gas Rule'') as well as the Reasonably Available Control Technology (RACT) requirement for the 2008 and 2015 ozone NAAQS for sources covered by the EPA's 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry (''2016 Oil and Gas CTG''). We plan to finalize action on these components in a separate final rulemaking.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During the comment period we received two comment letters. The first comment letter was submitted by Voices in Solidarity Against Oil in Neighborhoods, Central California Environmental Justice Network, FracTracker Alliance, the Center for Biological Diversity, and Earthjustice. The second comment letter was submitted by Earthjustice, Physicians for Social Responsibility Los Angeles, Center for Biological Diversity, San Francisco Bay Physicians for Social Responsibility, FracTracker Alliance, Voices in Solidarity Against Oil in Neighborhoods, SanDiego350—Climate Change Action, Friends of the Earth US, Central California Environmental Justice Network, The Climate Center, Oil and Gas Action Network, and Labor Network for Sustainability. Both letters provide comments on the CARB Oil and Gas Rule and RACT determination, but no comments pertain specifically to the local air district rules. Nothing in the submitted comments suggests that the rules are not SIP strengthening and should not be approved into the California SIP. All comments received will be addressed when we finalize action on the CARB Oil and Gas Rule and the accompanying RACT determinations for the 2016 Oil and Gas CTG.

III. EPA Action

No comments were submitted that change our assessment of the approvability of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving these rules into the California SIP. The EPA is not at this time determining whether the rules, combined with the CARB Oil and Gas Rule, meet the RACT requirement for covered sources. The newly submitted versions of the six local air district rules will replace the previously approved versions of rules in the SIP. We previously approved earlier versions of the six local air rules as follows: SJVUAPCD Rule 4409 on March 23, 2006 (71 FR 14652), SJVUAPCD Rule 4623 on September 13, 2005 (70 FR 53936), SJVUAPCD Rule 4401 on November 16, 2011 (76 FR 70886), VCAPCD Rule 71.1 on August 4, 1994 (59 FR 39690), SCAQMD Rule 463 on March 28, 2013 (78 FR 18853), and SCAQMD Rule 1178 on August 28, 2007 (72 FR 49196).

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of SJVUAPCD Rule 4409, ''Components at Light Crude Oil Production Facilities, Natural Gas Production Facilities, and Natural Gas Processing Facilities'' (amended June 15, 2023); SJVUAPCD Rule 4623, ''Storage of Organic Liquids'' (amended June 15, 2023); and SJVUAPCD Rule 4401, ''Steam-Enhanced Crude Oil Production Wells'' (amended June 15, 2023). The EPA is also incorporating by reference VCAPCD Rule 71.1, ''Crude Oil Production and Separation'' (revised July 11, 2023); SCAQMD Rule 463, ''Organic Liquid Storage'' (amended May 5, 2023); and SCAQMD Rule 1178, ''Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities'' (amended September 1, 2023). These rules regulate VOC emissions from crude oil and natural gas facilities. The EPA has made, and will continue to make, these documents available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a state program;

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 16, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(189)(i)(B)(4), (c)(337)(i)(A)(*4*) and (*5*), (c)(345)(i)(A)(*4*), (c)(402)(i)(A)(*3*), (c)(411)(i)(F)(*2*), (c)(612)(i)(B), (c)(619)(i)(A)(*2*) through (*4*), (c)(619)(i)(B), and (c)(626)(i)(B) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(189) * * *

(i) * * *

(B) * * *

(*4*) Previously approved on August 4, 1994, in paragraph (c)(189)(i)(B)(*1*) of this section and now deleted with replacement in (c)(626)(i)(B)(*1*) of this section: Rule 71.1, adopted on June 16, 1992.

* * * * *

(337) * * *

(i) * * *

(A) * * *

(*4*) Previously approved on September 19, 2005, in paragraph (c)(337)(i)(A)(*1*) of this section and now deleted with replacement in (c)(619)(i)(A)(*4*) of this section: Rule 4623, amended on May 19, 2005.

(*5*) Previously approved on July 15, 2005, in paragraph (c)(337)(i)(A)(*2*) of this section and now deleted with replacement in (c)(619)(i)(A)(*3*) of this section: Rule 4409, adopted on April 20, 2005.

* * * * *

(345) * * *

(i) * * *

(A) * * *

(*4*) Previously approved on August 28, 2007, in paragraph (c)(345)(i)(A)(*2*) of this section and now deleted with replacement in (c)(612)(i)(B)(*1*) of this section: Rule 1178, amended on April 7, 2006.

* * * * *

(402) * * *

(i) * * *

(A) * * *

(*3*) Previously approved on November 16, 2011, in paragraph (c)(402)(i)(A)(*1*) of this section and now deleted with replacement in (c)(619)(i)(A)(*2*) of this section: Rule 4401, adopted on June 16, 2011.

* * * * *

(411) * * *

(i) * * *

(F) * * *

(*2*) Previously approved on March 28, 2013, in paragraph (c)(411)(i)(F)(*1*) of this section and now deleted with replacement in (c)(619)(i)(B)(*1*) of this section: Rule 463, amended on November 4, 2011.

* * * * *

(612) * * *

(i) * * *

(B) South Coast Air Quality Management District.

(*1*) Rule 1178, ''Further Reductions of VOC Emissions from Storage Tanks at Petroleum Refineries,'' amended on September 1, 2023.

(*2*) [Reserved]

* * * * *

(619) * * *

(i) * * *

(A) * * *

(*2*) Rule 4401, ''Steam-Enhanced Crude Oil Production Wells,'' amended on June 15, 2023.

(*3*) Rule 4409, ''Components at Light Crude Oil Production Facilities, Natural Gas Production Facilities, and Natural Gas Processing Facilities,'' amended on June 15, 2023.

(*4*) Rule 4623, ''Storage of Organic Liquids,'' amended on June 15, 2023.

(B) South Coast Air Quality Management District.

(*1*) Rule 463, ''Organic Liquid Storage,'' amended on May 5, 2023.

(*2*) [Reserved]

* * * * *

(626) * * *

(i) * * *

(B) Ventura County Air Pollution Control District.

(*1*) Rule 71.1, ''Crude Oil Production and Separation,'' revised on July 11, 2023.

(*2*) [Reserved]

* * * * *

[FR Doc. 2026–10760 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2025–2831; FRL–13067–02–R3]

Air Plan Approval; Pennsylvania; Revision to Philadelphia Gas Works, Richmond Plant Reasonably Available Control Technology Plan Under the 1997 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The revision updates the

reasonably available control technology (RACT) Plan for the Philadelphia Gas Works, Richmond Plant (PGW Richmond) by removing a condition from the RACT Plan Approval that was incorporated into Pennsylvania's SIP on October 7, 2016. The proposed revision results in no change of emission allowances under RACT. The EPA is approving this revision to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2025–2831. All documents in the docket are listed on the website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov*

FOR FURTHER INFORMATION CONTACT section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Katharine Payne, Permits Branch (3AP10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2183. Ms. Katharine Payne can also be reached via electronic mail at *payne.katharine@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On February 6, 2026 (91 FR 5398), the EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, the EPA proposed approval of a revision to the Pennsylvania SIP to amend source-specific RACT requirements for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) for a source in Philadelphia. As discussed in more detail in section II of this preamble, the revision updates the RACT requirements for the Philadelphia Gas Works, Richmond Plant (PGW Richmond) by removing a condition from the RACT Plan Approval that was previously incorporated into Pennsylvania's SIP. The proposed revision results in no change of emission allowances under RACT. The formal SIP revision was submitted by the Pennsylvania Department of Environmental Protection (PADEP), on behalf of the City of Philadelphia, Department of Public Health, Air Management Services (AMS), on September 7, 2023.

For additional background information on this action, please refer to the NPRM.

II. Summary of SIP Revision and the EPA Analysis

On October 7, 2016 (81 FR 69687), the EPA took final action to approve SIP revisions that were submitted by PADEP on behalf of AMS in order to satisfy RACT requirements of the 1997 ozone NAAQS applicable to sources located in Philadelphia. Included in that approval were source-specific requirements applicable to three 295 horsepower Caterpillar engines located at PGW Richmond. Specifically, Condition 1(B)(2) of AMS' July 9, 2015 RACT Plan Approval required that the timing of the engines be set and maintained at four degrees retarded relative to the standard timing.

On September 7, 2023, PADEP submitted to the EPA for approval, a SIP package that contains a revision to Pennsylvania's SIP to amend the source-specific RACT requirements for PGW Richmond by removing condition 1(B)(2). In this submittal, PADEP indicated that Condition 1(B)(2) was mistakenly included in the RACT Plan Approval for PGW Richmond. 25 Pennsylvania Code (Pa. Code) 129.93(c) contains a list of source types that are required to meet RACT through the ''. . . installation, maintenance and operation of the source in accordance with manufacturers specifications.'' Condition 1(B)(2) appears to have been included in order to constrain the engines in such a way that they would be subject to the presumptive RACT requirements of 25 Pa. Code 129.93(c). However, the engines as installed did not have timing as described in 25 Pa. Code 129.93(c)(3). Modifying the timing to four degrees retarded relative to standard timing would damage the engines and would be contrary to the presumptive RACT requirement the condition was intended to meet (*i.e.* installation in accordance with manufacturers specifications). Furthermore, based on the permitted use of the three Caterpillar Engines 135GU 295 horsepower Units at PGW Richmond, AMS determined that the three emission units meet the criteria of 25 Pa. Code 129.93(c)(5), and are therefore still subject to the presumptive RACT requirement to install, maintain and operate the engines in accordance with manufacturer's specifications.

Removing Condition 1(B)(2) from the PGW Richmond RACT Plan Approval results in no change of emission allowances under RACT because the RACT requirement of 25 Pa. Code section 129.93(c) is the same for source categories listed in 25 Pa. Code section129.93(c)(3) and (c)(5). Updating this source type will remove the source as a case-by-case RACT requirement from the Pennsylvania SIP.

III. EPA's Response to Comments Received

The EPA received one comment in response to the NPRM. The comment was outside the scope of the rulemaking. As such, the comment does not require a response by the EPA.

IV. Final Action

The EPA is approving the revision to Philadelphia Gas Works, Richmond Plant Reasonably Available Control Technology Plan Under the 1997 8-Hour Ozone National Ambient Air Quality Standards as a revision to the Pennsylvania SIP.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the revised RACT Plan Approval for PGW Richmond, as described in section II in this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices,

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

provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

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

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

This rule is exempt from the Congressional Review Act because it is a rule of particular applicability.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. Amend § 52.2020, the table in paragraph (d)(1) by revising the entry ''Philadelphia Gas Works—Richmond Plant'' to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(d) * * *

(1) * * *

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanation/ §§ 52.2063 citation and 52.2064 citations [1]
*	*	*	*	*	* *
Philadelphia Gas Works—Richmond Plant.	PA–51–4922	Philadelphia	1/09/15	5/29/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	Supersedes previously approved RACT permit.
*	*	*	*	*	* *

[1] The cross-references that are not § 52.2064 are to material that pre-dates the notebook format. For more information, see § 52.2063.

* * * * *

[FR Doc. 2026–10771 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2025–0226; FRL–13007–02–R3]

Air Plan Approval; Virginia; Repeal of Existing Stationary Source Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision (Revision B23) submitted by the Commonwealth of Virginia. The revision removes two existing stationary sources regulations, emission standards for petroleum refinery operations and emissions standards for large appliance coating application systems, from Virginia's SIP as there are no longer any applicable sources in Virginia. The EPA is approving these revisions to the Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2025–0226. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

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

SUPPLEMENTARY INFORMATION:

I. Background

On November 28, 2025 (90 FR 54607), the EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Virginia. In the NPRM, the EPA proposed to repeal Article 11, Emission Standards for Petroleum Refinery Operations (9VAC5–40–1340 through 5–40–1510), and Article 26, Emissions Standards for Large Appliance Coating Application Systems (9VAC5–40–3560 through 5–40–3700), from the Virginia SIP. Revision B23 was published in the Virginia Register of Regulations on February 26, 2024, and became effective on April 11, 2024. The formal SIP revision was submitted by Virginia through the Virginia Department of Environmental Quality (VADEQ) on December 20, 2024. For additional background information on this action, please refer to the NPRM.

II. Summary of SIP Revision and EPA Analysis

In this action, the EPA is approving the repeal of Article 11, Emission Standards for Petroleum Refinery Operations (9VAC5–40–1340 through 5–40–1510), and Article 26, Emissions Standards for Large Appliance Coating Application Systems (9VAC5–40–3560 through 5–40–3700), from the Virginia SIP because there are no remaining petroleum refinery operations or large appliance coating application systems in Virginia. As more fully described in the NPRM and section III in this preamble, the repeal of these articles is in accordance with CAA section 110(l).

The rationale for the EPA's now final action is explained in the NPRM and will not be restated here. A summary of the comments received, as well as the EPA's response, are in section III of this preamble.

III. EPA's Response to Comments Received

The EPA's November 28, 2025 NPRM (90 FR 54607) opened a comment period which closed on December 29, 2025. The EPA received comments from one commenter. All comments received have been placed in the docket for this action.

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

Comment 1: The commenter asks the EPA to deny approval of the repeal of Articles 11 and 26 in 9VAC5–40, or at minimum require Virginia to provide a complete technical support package, including transparent assumptions, sensitivity runs, and an enforceability analysis that is specific enough to demonstrate CAA section 110(l) noninterference.

Response 1: The EPA disagrees with the commenter that further analysis of CAA section 110(l) is necessary in this instance. The EPA acknowledges the importance of a CAA section 110(l) noninterference demonstration. As stated in section II of the NPRM, the removal of Articles 11 and 26 in 9VAC5–40 from the Virginia SIP is in accordance with section 110(l) of the CAA. Virginia demonstrated noninterference through a review of 9VAC5–40 and VADEQ's Comprehensive Environmental Data System database, indicating that there are no longer any facilities subject to the articles proposed for removal. Additionally, the EPA confirmed that there are neither petroleum refineries nor large appliance coating application systems remaining in Virginia through the analysis of the most recently available emissions data.[1] Moreover, Virginia's Existing Stationary Source Regulations only apply to stationary sources constructed, modified, or relocated before March 17, 1972, and stationary sources reconstructed before December 10, 1976. As there are no petroleum refinery operations or large appliance coating application systems remaining in Virginia, the repeal of Articles 11 and 26 in 9VAC5–40 will have no impact on RFP, the NAAQS, or any other CAA requirement. Any future facilities would need to assess applicability to Federal and State regulations, such as New Source Review and 9VAC5–50 New and Modified Stationary Sources.

Comment 2: The EPA must evaluate the environmental justice implications of the repeal of Articles 11 and 26 in 9VAC5–40.

Response 2: This action is consistent with Executive Order 14173 of January 21, 2025 (Ending Illegal Discrimination and Restoring Merit-Based Opportunity) which rescinded Executive Order 12898 on environmental justice, and Executive Order 14148 of January 20, 2025 (Initial Rescissions of Harmful Executive Orders and Actions) which rescinded Executive Order 14096 ''Revitalizing Our Nation's Commitment to Environmental Justice for All''.

IV. Final Action

The EPA is approving Revision B23, submitted on December 20, 2024 by VADEQ, as a revision to the Virginia SIP, because the submission meets the requirements of CAA section 110. Revision B23 repeals Article 11, Emission Standards for Petroleum Refinery Operations (9VAC5–40–1340 through 5–40–1510), and Article 26, Emissions Standards for Large Appliance Coating Application Systems (9VAC5–40–3560 through 5–40–3700), from the Virginia SIP.

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

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not

[1] 2020 National Emissions Inventory (NEI).

extend to documents or information that: (1) are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

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

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

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

VI. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is removing the incorporation by reference of the amendments to Virginia Administrative Code 9VAC5–40 Existing Stationary Sources, repealing 9VAC5–40–1340 through 9VAC5–40–1510, and 9VAC5–40–3560 through 9VAC5–40–3700, as discussed in sections II and III of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Particulate matter, Sulfur dioxide, Volatile organic compounds.

Amy Van Blarcom-Lackey,
Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart VV—Virginia

§ 52.2420 [Amended]

■ 2. In § 52.2420, the table in paragraph (c) is amended by:
■ a. Removing the table heading ''Article 11 Emission Standards for Petroleum Refinery Operations (Rule 4–11)'' and the entries ''5–40–1340'' through ''5–40–1510''; and
■ b. Removing the table heading ''Article 26 Emission Standards for Large Coating Application Systems (Rule 4–26)'' and the entries ''5–40–3560'' through ''5–40–3700.''

[FR Doc. 2026–10745 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0290; FRL–12965–02–R2]

Approval of Source-Specific Air Quality Implementation Plan; New York; Calpine JFK Energy Center

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is approving a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a source-specific SIP (SSSIP) revision for Calpine JFK Energy Center, located at Kennedy International Airport (JFK), Building 49, Jamaica, NY 11430 (the Facility). The EPA found that the control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to Oxides of Nitrogen (NO_X) emissions from the relevant Facility sources, which are identified as six mid-size emergency hot water boilers (the Boilers). This SSSIP revision implements NO_X RACT for the relevant Facility sources in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA determined that this action will not interfere with ozone NAAQS requirements and meets all applicable requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2025–0290. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stephanie Lin, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, telephone number: (212) 637–3711, email address *lin.stephanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. What is the background for this action?
II. What comments were received in response to the EPA's proposed action?
III. What action is the EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. What is the background for this action?

On November 17, 2025 (90 FR 51263), the EPA published a notice of proposed rulemaking for the SSSIP revision submitted by the State of New York on June 9, 2023 proposing to determine that the emission limit of 0.15 lb/MMBtu per hour for each of the Facility's Boilers when firing natural gas, and 0.25 lb/MMBtu per hour when firing distillate oil (emissions not to exceed 24 tpy on a rolling 12-month basis) implements RACT. The 6 New York Codes, Rules and Regulations (NYCRR) subpart 227–2 presumptive NO_X limit for the Boilers of 0.08 lbs/MMBtu is not economically and technologically feasible for this source, and no additional control technologies beyond what are currently used at the Boilers are technically and economically feasible. The emission limit also has associated monitoring and reporting requirements. The State's June 9, 2023 SIP submittal consists of the SSSIP Revision for the Facility, the NO_X RACT evaluation from January 2022, and the public notice in the Environmental Notice Bulletin on March 22, 2023.

The Facility supplies electricity to JFK and the Consolidated Edison Power Distribution Grid. The Facility also supplies steam to JFK's central heating and refrigeration plant. The Facility's Boilers are used intermittently to supplement hot water generation at the airport when the combustion turbine-based cogeneration units are unavailable or cannot meet demand.

The New York State Department of Environmental Conservation (NYSDEC) RACT regulations establish RACT requirements for this category of sources in 6 NYCRR subpart 227–2, ''Reasonably Available Control Technology (RACT) For Major Facilities of Oxides of Nitrogen (NO_X),'' last approved into New York's SIP by the EPA on July 12, 2013 (78 FR 41846). However, the NYSDEC RACT regulations allow source-specific RACT determinations (or variances) if the presumptive RACT requirements are not technologically or economically feasible; such source-specific determinations must be submitted to the EPA as a SSSIP. *See* 6 NYCRR subpart 227–2.5(c).

This SSSIP was submitted to EPA by NYSDEC on June 9, 2023. The EPA has reviewed the RACT determination in this SSSIP submittal for consistency with the CAA and EPA regulations, as interpreted through EPA actions and guidance. The intended effect of this source-specific SIP revision is to establish an emission limit for the process specific control measure for the Boilers.

The EPA is determining through this approval action that the NO_X RACT emission limit for the Boilers submitted by the State in this SSSIP submittal is the lowest emission limit with the application of control technology that is reasonably available given technological and economic feasibility considerations. The NO_X RACT emission limit is contained in the Facility's air permit, Title V operating permit, 2–6308–00096/00009 under conditions 56, 57, 58, emission unit B–OILRS issued by the State on June 28, 2022, and expires on June 27, 2027. EPA is approving the incorporation of permit conditions 56, 57, and 58 into the SIP. These conditions include monitoring, reporting, and recordkeeping requirements for the Boilers further described in the EPA RACT analysis below.

The Facility submitted a RACT demonstration, dated January 2022, to NYSDEC for the emission limit requirements, and NYSDEC reviewed and approved the emission limit as adequately implementing RACT for the

source. NYSDEC then submitted the source-specific SIP revision package at issue in this action for the EPA approval. In this action, the EPA is determining the emission limit implements RACT for this source. The RACT variance emission limit for the Facility becomes part of the federally enforceable SIP upon the EPA's final approval of this SSSIP.

The EPA has determined that the emission limit of 0.15 lb/MMBtu per hour for each of the Boilers when firing natural gas, and 0.25 lb/MMBtu per hour when firing distillate oil (emissions not to exceed 24 tpy on a rolling 12-month basis) implements RACT because: (1) the 6 NYCRR subpart 227–2 presumptive NO_X limit for the Boilers of 0.08 lbs/MMBtu is not economically and technologically feasible for this source; (2) no additional control technologies beyond what are currently used at the Boilers are technically and economically feasible; and (3) the SIP revision contains monitoring and reporting requirements.

The specific details of New York's SIP submittals and the rationale for the EPA's approval action are explained in the EPA's proposed rulemaking and are not restated in this final action. For this detailed information, the reader is referred to the EPA's November 17, 2025 proposed rulemaking (90 FR 51263). Within this final rulemaking, the EPA is approving conditions 56, 57, and 58 from Permit ID No. 2–6308–00096/00009 for incorporation by reference into New York's SIP.

II. What comments were received in response to the EPA's proposed action?

The EPA provided a 30-day review and comment period for the November 17, 2025 proposed rule (90 FR 51263). The comment period ended on December 17, 2025. During the 30-day public comment period, the EPA received four comments in response to the EPA's November 17, 2025 proposed rulemaking on New York's SIP revision submittal (90 FR 51263). After reviewing the comments, the EPA has determined that one commenter provided feedback that is outside the scope of our proposed rule or fails to identify any material issue necessitating a response. More specifically, this comment did not raise issues relevant to the EPA's proposed rule, and, therefore, the EPA will not provide a specific response to this comment. The EPA received comments from three commenters that are relevant and significant to the EPA's proposed rule, warranting a response from the EPA. The relevant comments are summarized below and followed by an EPA response. The specific comments may be viewed under Docket ID Number EPA–R02–OAR–2025–0290 on the *https://regulations.gov* website.

Comment 1

One commenter identifies procedural and analytical deficiencies under the incorporation by reference requirements of 1 CFR part 51, the Paperwork Reduction Act (PRA), and the Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act (RFA/SBREFA). The comment also requested that the EPA include brief determinations that the rule will not trigger the Unfunded Mandates Reform Act (UMRA) and that the action is not significant under E.O. 12866. The comment also asked if EPA relied on the ''good-cause'' exemption of the Administrative Procedure Act (APA).

Response 1

The EPA acknowledges the commenter's petition. The incorporation-by-reference requirements are already addressed in this action, and the APA ''good-cause'' exemption was not used for this action. With regard to the UMRA, the EPA has complied by making its own determination that this rule will not result in expenditures of $100 million or more, and therefore the Agency does not need to complete a statement under 2 U.S.C. 1532. The RFA and SBREFA are inapplicable to this rule because the EPA has certified that this rule will not have a significant economic impact on a substantial number of small entities. The regulatory analysis provisions of the RFA are only triggered by a threshold determination by the Agency that this rule will have a significant economic impact on a substantial number of small entities. Because the Agency has certified this rule will not have a significant economic impact, section 603 and 604 of the RFA do not apply to this rule. *See* 5 U.S.C. 605(b). The EPA has complied with the PRA by certifying in the rule that the PRA does not apply because the action does not involve an information collection burden as defined by the Act. *See* 44 U.S.C. 3502(2). Lastly, the Agency has complied with E.O. 12866 by determining that this rule is not a significant regulatory action as defined in E.O. 12866.

Comment 2

One comment was submitted by James McGuire from Metuchen, New Jersey. The comment states that ''[NYSDEC] applied a rigid standard to reject potential alternatives and did not thoroughly analyze all potential emission reduction alternatives; thus, the EPA should not approve the NYSDEC's [SSSIP] controls for the [Boilers] and require the NYSDEC to re-analyze potential alternatives. The EPA has found that New York (and the [Facility]) is an Ozone Transport Region (OTR) and is in non-attainment with the National Ambient Air Quality Standards (NAAQS) for ozone. 42 U.S. Code 7511c. To reduce ozone emissions in this area, the CAA requires emitters to install [RACT] on all ozone-emitting sources. 42 U.S.C. 7511c. To comply with the CAA, the NYSDEC created presumptive RACT requirements that impose emission limits and specific control technologies on ozone emitters. *See* 6 NYCRR subpart 227–2.4. However, a source can request a source-specific RACT with a higher emission limit if it demonstrates that the presumptive control measures are not technically or economically feasible. *See* 6 NYCRR subpart 227–2.5(c). NYSDEC's RACT analysis was insufficient and does not justify permitting this source to emit above the presumptive limits because it applied a rigid cost-effective test and did not fully consider all available emission control systems. NYSDEC analyzed three potential emission control options—fuel switching, low-NO_X burners, and flue gas recirculation—and found these methods technically feasible, but not economically feasible because each method went above New York's cost reduction threshold. EPA Technical Support Document (TSD) Docket (EPA–R02–OAR–2025–0290) (pages 17 through 19). This analysis, however, does not adequately balance this cost against the environmental harm. Congress designed RACT to require sources to weigh economic feasibility against environmental benefits, not a rigid cost reduction threshold. Given that this facility is in a non-attainment zone for ozone and currently has no emission controls at all, the NYSDEC should have investigated the potential health effects of this source more thoroughly and weighed those costs to the public against the economic costs to the source. Additionally, NYSDEC approved the facility's RACT plan even though the facility did not fully analyze all reasonably available alternatives. According to the Reasonably Available Control Technology, Best Available Control Technology, Lowest Achievable Emission Rate Clearinghouse (RBLC), which lists existing control measures for specific sources, there is an additional emissions control measure, selective catalytic reduction (SCR), which the facility did not discuss in its plan. The

NYSDEC excused this, stating that this method was not common and not cost effective. EPA TSD Docket (EPA–R02–OAR–2025–0290) (page 26). This excuse does not hold up, given that Congress sought to require sources to consider all reasonably available emissions controls, not just the most common. 42 U.S.C. 7511a(b)(2). Given that another source successfully implemented this SCR emissions control at the Lackawanna Energy Center in Pennsylvania and recorded their work in the RBLC, it seems that this strategy is reasonably available, although still uncommon. Additionally, it is unclear how the NYSDEC determined that SCR controls are not cost-effective when the facility performed no comparative analysis of this emission control. Thus, the NYSDEC and the facility did not properly analyze all possible alternatives. Because the NYSDEC and the facility did not perform an adequate analysis of the possible alternatives to justify a source specific implementation plan the EPA should not approve this plan and require the NYSDEC and facility to complete a proper comparative analysis. This will ensure that New York continues to reduce their pollution and achieve compliance with the NAAQs to achieve the CAA's statutory goals.''

Response 2

The EPA acknowledges the commenter's concerns about alternative RACT controls such as SCR. However, NYSDEC confirmed that the size of the boilers (mid-size) was enough to dismiss the evaluation of SCR. SNCR and SCR are only considered for large size boilers. According to the Alternative Control Techniques (ACT) Document—NO_X Emissions from Industrial/Commercial/Institutional (ICI) Boilers, ''SNCR and SCR controls have been applied primarily to larger boilers or new packaged boilers because these applications offer better control of temperature window and steady load demands.'' [1] The Facility analyzed technologically feasible emission control options and determined that none were also economically feasible. The ACT document also states that low-NO_X burners (LNB) are the most cost-effective control for single burner water tube boilers, but the Facility's analysis found LNB to be over the State's cost threshold. Therefore, because SCR is less cost-effective than LNB, SCR will also be, by definition, over the State's cost threshold, according to Table 2–7 of the ACT document. Under the State's regulation (DAR–20), NYSDEC established the cost threshold to define economic feasibility (based on 1994 dollars, then adjusted for inflation).

Comment 3

One comment was submitted by Shea Centore that states, ''I do not support making an exception and believe they should revise.''

Response 3

EPA thanks the commenter for their input but without any substantial evidence supporting otherwise, this action will proceed for the reasons set forth above.

III. What action is the EPA taking?

The EPA is approving the Facility's SSSIP revision submittal dated June 9, 2023 because the limits included in the SSSIP are demonstrated to implement RACT for emission unit B–OILRS, which represents the Boilers. Based on information provided by NYSDEC, a thorough RBLC review of similar sources and EPA's ACT and Control Techniques Guidelines (CTG), and an analysis of this SSSIP revision, the EPA has determined the Facility's operation under the NYSDEC approved NO_X emission limits for the Facility's Boilers implements RACT.

Specifically, the EPA has determined the following limits and associated requirements as implementing RACT. The Facility must: (1) have a maximum total emissions of 24 tons/yr of NO_X from the Boilers, on a rolling 12-month basis, with the total monthly NO_X emissions for each boiler calculated on a monthly basis; (2) maintain records of monthly NO_X emissions in a permanently bound log or in electronic format with reporting requirements annually and reports due 30 days after the reporting period; (3) have a maximum NO_X emission rate of 0.15 lb/MMBtu per hour for each of the Boilers when firing natural gas, and 0.25 lb/MMBtu per hour when firing distillate oil; and (4) conduct NO_X emission testing once every five years to verify that the actual NO_X emissions from a particular boiler are less than the maximum limits per hour when firing low sulfur distillate oil or natural gas.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference revisions to the Facility's Title V operating permit conditions 56, 57, 58 as described in section I and II of this preamble. These documents are available in the docket of this rule through *https://www.regulations.gov.* Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

V. Statutory and Executive Order Reviews

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

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

[1] Alternative Control Techniques, NO_X Emissions from Industrial, Commercial & Institutional Boilers (*https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000INCA.txt*).

[2] 62 FR 27968 (May 22, 1997).

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

This rule is exempt from the Congressional Review Act because it is a rule of particular applicability.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Michael Martucci,

Regional Administrator, Region 2.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

■ 2. Amend § 52.1670, in the table in paragraph (d), by adding the entry ''Calpine JFK Energy Center'' at the end of the table to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(d) * * *

EPA—APPROVED NEW YORK SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
*	*	*	*	*
Calpine JFK Energy Center.	2–6308–00096/00009	6/28/2022	5/29/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	RACT emission limit for condition 56, 57, and 58, emission unit B–OILRS.

* * * * *

[FR Doc. 2026–10770 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0243; FRL–12785–02–R2]

Air Plan Approval; New York; Athens Generating Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a Source-specific SIP (SSSIP) revision for the Athens Generating Plant, located at 9300 US Route 9 West, Athens, NY 12015 (Athens or the Facility). In accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS, the EPA finds that the control options in New York's SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to Oxides of Nitrogen (NO_X) emissions from the relevant Facility sources, which are identified as three combined-cycle Westinghouse model 501G combustion turbines with associated heat recovery steam generators and steam turbines (identified as Emission Units U–00001, U–00002, and U–00003 in the Facility's Title V permit and New York's submission). This action is being taken in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R02–OAR- 2025–0243. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Controlled Unclassified Information (CUI) (formerly referred to as Confidential Business Information (CBI)) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nicholas Ferreira, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, telephone number: (212) 637–3127, email address: *ferreira.nicholas@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information on regulatory background and the EPA's technical findings relating to RACT for the Facility, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this **Federal Register** document.

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I. What is the background for this action?
II. What comments were received in response to the EPA's proposed action?
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I. What is the background for this action?

On November 20, 2025 (90 FR 52308), the EPA published a notice of proposed rulemaking that proposed to approve a State Implementation Plan (SIP) revision submitted by the State of New York on April 22, 2024, for purposes of establishing RACT emission limits for applicable units at the Athens Generating Plant. The SIP revision establishes the lowest NO_X emission limits, with the application of existing control technologies for Athens's three combined-cycle combustion turbines (Emission Units U–00001, U–00002, and U–00003). The three emission units are subject to the requirements of 6 New York Code of Rules and Regulations (NYCRR) subpart 227–2, ''Reasonably Available Control Technology (RACT) for Major Facilities for Oxides of Nitrogen (NO_X).'' Specifically, the emission units are subject to 6 NYCRR 227–2.4(e)(3),[1] which requires a source-specific RACT proposal for combustion turbines operating after July 1, 2014, to be submitted to the New York State Department of Environmental Conservation (NYSDEC) and then to the EPA as a SSSIP.

The State's April 24, 2024 SIP submission includes a RACT determination confirming that the existing controls are consistent with the Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements for NO_X. Specifically, the Facility employs Dry Low-NO_X (DLN) combustion when firing natural gas and steam injection when firing distillate fuel oil, both in conjunction with a Selective Catalytic Reduction (SCR), to satisfy the BACT/LAER requirements. Because the NYSDEC considers BACT and LAER requirements to be generally more stringent than the applicable RACT requirements,[2] they determined that these emission units comply with the State's applicable NO_X RACT requirements under 6 NYCRR part 227–2.4(e). The EPA's November 20, 2025 (90 FR 52308) proposed action further outlines the EPA's review of the RACT determination in the SSSIP submittal for the emission units in a manner that is consistent with the CAA and the EPA's regulations, as interpreted through the EPA's actions and guidance.

With this final rulemaking, the EPA is approving conditions #38, 54, 62, 82, and 83 from Permit ID No. ID No. 4–1922–0055/00005 for incorporation by reference into New York's SIP. Additional details regarding New York's SIP submittal and the rationale for the EPA's approval are explained in the EPA's proposed rulemaking and the Technical Support Document (TSD) in the docket; therefore, they are not restated in this final action. For this detailed information, the reader is referred to the EPA's November 20, 2025, proposed rulemaking (90 FR 52308).

II. What comments were received in response to the EPA's proposed action?

In response to the EPA's proposed rulemaking to revise New York's SIP, published on November 20, 2025 (90 FR 52308), the EPA received one comment during the 30-day public comment period, which ended on December 22, 2025. The commenter raised several unrelated issues with the EPA's proposed rulemaking, so the EPA has divided the comment into multiple elements for response. The specific comment may be viewed under Docket ID Number EPA–R02–OAR–2025–0243 on the *https://www.regulations.gov* website.

Comment: The commenter asserts that the notice or docket should contain the complete NYSDEC permit or order language proposed for Federal enforceability, along with any associated monitoring, recordkeeping, or reporting provisions being incorporated, in accordance with 1 CFR part 51. The commenter further asserts that if any materials proposed for incorporation are not reasonably available, the EPA should supplement the docket and re-open the comment period or refrain from finalizing its rulemaking.

Response: In the EPA's proposed action, ''Section III. Proposed Action'' and ''Section IV. Incorporation by Reference'' identified that the EPA proposed to approve, and incorporate by reference into the New York SIP, the submitted permit conditions from the Title V Operating Permit for Athens (ID No. 4–1922–0055/00005): 38, 54, 62, 82, and 83. The EPA also provided the exact text of these aforementioned permit conditions in the TSD for the EPA's proposed action. The Title V permit and associated incorporation by reference permit conditions are in the docket for the action in file: NYSDEC Air Title V Permit for Athens Generating Plant, document EPA–R02–OAR–2025–0243–0004. The New York Title V permit conditions that are being incorporated by reference into the SIP with this final action are identical to those that were proposed for incorporation by reference within EPA's November 20, 2025 (90 FR 52308) proposed action.

Comment: The commenter asserts that a CAA section 110(1) non-interference demonstration is typically conducted by the EPA when a source specific revision adjusts emission limits, averaging times, startup/shutdown provisions, monitoring/recordkeeping/reporting, or compliance methods. Given the size of Athens and its location in New York's Ozone Transport Region, the commenter requests that the EPA include a CAA section 110(l) demonstration comparing emissions before and after the SIP revision to address cumulative and temporal effects to ensure the revision does not interfere with attainment, maintenance, FRP and other applicable requirements.

Response: The EPA recognizes the applicability of CAA section 110(l) to SIP revisions, but in this instance, disagrees that a CAA section 110(l) demonstration would be necessary for approval of New York's SIP revision pertaining to NO_X emissions from the RACT applicable units at Athens. Section 110(l) of the CAA prohibits the EPA from approving a revision to the SIP if the revision would interfere with any applicable requirement concerning attainment, reasonable further progress, or any other requirement of the CAA. The EPA does not interpret section 110(l) of the CAA to require a full attainment or maintenance demonstration before any changes to a SIP may be approved; rather, a SIP revision may be approved under CAA section 110(l) so long as the EPA finds it will preserve status quo air quality at a minimum.

The EPA's analysis has determined that the RACT emission limits for emission units U–00001, U–00002, and U–00003 will not increase emissions or adversely impact air quality because these emission limits have been in compliance with the SIP-approved emission limits requirements under 6 NYCRR 227–2.4(e)(3) that were applicable to combined-cycle combustion turbines in operation prior to July 1, 2014. Moreover, the NYSDEC determined that the existing controls of DLN combustion system when firing natural gas, and water or steam injection when firing distillate fuel oil, both in combination with SCR, are consistent with the BACT and LAER requirements for NO_X. BACT and LAER are generally the most stringent emission control standards that can be applied to new or modified major sources of air pollution. As a result, emission limits that satisfy BACT and LAER by their nature support attainment of the ozone NAAQS.

[1] 78 FR 41846 (July 12, 2013).

[2] See TSD, ''Background on the Facility,'' page 3 for further explanation on BACT and LAER requirements, as well as why the existing controls at the facility are considered sufficient to satisfy RACT requirements.

Lastly, it is the EPA's understanding that the State of New York will account for the air quality benefits achieved from controlling emissions at the Facility in any future applicable ozone attainment or reasonable further progress plans. Accordingly, the EPA has determined that this SIP revision does not interfere with any applicable New York ozone plan concerning attainment and reasonable further progress of the NAAQS, or any applicable requirement of the CAA, negating the need for a CAA section 110(1) demonstration.

Comment: The commenter states that if the EPA certifies under 5 U.S.C. 605(b) that an action will not significantly impact a substantial number of small entities, it must provide a factual basis for this certification. In cases where the EPA's approval of a SIP makes terms federally enforceable and potentially alters obligations for a facility, as is the case with this proposed action, the commenter asserts a generic statement is insufficient. Therefore, the commenter requests that the EPA either: (1) provide a specific 5 U.S.C. 605(b) certification under the Regulatory Flexibility Act (RFA) explaining why no small entities are directly regulated by this proposed action and why indirect impacts on small entities are de minimus; or (2) prepare an Initial Regulatory Flexibility Analysis (IRFA) if small entities could be directly impacted by the conditions in this rulemaking.

Response: The RFA and IRFA requirements are inapplicable to this rule because the EPA has certified that this rule will not have a significant economic impact on a substantial number of small entities. This action merely approves State choices for a single facility as meeting requirements of the CAA and does not impose any additional requirements beyond those already required by State law. The EPA's proposed action on New York's submission did not establish any new regulatory requirement to purchase and install pollution control equipment on stationary sources at Athens. This rule is only expected to incorporate RACT emission limits for Emission Units U–00001, U–00002, and U–00003 at the Facility. The regulatory analysis provisions of the RFA and the IRFA are only triggered by a threshold determination when the Agency determines a rule will have a significant economic impact on a substantial number of small entities. Nonetheless, because the Agency has certified this rule will not have a significant economic impact, section 603 and 604 do not apply to this rule. 5 U.S.C. 605(b).

Comment: The EPA does not clearly state whether the action contains any information collection requirements as defined by the Paperwork Reduction Act (PRA); specifically, whether the monitoring, recordkeeping and reporting obligations at the Facility constitute a ''collection of information'' (and other associated subsequent requirements such as identifying an Office of Management and Budget (OMB) Control Number) by the EPA or the NYSDEC. If the PRA is not applicable, the EPA should explicitly indicate accordingly via a PRA determination.

Response: The PRA does not apply to this action. The PRA generally provides that every Federal agency must obtain Office of Management and Budget approval before using identical questions to collect information from 10 or more persons. See 44 U.S.C. 3502(3); 3507. The EPA is not conducting nor sponsoring the collection of information from 10 or more persons. The EPA is approving New York's SIP submission which merely approves State choices as meeting the CAA and does not impose any additional requirements beyond those required by State law.

Comment: In accordance with the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501–1571), the EPA should include a determination that explicitly addresses whether this action imposes enforceable duties of $100 million or more in any year.

Response: The EPA has complied with the UMRA by making its own determination that this rule will not result in expenditures of $100M or more a year, and therefore the Agency does not need to complete a statement under 2 U.S.C. 1532. In addition, as the commenter also claims, this SIP revision is source-specific and only applicable to a single facility; therefore, it does not create a mandate that imposes additional mandates beyond State law. As a result, a statement regarding the EPA's UMRA determination is not necessary for this rule.

Comment: The EPA should state whether this action is a ''significant regulatory action'' under Executive Order (E.O.) 12866 and whether it was submitted to OMB for review; as well as a determination of whether E.O. 13211 is applicable to the energy generating units located at the Facility.

Response: The EPA has complied with E.O. 12866 by determining that this rulemaking is not a significant regulatory action as defined in E.O. 12866. This action will not: (1) have an annual effect on the economy of $100 million or more; (2) create a serious inconsistency with, or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlements, grants, user fees or loan programs; (4) or raise novel legal or policy issues. This action instead applies existing standards to conclude that New York's SIP submission meets the requirements of the CAA.

Regarding E.O. 13211, the EPA has determined that this action is applicable to energy generating units located at Athens. To clarify, this action is not considered a ''significant energy action'' (as defined by E.O. 13211) because it does not impose any new applicable restrictions on energy production at Athens. This action will also not result in any unintended negative impacts on energy availability and costs; therefore, there are no significant energy implications that will result from this action and a comprehensive Statement of Energy Effects (as required under E.O. 13211) is not necessary. As previously stated, this action approves State choices as meeting the CAA and does not impose any additional requirements beyond those required by State law.

Comment: Given the size of the electricity generating unit (EGU) at Athens and its location within a region that has ozone challenges, the EPA should withdraw its direct final approval and proceed via the standard notice-and-comment process to ensure robust input on any change to emission limits, averaging times, or enforceability provisions.

Response: This claim relies on the commenter's mistaken belief that the EPA issued a final rule with the November 20, 2025 (90 FR 52308) proposed action. The EPA published a notice of proposed rulemaking on November 20, 2025, and not a final rule, which included a 30-day public comment period on the proposed rulemaking which closed on December 22, 2025. The agency did not engage in a direct final rule. Furthermore, the proposed rule was not a final action for the commenter to petition the EPA for a stay or delay of a yet-to-be-established effective date. Nonetheless, the EPA disagrees with the commenter, and as demonstrated by the responses to comments in this final rule, the EPA has considered all relevant comments received on its proposal.

III. What action is the EPA taking?

The EPA is approving New York's Source-specific SIP revision for Athens Generating Plant, as submitted on April 22, 2024, for the purposes of satisfying NO_X RACT requirements that are

consistent with the CAA. Specifically, the EPA is approving the following requirements as implementing RACT for Emission Units U–00001, U–00002, and U–00003. The Facility must: (1) continue to implement the current combined-cycle combustion turbine NO_X emission controls of SCR and DLN burners for natural gas and SCR and water injection for distillate fuel oil (Condition #38); (2) control emission of NO_X to less than 23.4 lbs/hour when firing natural gas and 101.9 lbs/hour when firing fuel oil, as averaged over a 3-hour block via a continuous emission monitoring system (CEMS) and reported on a semi-annual basis (Conditions #54 and 62); and (3) limit NO_X emissions to 9.0 parts per million by volume (ppmv) corrected to 15% oxygen when firing fuel oil and 2.0 ppmv corrected to 15% oxygen when firing natural gas, as averaged over a 3-hour block via CEMS and reported on a semi-annual basis (Conditions #82 and 83).

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of conditions #38, 54, 62, 82, and 83 within the Athens Generating Plant's Title V operating permit, described in the amendments to 40 CFR part 52 as discussed in sections I and II of this preamble. These documents are available in the docket of this rule through *https://www.regulations.gov.* Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

V. Statutory and Executive Order Reviews

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

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

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

This rule is exempt from the Congressional Review Act because it is a rule of particular applicability.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of Nitrogen, Ozone, Reporting and recordkeeping requirements.

Michael Martucci,

Regional Administrator, Region 2.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

■ 2. In § 52.1670, the table in paragraph (d) is amended by adding the entry ''Athens Generating Plant'' at the end of the table to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(d) * * *

EPA—APPROVED NEW YORK SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
* *	*	*	*	* *
Athens Generating Plant	4–1922–0055/00005	07/01/2022	5/29/2026	RACT emission limits 38, 54, 62, 82, and 83.

[3] 62 FR 27968 (May 22, 1997).

* * * * *

[FR Doc. 2026–10769 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2026–0498; FRL–13207–01–R10]

Air Plan Approval; ID; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Idaho State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by Idaho and approved by the EPA. This update affects the materials that are available for public inspection at the EPA Regional Office and the National Archives and Records Administration (NARA). In this action, the EPA is also notifying the public that we are correcting a typographical error.

DATES: This action is effective May 29, 2026.

ADDRESSES: The SIP materials for which incorporation by reference into 40 CFR part 52 is finalized through this action are available for inspection at the following locations: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101; and *www.regulations.gov.* To view the materials at the Region 10 Office, the EPA requests that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–0256, or *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each State has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each State must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to the EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally approved SIP and are identified in part 52, ''Approval and Promulgation of Implementation Plans,'' of title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the State regulation approved by the EPA is not reproduced in its entirety in 40 CFR part 52 but is ''incorporated by reference.'' This means that the EPA has approved a given State regulation or specified changes to the given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows the EPA and the public to monitor the extent to which a State implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, the EPA from time to time must take action on proposed revisions containing new or revised State regulations. A submission from a State can revise one or more rules in their entirety, or portions of rules. The State indicates the changes in the submission (such as by using redline/strikethrough text) and the EPA then takes action on the requested changes. The EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on *www.regulations.gov.*

On May 22, 1997 (62 FR 27968), the EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by the EPA into each SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing the EPA approval of revisions to a SIP, and streamlined the mechanisms for the EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for the EPA to maintain ''SIP Compilations'' that contain the federally approved regulations and source-specific permits submitted by each State agency.

The EPA generally updates these SIP Compilations every few years. Under the revised procedures, the EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular state. The EPA began applying the revised IBR procedures to the Idaho SIP on January 25, 2005 (70 FR 3479) and subsequently published updates to the IBR materials in the Idaho SIP on December 28, 2012 (77 FR 76417), April 1, 2015 (80 FR 17333), July 24, 2020 (85 FR 44741), November 18, 2024 (89 FR 90592), and June 27, 2025 (90 FR 27470).

II. EPA Action

In this action, the EPA is providing notification of an update to the materials incorporated by reference into the Idaho SIP as of January 6, 2026, and identified in 40 CFR 52.670(c) and (d). This update includes SIP materials submitted by Idaho and approved by the EPA since the last IBR update. *See* 90 FR 27470 (June 27, 2025). This action also corrects a minor typographical error from a previous EPA approval for the P4 Production LLC, Soda Springs, Idaho facility in which we inadvertently cited the nonexistent permit condition ''13.33'' instead of the correct citation ''13.23.'' *See* 90 FR 42821 (September 5, 2025).

III. Good Cause Exemption

The EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs and makes a correction a table in the CFR. Under section 553 of the APA, an agency may find good cause where procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Public comment for this administrative action is ''unnecessary'' and ''contrary to the public interest'' since the codification (and corrections) only reflect existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notification of the updated Idaho SIP Compilation and notification of corrections to the Idaho ''Identification of Plan'' portion of the CFR. Further, pursuant to section 553(d)(3), making this action

immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR ''Identification of plan'' section (which includes table entry corrections).

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of regulations promulgated by Idaho previously approved by the EPA and federally effective before January 6, 2026, contained in 40 CFR 52.670(c) and (d) as described in section I of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

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

The EPA also believes that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Idaho SIP Compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA believes judicial review of this action under section 307(b)(1) is not available.

List of Subjects in 40 CFR Part 52

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

Dated: May 18, 2026.

Emma Pokon,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. Amend § 52.670 by:

■ a. Revising paragraph (b);

■ b. Republishing paragraph (c); and

■ c. Revising paragraph (d).

The revisions and republication read as follows:

§ 52.670 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to January 6, 2026, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and notification of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after January 6, 2026, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 10 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 10 EPA Office at 1200 Sixth Avenue, Suite 155, Seattle, WA 98101. To obtain the material, please call (206) 553–0256. You may inspect the material with an EPA approval date prior to January 6, 2026, for Idaho at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA email *fedreg.legal@nara.gov* or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) *EPA approved laws and regulations.*

TABLE 1 TO PARAGRAPH (c)—STATE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
Rules for the Control of Air Pollution in Idaho (IDAPA 58.01.01)				
001	Title and scope	3/28/2023 ...	12/5/2024, 89 FR 96554	
005	Definitions	3/28/2023 ...	12/5/2024, 89 FR 96554	
006	General definitions	3/28/2023 ...	12/5/2024, 89 FR 96554	Except subsections 006.23, 006.24, 006.25, 006.30, 006.31.b, 006.49, 006.50, 006.51.
007	Definitions for the purposes of sections 200 through 225 and 400 through 461.	3/28/2023 ...	12/5/2024, 89 FR 96554	
107	Incorporations by reference	7/1/2024	12/5/2024, 89 FR 96554	Except subsections 107.06 through 107.16.
108	Obligation to comply	3/28/2023 ...	12/5/2024, 89 FR 96554	
121	Compliance requirements by department	3/28/2023 ...	12/5/2024, 89 FR 96554	
122	Information orders by the department	3/28/2023 ...	12/5/2024, 89 FR 96554	
123	Certification of documents	3/28/2023 ...	12/5/2024, 89 FR 96554	
125	False statements	3/28/2023 ...	12/5/2024, 89 FR 96554	
126	Tampering	3/28/2023 ...	12/5/2024, 89 FR 96554	
130	Startup, shutdown, scheduled maintenance, safety measures, upset and breakdown.	7/1/2024	12/5/2024, 89 FR 96554	
131	Excess emissions	3/28/2023 ...	12/5/2024, 89 FR 96554	
132	Correction of condition	3/28/2023 ...	12/5/2024, 89 FR 96554	
133	Startup, shutdown and scheduled maintenance requirements.	3/28/2023 ...	12/5/2024, 89 FR 96554	
134	Upset, breakdown and safety requirements	3/28/2023 ...	12/5/2024, 89 FR 96554	
135	Excess emissions reports	3/28/2023 ...	12/5/2024, 89 FR 96554	
136	Excess emissions records	3/28/2023 ...	12/5/2024, 89 FR 96554	
155	Circumvention	3/28/2023 ...	12/5/2024, 89 FR 96554	
156	Total compliance	5/1/1994	1/16/2003, 68 FR 2217	
157	Test methods and procedures	3/28/2023 ...	12/5/2024, 89 FR 96554	
164	Polychlorinated biphenyls (PCBs)	3/28/2023 ...	12/5/2024, 89 FR 96554	
175	Procedures and requirements for permits establishing a facility emissions cap.	3/28/2023 ...	12/5/2024, 89 FR 96554	
176	Facility emissions cap	3/28/2023 ...	12/5/2024, 89 FR 96554	Except for provisions relating to hazardous air pollutants.
177	Application procedures	4/11/2015 ...	8/12/2016, 81 FR 53290	
178	Standard contents of permits establishing a facility emissions cap.	3/28/2023 ...	12/5/2024, 89 FR 96554	
179	Procedures for issuing permits establishing a facility emissions cap.	3/28/2023 ...	12/5/2024, 89 FR 96554	
180	Revisions to permits establishing a facility emissions cap.	3/28/2023 ...	12/5/2024, 89 FR 96554	
181	Notice and record-keeping of estimates of ambient concentrations.	3/28/2023 ...	12/5/2024, 89 FR 96554	
200	Procedures and requirements for permits to construct ...	3/28/2023 ...	12/5/2024, 89 FR 96554	
201	Permit to construct required	3/28/2023 ...	12/5/2024, 89 FR 96554	
202	Application procedures	3/28/2023 ...	12/5/2024, 89 FR 96554	
203	Permit requirements for new and modified stationary sources.	3/28/2023 ...	12/5/2024, 89 FR 96554	Except subsection 203.03.
204	Permit requirements for new major facilities or major modifications in nonattainment areas.	3/28/2023 ...	12/5/2024, 89 FR 96554	
205	Permit requirements for new major facilities or major modifications in attainment or unclassifiable areas.	3/28/2023 ...	12/5/2024, 89 FR 96554	
206	Optional offsets for permits to construct	3/28/2023 ...	12/5/2024, 89 FR 96554	
207	Requirements for emission reduction credit	5/1/1994	1/16/2003, 68 FR 2217	
208	Demonstration of net air quality benefit	3/28/2023 ...	12/5/2024, 89 FR 96554	
209	Procedure for issuing permits	3/28/2023 ...	12/5/2024, 89 FR 96554	
211	Conditions for permits to construct	3/28/2023 ...	12/5/2024, 89 FR 96554	
212	Relaxation of standards or restrictions	3/28/2023 ...	12/5/2024, 89 FR 96554	
213	Pre-permit construction	3/28/2023 ...	12/5/2024, 89 FR 96554	
220	General exemption criteria for permit to construct exemptions.	3/28/2023 ...	12/5/2024, 89 FR 96554	
221	Category I exemption	3/28/2023 ...	12/5/2024, 89 FR 96554	
222	Category II exemption	3/28/2023 ...	12/5/2024, 89 FR 96554	
226	Payment of fees for permits to construct	3/28/2023 ...	12/5/2024, 89 FR 96554	
227	Receipt and usage of fees	3/28/2023 ...	12/5/2024, 89 FR 96554	
400	Procedures and requirements for Tier II operating permits.	3/28/2023 ...	12/5/2024, 89 FR 96554	

TABLE 1 TO PARAGRAPH (c)—STATE REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
401	Tier II operating permit	3/28/2023 ...	12/5/2024, 89 FR 96554	Except subsections 401.01.a and 401.04.
402	Application procedures	3/28/2023 ...	12/5/2024, 89 FR 96554	
403	Permit requirements for Tier II sources	3/28/2023 ...	12/5/2024, 89 FR 96554	
404	Procedure for issuing permits	3/28/2023 ...	12/5/2024, 89 FR 96554	
405	Conditions for Tier II operating permits	3/28/2023 ...	12/5/2024, 89 FR 96554	
460	Requirements for emission reduction credit	3/28/2023 ...	12/5/2024, 89 FR 96554	
461	Requirements for banking emission reduction credits (ERC's).	3/28/2023 ...	12/5/2024, 89 FR 96554	
500	Registration procedures and requirements for portable equipment.	3/28/2023 ...	12/5/2024, 89 FR 96554	
510	Stack heights and dispersion techniques	3/28/2023 ...	12/5/2024, 89 FR 96554	
511	Requirements	3/28/2023 ...	12/5/2024, 89 FR 96554	
512	Opportunity for public hearing	3/28/2023 ...	12/5/2024, 89 FR 96554	
513	Approval of field studies and fluid models	3/28/2023 ...	12/5/2024, 89 FR 96554	
514	No restriction on actual stack height	3/28/2023 ...	12/5/2024, 89 FR 96554	
550	Air quality episodes	3/28/2023 ...	12/5/2024, 89 FR 96554	
556	Criteria for declaring air quality episodes	3/28/2023 ...	12/5/2024, 89 FR 96554	
557	Requirements during air quality episodes	3/28/2023 ...	12/5/2024, 89 FR 96554	
558	Notification of air quality episode	3/28/2023 ...	12/5/2024, 89 FR 96554	
562	Specific air quality episode abatement plans for stationary sources.	3/28/2023 ...	12/5/2024, 89 FR 96554	
563	Transportation conformity	3/30/2001 ...	4/12/2001, 66 FR 18873	
564	Incorporation by reference	3/30/2001 ...	4/12/2001, 66 FR 18873	
565	Abbreviations	3/30/2001 ...	4/12/2001, 66 FR 18873	
566	Definitions for the purpose of sections 563 through 574 and 582.	3/30/2001 ...	4/12/2001, 66 FR 18873	
567	Agencies affected by consultation	3/30/2001 ...	4/12/2001 66 FR 18873	
568	ICC member roles in consultation	3/30/2001 ...	4/12/2001, 66 FR 18873	
569	ICC member responsibilities in Consultation	3/30/2001 ...	4/12/2001, 66 FR 18873	
570	General consultation process	3/30/2001 ...	4/12/2001, 66 FR 18873	
571	Consultation procedures	3/30/2001 ...	4/12/2001, 66 FR 18873	
572	Final conformity determinations by USDOT	3/30/2001 ...	4/12/2001, 66 FR 18873	
573	Resolving conflicts	3/30/2001 ...	4/12/2001, 66 FR 18873	
574	Public consultation procedures	3/30/2001 ...	4/12/2001, 66 FR 18873	
579	Baselines for prevention of significant deterioration	3/28/2023 ...	12/5/2024, 89 FR 96554	
580	Classification of prevention of significant deterioration areas.	3/28/2023 ...	12/5/2024, 89 FR 96554	
581	Prevention of significant deterioration (PSD) increments	3/28/2023 ...	12/5/2024, 89 FR 96554	
600	Rules for control of open burning	3/28/2023 ...	12/5/2024, 89 FR 96554	
601	Fire permits, hazardous materials, and liability	3/28/2023 ...	12/5/2024, 89 FR 96554	
602	Nonpreemption of other jurisdiction	3/28/2023 ...	12/5/2024, 89 FR 96554	
603	General requirements	3/28/2023 ...	12/5/2024, 89 FR 96554	
606	Categories of allowable burning	3/28/2023 ...	12/5/2024, 89 FR 96554	
607	Recreational and warming fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
608	Weed control fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
609	Training fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
611	Residential yard waste fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
612	Solid waste facility fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
613	Orchard fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
614	Prescribed fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
615	Dangerous material fires	3/28/2023 ...	12/5/2024, 89 FR 96554	
616	Infectious waste burning	3/28/2023 ...	12/5/2024, 89 FR 96554	
617	Crop residue disposal	3/28/2023 ...	12/5/2024, 89 FR 96554	
618	Permit by rule	3/28/2023 ...	12/5/2024, 89 FR 96554	
619	Registration	3/28/2023 ...	12/5/2024, 89 FR 96554	
620	Burn fee	3/28/2023 ...	12/5/2024, 89 FR 96554	
621	Burn approval	3/28/2023 ...	12/5/2024, 89 FR 96554	
622	General provisions	3/28/2023 ...	12/5/2024, 89 FR 96554	
623	Public notification	3/28/2023 ...	12/5/2024, 89 FR 96554	
624	Spot and baled crop residue burn and propane flaming requirements.	3/28/2023 ...	12/5/2024, 89 FR 96554	
625	Visible emissions	3/28/2023 ...	12/5/2024, 89 FR 96554	
650	Rules for control of fugitive dust	3/28/2023 ...	12/5/2024, 89 FR 96554	
651	General rules	3/28/2023 ...	12/5/2024, 89 FR 96554	
665	Regional haze rules	3/28/2023 ...	12/5/2024, 89 FR 96554	
666	Reasonable progress goals	3/28/2023 ...	12/5/2024, 89 FR 96554	
667	Long-term strategy for regional haze	3/28/2023 ...	12/5/2024, 89 FR 96554	
675	Fuel burning equipment—particulate matter	3/28/2023 ...	12/5/2024, 89 FR 96554	
676	Standards for new sources	3/28/2023 ...	12/5/2024, 89 FR 96554	

TABLE 1 TO PARAGRAPH (c)—STATE REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
677	Standards for minor and existing sources	3/28/2023 ...	12/5/2024, 89 FR 96554	
678	Combinations of fuels	3/28/2023 ...	12/5/2024, 89 FR 96554	
679	Averaging period	3/28/2023 ...	12/5/2024, 89 FR 96554	
680	Altitude correction	3/28/2023 ...	12/5/2024, 89 FR 96554	
681	Test methods and procedures	3/28/2023 ...	12/5/2024, 89 FR 96554	
700	Particulate matter—process weight limitations	3/28/2023 ...	12/5/2024, 89 FR 96554	
701	Particulate matter—new equipment process weight limitations.	3/28/2023 ...	12/5/2024, 89 FR 96554	
702	Particulate matter—existing equipment process weight limitations.	3/28/2023 ...	12/5/2024, 89 FR 96554	
703	Particulate matter—other processes	3/28/2023 ...	12/5/2024, 89 FR 96554	
725	Rules for sulfur content of fuels	3/28/2023 ...	12/5/2024, 89 FR 96554	
790	Rule for the control of nonmetallic mineral processing plants.	3/15/2002 ...	8/12/2016, 81 FR 53290	
791	General control requirements	3/28/2023 ...	12/5/2024, 89 FR 96554	
793	Emissions standards for nonmetallic mineral processing plants not subject to 40 CFR part 60, subpart OOO.	3/28/2023 ...	12/5/2024, 89 FR 96554	
794	Permit requirements	3/28/2023 ...	12/5/2024, 89 FR 96554	Except subsection 794.04.
795	Permit by rule requirements	3/28/2023 ...	12/5/2024, 89 FR 96554	
796	Applicability	3/28/2023 ...	12/5/2024, 89 FR 96554	
797	Registration for permit by rule	3/28/2023 ...	12/5/2024, 89 FR 96554	
798	Electrical generators	3/28/2023 ...	12/5/2024, 89 FR 96554	
799	Nonmetallic mineral processing plan fugitive dust best management practice.	3/15/2002 ...	8/12/2016, 81 FR 53290	
815	Rules for control of kraft pulp mills	3/28/2023 ...	12/5/2024, 89 FR 96554	
818	Kraft pulp mill LVHC and HVLC gas venting notification and reporting.	3/28/2023 ...	12/5/2024, 89 FR 96554	

TABLE 2 TO PARAGRAPH (c)—STATE STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Section 4 of Senate Bill 1024, codified at Idaho Code section 39–114.	Open Burning of Crop Residue.	2/26/2019	12/9/2019, 84 FR 67189	
Idaho Code section 39–107(1)(a).	Board—Composition—Officers—Compensation—Powers—Subpoena—Depositions—Review—Rules.	7/1/2022	5/26/2023, 88 FR 34093	To satisfy the requirements of CAA section 128(a)(1) and CAA section 110(a)(2)(E)(ii) for all criteria pollutants.
Idaho Code section 39.103	Definitions	7/1/2010	12/5/2024, 89 FR 96554	Except (4), (5), (8), (9), (10), (12), (13), (14), (15), (16), (17), and (18).

TABLE 3 TO PARAGRAPH (c)—CITY AND COUNTY CODES AND ORDINANCES

State citation	Title/subject	State effective date	EPA approval date	Explanations
City of Sandpoint Ordinance No. 939.	Material Specifications for Street Sanding Material.	2/22/1994 (City adoption date).	6/26/2002, 67 FR 43006 ...	Sandpoint PM_{10} Nonattainment Area Plan.
City of Sandpoint Chapter 8 Air Quality (4–8–1 through 4–8–14).	Solid Fuel Heating Appliances.	9/21/2011 (City adoption date).	4/3/2013, 78 FR 20001	Codified version of City of Sandpoint Ordinance No. 965 as amended by Ordinance No. 1237 and Ordinance No. 1258. Sandpoint PM_{10} Limited Maintenance Plan.
Boise City Ordinance 4432	Parking Permits	8/13/1979 (City approval date).	6/6/1985, 50 FR 23810	Transportation Control Plan for carbon monoxide, Ada County.
City of Garden City Ordinance 514, 533, and 624.	Solid Fuel Heating Appliance Ordinance of the City of Garden City, Idaho.	5/14/1987, 1/10/1989, 9/13/1994 (City approval dates).	5/30/1996, 61 FR 27019 ...	Northern Ada County PM_{10} Nonattainment Area Plan.
Meridian Ordinance 667	Meridian Clean Air Ordinance.	8/16/1994 (City approval date).	5/30/1996, 61 FR 27019 ...	Northern Ada County PM_{10} Nonattainment Area Plan.

TABLE 3 TO PARAGRAPH (c)—CITY AND COUNTY CODES AND ORDINANCES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
City of Eagle Ordinance 245.	City of Eagle Clean Air Ordinance.	4/26/1994 (City approval date).	5/30/1996, 61 FR 27019 ...	Northern Ada County PM_{10} Nonattainment Area Plan.
Ada County Ordinance 254	Ada County Clean Air Ordinance.	11/3/1992 (County adoption date).	5/30/1996, 61 FR 27019 ...	Northern Ada County PM_{10} Nonattainment Area Plan.
Table: Ordinance-1	Explanation of enforcement procedures, responsibilities and sources of funding for the Northern Ada County Wood Burning Control Ordinances.	12/30/1994 (date of table)	5/30/1996, 61 FR 27019 ...	Northern Ada County PM_{10} Nonattainment Area Plan.
City of Pocatello Ordinance 2450.	Residential wood combustion curtailment ordinance.	1/12/1994	7/13/2006, 71 FR 39574 ...	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Pocatello Ordinance 2726.	Revised air quality curtailment levels.	9/18/2003	7/13/2006, 71 FR 39574 ...	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Chubbuck Ordinance 403.	Residential wood combustion curtailment ordinance.	11/23/1993	7/13/2006, 71 FR 39574 ...	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Chubbuck Ordinance 582.	Revised air quality curtailment levels.	12/9/2003	7/13/2006, 71 FR 39574 ...	Portneuf Valley Nonattainment Area Plan and Maintenance Plan.
City of Clifton Ordinance No. 120.	Ordinance No. 120	8/11/2012	3/25/2014, 79 FR 16201 ...	Except Section 9 (Penalty).
City of Dayton Ordinance #287.	Ordinance #287	8/8/2012	3/25/2014, 79 FR 16201 ...	Except Section 9 (Penalty).
Franklin City Ordinance No. 2012–9–12.	Solid Fuel Heating Appliances.	9/12/2012	3/25/2014, 79 FR 16201 ...	Except Section 9 (Penalty).
Franklin County Ordinance No. 2012–6–25.	Solid Fuel Heating Appliances.	6/25/2012	3/25/2014, 79 FR 16201 ...	Except Section 9 (Penalty).
City of Oxford Memorandum of Understanding.	Solid Fuel Heating Appliances.	10/22/2012	3/25/2014, 79 FR 16201 ...	Except #2 of the MOA and Section 9 of Exhibit A.
City of Preston Ordinance No. 2012–1.	Ordinance No. 2012–1	6/11/2012	3/25/2014, 79 FR 16201 ...	Except Section 9 (Penalty).
City of Weston Ordinance No. 2012–01.	Ordinance No. 2012–01	8/1/2012	3/25/2014, 79 FR 16201 ...	Except Section 9 (Penalty).

(d) *EPA approved source-specific requirements.*

TABLE 4 TO PARAGRAPH (d)—STATE SOURCE-SPECIFIC REQUIREMENTS [1]

Name of source	Permit No.	State effective date	EPA approval date	Explanation
LP Wood Polymers, Inc., Meridian, Idaho.	001–00115	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
Consolidated Concrete Company, Boise, Idaho.	001–00046	12/3/2001	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.3, 3.1, 3.2, and the Appendix. (Boise/Ada County Maintenance Plan).
Crookham Company, Caldwell, Idaho.	027–00020	1/18/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.1, 2.3, 3.1, 3.1.1, 3.1.2, 3.2, and the Appendix. (Boise/Ada County Maintenance Plan).
Double D Service Center, Meridian, Idaho.	001–00168	2/4/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 3.1, 3.2.1, 3.2.2, 3.2.3, and the Appendix. (Boise/Ada County Maintenance Plan).
Plum Creek Northwest Lumber, Inc., Meridian, Idaho.	001–00091	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.1.2, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
C. Wright Construction, Inc., Meridian, Idaho.	T2–000033	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, (2.12, Table 2.2 as it applies to PM_{10}), 2.14, 3 (heading only), 3.3, Table 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 4 (heading only), 4.2, 4.3, 4.4, 4.7, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).
Nelson Construction Co., Boise, Idaho.	T2–020029	7/21/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.12, 2.14, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 4 (heading only), 4.3, 4.4, 4.5, 4.6, 5, and Table 5.1. (Boise/Ada County Maintenance Plan).
Mike's Sand and Gravel, Nampa, Idaho.	001–00184	7/12/2002	10/27/2003, 68 FR 61106.	The following conditions: 1.1, 1.3, 2.2.1, 3.1, and the Appendix. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co., Eagle, Idaho.	T2–020031	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).

TABLE 4 TO PARAGRAPH (d)—STATE SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Idaho Concrete Co., Eagle, Idaho.	T2–020032	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).
Idaho Concrete Co. Eagle, Idaho.	T2–020033	7/8/2003	10/27/2003, 68 FR 61106.	The following conditions: 2 (heading only), 2.5, 2.13, 3 (heading only), 3.3, 3.4, 3.6, 3.7, 3.8, 4 (heading only), and Table 4.1. (Boise/Ada County Maintenance Plan).
The Amalgamated Sugar Company LLC, Nampa, Idaho.	027–00010	9/30/2002	10/27/2003, 68 FR 61106 and 11/1/2004, 69 FR 63324.	The following conditions: 2 (heading only), (2.7, Table 2.2 as it applies to PM_{10},) 2.10, 2.10.1, 2.10.2, 2.11, 2.11.1, 2.11.2, 2.11.3, 2.11.4, 2.11.5, 2.12, 2.12.1, 2.12.2, 2.12.3, 2.13, 2.13.1, 2.13.2, 2.13.3, 2.14, 2.14.1, 2.14.2, 2.16, 3 (heading only), (3.3, Table 3.2 as it applies to PM_{10}), 3.5, 3.7, 3.8, 3.8.1, 3.8.2, 3.8.3, 3.8.4, 3.8.5, 3.8.6, 3.8.7, 3.8.8, 3.9, 4 (heading only), (4.3, Table 4.1 as it applies to PM_{10}), 4.5, 4.6, 4.7, 5 (heading only), (5.3, Table 5.3 as it applies to PM_{10}), 5.5, 5.9, 5.9.1, 5.9.2, 5.9.3, 5.9.4, 5.9.5, 5.9.6, 5.9.7, 5.9.8, 5.9.9, 5.10, 5.11, 6 (heading only), 6.3, Table 6.1, 6.5, 6.6, 6.7, 6.7.1, 6.7.2, 6.8, 7 (heading only), 7.3, Table 7.1 as it applies to PM_{10}, 7.5, 7.7, 7.7.1, 7.7.2, 7.8, 8 (heading only), 8.3, Table 8.1, 8.5, 8.7, 8.7.1, 8.7.2, 8.8, 9 (heading only), 9.3, Table 9.1, 9.5, 9.7, 9.7.1, 9.7.2, 9.8, 10 (heading only), 10.3, Table 10.1, 10.6, 10.8, 10.8.1, 10.8.2, 10.9, 11 (heading only), 11.3, Table 11.2, 11.6, 11.8, 11.8.1, 11.8.2, 11.9, 12 (heading only), 12.3, Table 12.1, 12.5, 12.7, 12.7.1, 12.7.2, 12.8, 13 (heading only), 13.1 (except as it applies to condition 13.3, 13.3.1, 13.3.2, 13.5, 13.5.1, 13.5.2, 13.5.3, 13.6, 13.6.1, 13.6.2 and 13.9), Table 13.1 (except conditions 13.3, 13.5 and 13.6), (13.2, Table 13.2 as it applies to PM_{10}), 13.2.1, 13.4, 13.4.1, 13.4.2, 13.4.3, 13.7, 13.7.1, 13.7.2, 13.8, 13.8.1, 13.8.2, 13.8.3, 13.10, and 13.11. (Boise/Ada County PM_{10} Maintenance Plan).
Lake Pre-Mix, Sandpoint, Idaho.	777–00182	5/17/1996	6/26/2002, 67 FR 43006.	The following conditions for the cement silo vent: 1.1, 2.1.1, 2.1.2, 3.1.1, and 3.1.2. (Sandpoint nonattainment area plan).
Interstate Concrete and Asphalt, Sandpoint, Idaho.	017–00048	8/2/1999	6/26/2002, 67 FR 43006.	The following conditions: for the asphalt plant, 2.2, 3.1.1, 4.1, 4.1.1, 4.1.2, 4.2.1 (as it applies to the hourly PM_{10} emission limit in Appendix A), 4.2.2, 4.2.2.1, 4.2.2.2, and 4.2.2.3; for the concrete batch plant, 2.1, 3.1.1, 4.1, 4.1.1, and 4.1.2; Appendix A (as it applies to PM_{10} emission rates after 7/1/96) and Appendix B (as it applies after 7/1/96). (Sandpoint nonattainment area plan).
Whiteman Lumber Company, Cataldo, ID.	13–1420–062	7/16/1979 (date issued).	7/28/1982, 47 FR 32530.	Silver Valley TSP Nonattainment Area Plan.
Potlatch Corporation, Pulp and Paper Unit, Lewiston, ID.	13–1140–0001–00.	7/5/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Potlatch Corporation, Clearwater Unit, Lewiston, ID.	13–1140–0003 ...	7/5/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Coast Trading Company, Inc., Lewiston, ID.	13–1140–0011 ...	6/29/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Lewis-Clark Terminal Association, Lewiston, ID.	13–1140–0010 ...	6/29/1979 (date issued).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
Poe Asphalt, Lewiston, ID	0880–0008	3/1/1976 (effective date).	7/28/1982, 47 FR 32530.	Lewiston TSP Nonattainment Area Plan.
FMC Corporation, Pocatello, ID [2].	13–1260–0005 ...	2/26/1980 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
J.R. Simplot, Pocatello, ID	13–1260–0006–00.	3/4/1980 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
Idaho Portland Cement Company, Inkom, ID.	13–0080–0004–00.	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Pocatello TSP Nonattainment Area Plan.
J.R. Simplot Company, Conda, ID.	13–0420–0021–00.	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Beker Industries, Conda, ID.	13–0420–0003–00.	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Monsanto, Soda Springs, ID.	13–0420–0001–00.	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
Kerr McGee, Soda Springs, ID.	13–0420–0002–00.	7/18/1979 (date issued).	7/28/1982, 47 FR 32530.	Soda Springs TSP Nonattainment Area Plan.
J.R. Simplot, Pocatello, Idaho.	Air Pollution Operating Permit No. T1–9507–114–1; Facility Number No. 077–00006.	4/5/2004	7/13/2006, 71 FR 39574.	The following conditions: Cover page, facility identification information only, #300 Sulfuric Acid Plant, Permit Conditions 16.1, 16.10, 16.11, #400 Sulfuric Acid Plant, Permit Condition 17.1, 17.7, 17.10, 17.11, Phosphoric acid plant, Permit Condition 12.3, 12.13, Granulation No. 3 Process, Permit Condition 9.2.1, Granulation No. 3 stack, 9.17 (except 9.17.1 through 9.17.6), Reclaim Cooling Towers, Permit Condition 14.2, 14.6.1, Babcock & Wilcox Boiler, Permit Condition 6.4, 6.12, HPB&W Boiler, Permit Condition 5.3, 5.13 through 5.18, 5.21.
J.R. Simplot, Pocatello, Idaho.	Compliance Agreement & Voluntary Order Idaho Code 39–116A.	4/16/2004	7/13/2006, 71 FR 39574.	The following conditions: No. 300 Sulfuric Acid Plant; Condition 8 and 9. No. 400 Sulfuric Acid Plant; Condition 10, 11, and 12. Granulation No.1 Plant; Condition 14. Granulation No.2 Plant; Condition 15. Compliance and Performance Testing; Condition 16.
The Amalgamated Sugar Company LLC—Nampa Factory, Nampa, Idaho.	T2–2009.0105	12/23/2011 (date issued).	4/28/2014, 79 FR 23273.	The following conditions: 1.2, including the table of Regulated Emission Point Sources Table, 3.2, 3.3 (first paragraph only), 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.13, 3.14, 3.15, 3.16, and 4.1.
P4 Production, L.L.C., Soda Springs, Idaho.	T2–2009.0109	11/17/2009 (date issued).	6/22/2011, 76 FR 36329.	The following conditions: 1.2 (including Table 1.1), 2.3, 2.4, 2.5, 2.6, 2.7, and 2.8. (Regional Haze SIP Revision).

TABLE 4 TO PARAGRAPH (d)—STATE SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Clearwater Paper Corp, Lewiston, Idaho.	T1–2020.0024	3/30/2023	9/5/2025, 90 FR 42821.	Permit conditions 5.4, 5.5, 5.6, 5.7, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 7.1, 7.4, 7.9, 7.10, 8.1, 8.6, 9.1, 9.2, 9.6, 9.11, 26.22, 26.23, 26.26, 26.27, 26.28, and 26.29 only.
ITAFOS Conda LLC, Soda Springs, Idaho.	T1–2016.0015	3/2/2022	9/5/2025, 90 FR 42821.	Permit conditions 5.1, 5.4, 5.5, 5.11, 16.22, and 16.23 only.
Northwest Pipeline LLC, Soda Springs, Idaho.	Compliance Agreement Schedule Case No. E–2023.0011.	9/1/2023	9/5/2025, 90 FR 42821.	
P4 Production LLC, Soda Springs, Idaho.	Compliance Agreement Schedule Case No. E–2023.0013.	11/27/2021	9/5/2025, 90 FR 42821.	
P4 Production LLC, Soda Springs, Idaho.	T1–2020.0029	12/23/2021	9/5/2025, 90 FR 42821.	Permit conditions 4.2, 4.4, 4.5, 4.6, 4.7, 4.19, 4.20, 4.21, 13.22, and 13.23 only.
J.R. Simplot, Pocatello, Idaho.	T1–2017.0024	3/29/2023	9/5/2025, 90 FR 42821.	Permit conditions 15.9, 15.10, 15.11, 15.19, 15.20, 15.21, 15.22, 15.25, 15.27, 16.6, 16.9, 16.10, 16.19, 16.20, 16.21, 16.22, 16.26, 16.27, 18.22, and 18.23 only.
Tamarack Mill LLC, New Meadows, Idaho.	T1–2019–0024 ...	10/17/2022	9/5/2025, 90 FR 42821.	Permit conditions 5.2, 5.3, 5.5, 5.8, 5.17, 10.22, and 10.23 only.
The Amalgamated Sugar Company LLC—Nampa Factory, Nampa, Idaho.	P–2018.0011	2/15/2023	9/5/2025, 90 FR 42821.	Permit condition 4.8 only.
The Amalgamated Sugar Company LLC—Paul Factory, Paul, Idaho.	T1–2019–0020 ...	11/5/2021	9/5/2025, 90 FR 42821.	Permit conditions 4.3, 4.4, 4.5, 4.7, 4.9, 4.10, 4.11, 4.12, 4.15, 4.16, 4.18, 11.22, and 11.23 only.
The Amalgamated Sugar Company LLC—Twin Falls, Twin Falls, Idaho.	T1–2016.0017	1/21/2022	9/5/2025, 90 FR 42821.	Permit condition 4.9 and 5.2 only.

[1] EPA does not have the authority to remove these source-specific requirements in the absence of a demonstration that their removal would not interfere with attainment or maintenance of the NAAQS, violate any prevention of significant deterioration increment or result in visibility impairment. Idaho Department of Environmental Quality may request removal by submitting such a demonstration to EPA as a SIP revision.

[2] Only a small portion of this facility is located on State lands. The vast majority of the facility is located in Indian Country. It is EPA's position that unless EPA has explicitly approved a program as applying in Indian country, State or local regulations or permits are not effective within the boundaries of that Indian country land for purposes of complying with the CAA. See 68 FR 2217, 2220 (January 16, 2003).

* * * * *

[FR Doc. 2026–10738 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2025–0092; FRL–13195–02–R5]

Air Plan Approval; Indiana; Keystone VOC RACT Alternative Control

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the volatile organic compound (VOC) requirements for Keystone Automotives Industries dba Saturn Wheel (Keystone) of Huntington County, Indiana. Keystone owns and operates an aluminum alloy wheel refurbishing and distribution facility at which it performs cold cleaner degreasing operations and is subject to the VOC rules under article 8 of the Indiana Administrative Code (IAC). On February 26, 2025, the Indiana Department of Environmental Management (IDEM) submitted a Commissioner's Order containing the revised requirements and requested that the EPA approved it as an amendment to the Indiana State Implementation Plan (SIP). IDEM is seeking the EPA approval of an equivalent control device and site specific Reasonably Available Control Technology (RACT) for Keystone's degreasing operations, as provided in IAC article 8. The EPA proposed to approve this action on February 27, 2026, and received no adverse comments.

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2025–0092. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Melissa Sheffer, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 353–1027, email address: *sheffer.melissa@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background Information

On February 27, 2026 (91 FR 9798), the EPA proposed to approve a revision to Indiana's VOC SIP for Keystone. The company requested that it be permitted to use an oil cover as an equivalent control device for its cold cleaner degreaser, as provided in 326 IAC 8–1–5 and 326 IAC 8–3–2. The oil cover, Aquastrip Fume Seal, is a layer of mineral oil at least one-inch thick floating over the cleaning solvent in a dip tank. The solvent is a mixture of two water miscible compounds, n-Methyl

Pyrrolidone and monoethanolamine. The oil cover controls VOC emissions from the dip tank by reducing solvent evaporation. An explanation of the Clean Air Act (CAA) requirements, a detailed analysis of the revisions, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on March 30, 2026. The EPA received no comments on the proposal.

II. Final Action

The EPA is approving revisions to VOC emissions regulations for the Keystone aluminum alloy wheel refurbishing and distribution facility in Huntington County, Indiana. More specifically, the EPA is approving Commissioner's Order 2025–Air–01, signed February 19, 2025, into the Indiana SIP. The revision provides for the use of an oil cover as an equivalent VOC emission control system under 326 IAC 8–1–5 and 326 IAC 8–3–2 for its cold cleaner degreaser.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Indiana Commissioner's Order 2025–Air–01 described in section II of this preamble and set forth in the amendments to 40 CFR part 52 below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

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

IV. Statutory and Executive Order Reviews

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

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

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

This rule is exempt from the Congressional Review Act because it is a rule of particular applicability.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: May 21, 2026.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770, the table in paragraph (d) is amended by adding an entry at the end of the table for ''Keystone Automotives Industries'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED INDIANA SOURCE-SPECIFIC PROVISIONS

CO date	Title	SIP rule	EPA approval	Explanation
*	*	*	* * *	*
2/26/2025	Keystone Automotives Industries.	8–3–2	5/29/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Equivalent control.

* * * * *

[FR Doc. 2026–10776 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0152; FRL–12584–02–R9]

Partial Approval and Partial Disapproval of Air Quality Implementation Plans; Hawaii; Regional Haze State Implementation Plan for the Second Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is partially approving and partially disapproving the regional haze state implementation plan (SIP) revision submitted by Hawaii on August 2, 2024, under the Clean Air Act (CAA) and the EPA's Regional Haze Rule (RHR) for the program's second implementation period. Hawaii's SIP submission is intended to address the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. The EPA is approving the portions of Hawaii's submission relating to calculations of baseline, current, and natural visibility conditions, progress to date, the uniform rate of progress, reasonably attributable visibility impairment, progress report requirements, and monitoring strategy and other implementation plan requirements. The EPA is disapproving the long-term strategy, including the enforceable shutdown of several electric generating units at facilities on the islands of Hawaii and Maui. Additionally, we are disapproving the portions of the submission relating to reasonable progress goals and Federal land manager (FLM) consultation requirements.

DATES: This rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2025–0152. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Michael Dorantes, Geographic Strategies and Modeling Section (AIR 2–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA, telephone number: (415) 972–3934, email address: *dorantes.michael@epa.gov.*

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

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I. Background
II. Summary of Public Comments and Responses
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I. Background

On August 12, 2022, the Hawaii Department of Health (HDOH) submitted a revision to its SIP, titled ''Hawaii State Department of Health Regional Haze State Implementation Plan, Second Planning Period'' to address regional haze for the second implementation period.[1] Then, on August 2, 2024, HDOH withdrew its original SIP submission and simultaneously submitted a revised regional haze SIP submission, titled ''Hawaii State Department of Health Regional Haze State Implementation Plan, Revision 1, Second Planning Period'' (the ''2024 Hawaii Regional Haze Plan'' or ''the Plan'') for the second implementation period.[2] HDOH made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308.

On February 17, 2026, the EPA proposed to partially approve and partially disapprove the 2024 Hawaii Regional Haze Plan.[3] Specifically, we proposed to approve the elements of the 2024 Hawaii Regional Haze Plan related to requirements contained in 40 CFR 51.308(f)(1), (f)(4) through (6), and (g)(1) through (5) and to disapprove the elements of the 2024 Hawaii Regional Haze Plan related to requirements contained in 40 CFR 51.308(f)(2), (f)(3), and (i)(2) through (4). In particular, the EPA noted that Hawaii's long-term strategy included the enforceable shutdown of six boiler units at the Kanoelehua-Hill and Kahului Generating Stations, on the islands of Hawaii and Maui, respectively, and the option to shut down several diesel engine generators at the Maalaea Generating Station on the island of Maui. However, the owner of these units, Hawaiian Electric Company (''Hawaiian Electric'' or the ''Company''),[4] no longer consents to these shutdowns due to concerns that they would result in potential energy reserve shortfalls which would endanger grid reliability. We proposed to find that approval by the EPA of source closures that are now opposed by the sources' owner (hereinafter ''forced'' or ''unconsented'' closures) without just compensation, could violate the Takings

[1] Letter dated August 11, 2022, from Elizabeth Char, Director of Health, Hawaii Department of Health, to Martha Guzman, Regional Administrator, EPA Region IX (submitted electronically on August 12, 2022).

[2] Letter dated August 2, 2024, from Kenneth Fink, Director of Health, Hawaii Department of Health, to Martha Guzman, Regional Administrator, EPA Region IX (submitted electronically on August 2, 2024).

[3] 91 FR 7204 (February 17, 2026).

[4] ''Hawaiian Electric'' or the ''Company'' refers to Hawaiian Electric Company, Inc., Hawai'i Electric Light Company, Inc. and/or Maui Electric Company, Limited.

Clause of the U.S. Constitution and possibly comparable provisions of State law, and that Hawaii has not provided the necessary assurances that such violations would not occur as required by CAA section 110(a)(2)(E)(i). Therefore, the EPA proposed to find that the long-term strategy did not meet the requirements of CAA 110(a)(2)(E)(i) and therefore did not meet the requirements of 40 CFR 51.308(f)(2). We also noted that, in the absence of an approved long-term strategy, we could not approve the associated reasonable progress goals (RPGs) under 40 CFR 51.308(f)(3) or the FLM consultation requirements under 40 CFR 51.308(i)(2) through (4).

II. Summary of Public Comments and Responses

During the public comment period, the EPA received 13 unique comment submissions on the proposed rule. The full text of comments received is included in the publicly posted docket associated with this rulemaking at *https://www.regulations.gov.* Below we provide brief summaries of some of the significant comments received and our responses. Our response to comments (RTC) document, which is included in the docket for this rule, provides detailed responses to all significant comments received and is a part of the administrative record for this action.

Four commenters expressed overall support for our proposed action. One of these commenter's primary concern is that the unit retirement dates in the SIP may not allow for enough time to successfully procure and place in service replacement projects needed to maintain grid reliability and integrity. Referencing the significant challenges that have arisen for numerous projects on which Hawaiian Electric was relying to replace generation scheduled to retire, Hawaiian Electric urged the EPA to finalize the partial disapproval. Hawaiian Electric, additionally provided information regarding grid reliability and the cost of controls and stated that it ''agrees with EPA's additional bases for disapproval.'' Another commenter expressed support for the proposed rule because it shows the need to balance State flexibility with Federal oversight, and that States should be able to create plans that fit their own situations, but there also has to be accountability. That commenter supported the EPA's decision to ''disapprove the parts of the SIP about the long term strategy and extra emission controls.'' A different commenter supported the EPA's proposal because while shutting down electrical facilities ''may produce the desired affect [sic],'' overall the decision will have backlash and we cannot get rid of one problem by creating another, especially for a State as small as Hawaii.

Other commenters opposed the EPA's proposed partial disapproval. We briefly summarize and respond to these comments below.

A. Comments Regarding Necessary Assurances

The EPA received comments regarding the proposed finding that Hawaii failed to provide necessary assurances that unconsented enforceable source closures would not be prohibited by State or Federal law, as required by CAA section 110(a)(2)(E). The EPA proposed that the unconsented closure of operating sources, without just compensation, could violate the Takings Clause of the U.S. Constitution and possibly comparable provisions of State law, and that Hawaii has not provided necessary assurances that such violations would not occur. Some commenters opposing our proposed partial disapproval of the 2024 Hawaii Regional Haze Plan asserted that partially disapproving a SIP based on lack of necessary assurances under CAA section 110(a)(2)(E) would be unlawful, speculative, arbitrary, and capricious. Those commenters stated that a disapproval based on CAA section 110(a)(2)(E)(i) would be arbitrary and capricious because, among other reasons, Hawaii has a reliance interest in the RHR and the 2019 Guidance that commenters understood as supporting the ability of a State to include enforceable source closure deadlines as part of its long-term strategy for regional haze SIPs. Additionally, commenters emphasized that when a State includes ''voluntary'' requirements in a SIP, it is unreasonable for States to consider a potential violation of the Takings Clause. Those commenters represented that the necessary assurances argument mischaracterizes closure deadlines as forced or unconsented, and thus that the EPA failed to provide a legal rationale for requiring Hawaii to provide necessary assurances that a ''voluntary'' closure deadline would not violate the Takings Clause.

On the takings argument, specifically, some commenters argued that ''voluntary'' closure deadlines do not constitute takings under the Supreme Court's analysis in *Penn Central Transportation Co.* v. *New York City,* 438 U.S. 104 (1978) or *Lucas* v. *South Carolina Coastal Council,* 505 U.S. 1003 (1992). The commenters asserted that our reliance at proposal on *per se* takings case law is misplaced because the closures are not permanent physical intrusions and do not deprive owners of their properties' complete economic value. As for regulatory takings, commenters stated that we failed in the proposed rulemaking to consider the *Penn Central* factors.[5]

Some commenters also challenged the EPA's authority to decide constitutional questions.

We disagree with the comments questioning the EPA's authority to consider issues involving the Takings Clause under CAA section 110(a)(2)(E)(i). CAA section 110(a)(2)(E)(i) provides that State plans must provide ''necessary assurances'' that the State ''is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof.'' The best reading of this provision is that the EPA may not approve a SIP revision that risks violating Federal or State law in the course of implementation and for which the State has not provided necessary assurances that there will be no such violation. The Takings Clause of the Fifth Amendment, applicable to the States via the Fourteenth Amendment, provides that the government shall not take private property for public use without just compensation. Under the CAA's cooperative-federalism framework, States can determine what emission limits and other measures to include in their SIPs as long as they meet the requirements of the Act.[6] However, those state-selected measures must observe statutory and constitutional limits, as contemplated by the text of CAA section 110(a)(2)(E). Thus, in this case, while a constitutional issue is implicated, the fundamental issue is that the SIP lacks necessary assurances under CAA section 110(a)(2)(E)(i). In this context, the EPA disagrees with comments stating that ensuring the requirements of the CAA are satisfied, including the requirement that State plans are supported by necessary assurances regarding compliance with the law, is not within or relevant to the EPA's authority. We are not adjudicating constitutional claims in this final rule. Rather, we are ensuring that our exercise of authority to approve or disapprove the SIP revision before us, thereby making it enforceable as a matter of Federal law,

[5] *See Penn Cent.,* 438 U.S. at 124–25. The Court enumerated three factors to consider based on the specific facts of the case in determining if a government regulation goes too far and amounts to an unconstitutional ''taking'' of private property, requiring compensation under the Fifth Amendment. These factors are (1) economic impact on the owner; (2) owner's investment-backed expectation; and (3) character of the government action.

[6] *Train* v. *Natural Res. Def. Council,* 421 U.S. 60, 79 (1975).

is consistent with applicable requirements and limitations on the EPA's authority.

The EPA disagrees with comments alleging that we improperly characterized the enforceable closure of six boiler units at the Kanoelehua-Hill and Kahului Generating Stations as unconsented closures and thus that we failed to provide a proper legal rationale requiring Hawaii to provide necessary assurances that such ''voluntary'' closure deadlines would not violate the Takings Clause.[7] According to these commenters, Hawaiian Electric voluntarily decided to close specific units and Hawaii relied on the utilities' decisions when it incorporated enforceable closure provisions into State permits. Therefore, commenters opine that, at the time, Hawaii would not have known to provide necessary assurances that an unconsented source closure would not amount to a taking without just compensation. However, after Hawaii submitted the Plan to the EPA and prior to us acting on it, Hawaiian Electric retracted its decision to voluntarily close the affected units. Specifically, in a letter to the EPA dated August 29, 2025, Hawaiian Electric stated that:

> . . . the Company was forced under the SIP to accept enforceable retirement deadlines for units the Company plans to retire, due [sic] the high costs of controls and fuels switches. However, these retirement deadlines are no longer acceptable because of potential negative impacts to generation reliability due to actual or potential cancellations and delays in replacement generation projects that were planned by independent power producers.[8]

The Company then explained that 115 MW of planned generation had been cancelled on the island of Hawaii, meaning that ''grid reliability will be at risk in 2029 following the retirement of the Kanoelehua-Hill boilers.'' [9] The Company similarly noted that 20 MW of planned generation had been cancelled for Maui, and thus ''a delay to the shutdown of the Kahului boilers and Maalaea generating units would reduce reliability risks,'' if there were delays with additional replacement generation projects on Maui.[10] Citing Adequacy of Supply Reports dated January 30, 2025, for Hawaiian Electric Light Company and Maui Electric Company, the Company stated that ''retirement of the generating units as required by the SIP deadlines will create higher probability of energy reserve margin shortfalls that increase risk to reliability on both islands.'' [11] The Company also emphasized that ''each island must be entirely self-sufficient and cannot rely on power by wire transmission from other jurisdictions as is common in the continental United States to address reliability emergencies.'' [12]

Once the EPA and Hawaii received notification that Hawaiian Electric withdrew its consent for the enforceable closure provisions contained in the long-term strategy, the EPA and Hawaii were on notice that approving the long-term strategy with the inclusion of unconsented closure deadlines for the Kanoelehua-Hill and Kahului Generating Stations into the SIP could result in violation of a Federal requirement and it became incumbent upon Hawaii to provide the necessary assurances that EPA approval of these unconsented source closure would not amount to a taking without just compensation.[13] Without any representations from Hawaii to the contrary in the Plan, it is not possible for the EPA to approve the long-term strategy as meeting all applicable requirements of the Act because the submission does not contain necessary assurances that Hawaii ''is not prohibited by any provision of Federal . . . law'' from executing the unconsented source closures at the Kanoelehua-Hill and Kahului Generating Stations with the imprimatur of Federal approval. The long-term strategy in the 2024 Hawaii Regional Haze Plan is not compliant with all applicable requirements of the CAA and, because of that defect, also does not meet the requirements of 40 CFR 51.308(f)(2). As a result, the EPA is disapproving the long-term strategy and associated elements of the Plan.

Moreover, the EPA disagrees with commenters' representations that the lack of the necessary assurances required by the CAA is not a lawful basis to disapprove the unconsented source closures at the Kanoelehua-Hill and Kahului Generating Stations on the ground that the disapproval would conflict with the RHR and 2019 Guidance document.[14] Specifically, commenters state that the RHR provides for the consideration of additional factors, including source retirement and replacement schedules.[15] Similarly, the comments note that the 2019 Guidance indicates that a State can shorten the remaining useful life of a source for purposes of a control analysis to account for an announced retirement but only if the State makes the retirement federally enforceable. However, neither the RHR nor the CAA's regional haze provisions reference or contemplate *forced* closures. Moreover, the 2019 Guidance document referenced by commenters does not address the situation here. Rather, the 2019 Guidance states that ''*[i]f* a source is expected to close by December 31, 2028, under an enforceable requirement, a State may consider that to be sufficient reason'' not to select the source for a four-factor analysis.[16] The 2019 Guidance also states that, ''[i]n the situation of an enforceable requirement for the source to cease operation before the end of the useful life of the controls under consideration, a State may use the enforceable shutdown date as the end of the remaining useful life.'' [17] Nothing in the 2019 Guidance suggests that States may force unconsented closures as part of a regional haze plan. We therefore do not agree with comments suggesting that disapproval of the unconsented closures at the Kanoelehua-Hill and Kahului Generating Stations reflects a change in the EPA's position with respect to such closures. Circumstances change, and insisting on the unconsented plant closures at the Kanoelehua-Hill and Kahului Generating Stations under these circumstances threatens violations of Federal law, including additional CAA provisions instructing states and the EPA to account for the consequences of requirements adopted to promote regional haze goals.

Even if Hawaii had a legitimate reliance interest in the RHR and the 2019 Guidance document and shortened the remaining useful life of a source in its control analysis accordingly, the commenters fail to address that a SIP containing a *forced* shortened remaining useful life for a source does not meet all the requirements of the CAA, including

[7] As discussed further in the RTC document, the closure of additional units at Maalaea Power Plant is optional and therefore does not pose a risk of a taking.

[8] Letter dated August 29, 2025, from Karin Kimura, Director, Environmental Division, Hawaiian Electric, to Josh F.W. Cook, Regional Administrator, EPA Region 9, pp. 1–2.

[9] *Id.* at 3.

[10] *Id.* at 3.

[11] *Id.*

[12] *Id.*

[13] *See* 42 U.S.C. 7410(a)(2)(E)(i).

[14] Guidance on Regional Haze State Implementation Plans for the Second Implementation Period. *https://www.epa.gov/visibility/guidance-regional-haze-state-implementation-plans-second-implementation-period.* The EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019) (''2019 Guidance'').

[15] 40 CFR 51.308(f)(2)(iv)(C).

[16] 2019 Guidance at 20 (emphasis added); *see also id.* at 42 n.74 (providing further that this discussion applies ''if a source is *certain* to close . . . under an enforceable requirement, a State can reasonably consider that to be sufficient reason to remove the source from further analysis and reasonable progress consideration'') (emphasis added).

[17] *Id.* at 34.

ensuring that a SIP or SIP revision includes necessary assurances consistent with CAA section 110(a)(2)(E)(i). The EPA can only approve a SIP revision if it meets all the requirements of the CAA.[18] This includes ensuring that the SIP contains the necessary assurances under CAA section 110(a)(2)(E)(i) that the implementation of the SIP is not prohibited by Federal or State law, including here, prohibitions on uncompensated takings of property interests without consent. Without these assurances, the EPA lacks authority to approve the long-term strategy containing unconsented closure provisions for the Kanoelehua-Hill and Kahului Generating Stations.

Finally, some commenters assert that the EPA inappropriately relied on *Cedar Point Nursery* v. *Hassid,* 594 U.S. 139 (2021) and *Horne* v. *Department of Agriculture,* 576 U.S. 351 (2015), which involved physical *per se* takings, to argue that a taking cannot occur when a source voluntarily agrees to a closure and that the cases are inapplicable to the circumstances in Hawaii, positing that there is not a physical or *per se* taking. For the reasons described elsewhere in this document and the RTC, we do not agree that the closures in the Plan are voluntary. Moreover, commenters misunderstand these cases. *Cedar Point Nursery,* for example, established that a *per se* taking may occur when the government deprives property owners of exclusive rights to even a portion of their property, in that case, by forcing owners to allow union organizers onto the property for relatively brief periods. Commenters do not explain or point to necessary assurances provided by Hawaii in the Plan that approving unconsented closure of units at the Kanoelehua-Hill and Kahului Generating Stations would not similarly involve or amount to any form of *per se* taking.

Some commenters cited to *Lucas* v. *South Carolina Coastal Council* in support of their assessment that because approval of the closure deadline into Federal law would not deprive the utility of ''all economically beneficial or productive use of land,'' compensation would not be required under the Federal Takings Clause.[19] But *Lucas* applies only to instances of total deprivation of use, and it relied on ''background principles of State's law of property and nuisance,'' which are not the issues in this action.[20] An unconsented deadline to close electric generating units reasonably appears to be the equivalent to a *per se* taking, permanently restricting Hawaiian Electric's right over its property. Critically, the EPA is not adjudicating constitutional claims in this final rule. Rather, we are finding that Hawaii failed to provide necessary assurances that the unconsented closure permit provisions for the Kanoelehua-Hill and Kahului Generating Stations are not unlawful.

We recognize the U.S. Supreme Court has explained in several cases that there are two categories of action that can result in a *per se* taking: (1) where the government requires an owner to suffer a permanent physical invasion of property; and (2) when regulations completely deprive an owner of ''all economically beneficial us[e]'' of property.[21] In this case, we disagree with commenters that because *Horne* and *Cedar Point* involve physical takings, they are inapplicable. Under the Court's jurisprudence, a physical taking occurs when the government physically appropriates or occupies private property for public use. As explained below, the Court in *Horne* and *Cedar Point* addressed questions that are pertinent to the facts at issue in the Hawaii action.

According to commenters, closure deadlines are not a physical appropriation of property for various reasons. In *Cedar Point,* a government regulation restricted an owner's ''right to exclude'' from the owner's property.[22] The Court emphasized the importance of this right, and how the appropriation of the right to physically invade private property requires compensation.[23] Because incorporating the unconsented closures at the Kanoelehua-Hill and Kahului Generating Stations into the SIP would make the unconsented closures federally enforceable, this could cause the permit provisions to appropriate the Company's right to control the operation of its facilities. The CAA and RHR do not require sources to close to meet reasonable progress. Hawaii did not provide necessary assurances in the Plan that the enforceable closures at the Kanoelehua-Hill and Kahului Generating Stations would not involve the type of property right deprivation at issue in *Cedar Point.*

In *Horne,* the Court determined that whenever there is a physical appropriation, it is not right to question whether the appropriation deprives the owner of all economically valuable use of the item taken.[24] This question was also addressed in *Tahoe,* where the Court determined that if the government takes possession of an interest in property for public purpose, ''it has a categorical duty to compensate the former owner, regardless of whether the interest that is taken constitutes an entire parcel or merely a part thereof.'' [25] Similarly, the unconsented closure of Hawaiian Electric's units would force the utility to change the use of its property—which would be comparable to the government deciding how to dispose of the goods set aside in *Horne*—even though a source closure is not a statutory or regulatory requirement under CAA section 169A and 40 CFR 51.308(f). Thus, the EPA disagrees with commenters' proposition that *Cedar Point* and *Horne* are inapplicable to the unconsented closures at the Kanoelehua-Hill and Kahului Generating Stations in the 2024 Hawaii Regional Haze Plan.

As already discussed, it is reasonable to conclude that the facts at issue involve a *per se* taking. Therefore, the framework of *Penn Central,*[26] which governs regulatory takings, is likely not directly relevant to this final action, as ''[i]t is 'inappropriate to treat cases involving physical takings as controlling precedents for the evaluation of a claim that there has been a ''regulatory taking,'' and vice versa.' '' [27] Nonetheless, for completeness, we also consider whether the unconsented closure of the Kanoelehua-Hill and Kahului units, absent necessary assurances under CAA section 110(a)(2)(E)(i), could constitute a regulatory taking.

Without necessary assurances under CAA section 110(a)(2)(E)(i), there is no demonstration that neither a total nor partial regulatory taking will occur from implementation of the unconsented closure provisions for Kanoelehua-Hill and Kahului Generating Stations contained in the 2024 Hawaii Regional Haze Plan. A total regulatory taking would occur if the closure would fully deprive the source owner of all economic use of the land under the standard described in *Lucas.*[28] ''The general rule at least is, that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.'' [29] The U.S.

[18] 42 U.S.C. 7410(k)(3).

[19] 505 U.S. 1003 (1992).

[20] *Id.* at 1029.

[21] *See Horne,* 576 U.S. at 351; *Tahoe-Sierra Pres. Council, Inc.* v. *Tahoe Reg'l Planning Agency,* 535 U.S. 302, 330 (2002) (citing *Lucas,* 505 U.S. at 1019–20).

[22] *Cedar Point Nursery,* 594 U.S. at 139.

[23] *Id.* at 158.

[24] *Horne,* 576 U.S. at 363.

[25] *Tahoe-Sierra Pres. Council,* 535 U.S. at 323.

[26] *Penn Central,* 438 U.S. 104 (1978).

[27] *Tahoe-Sierra Pres. Council,* 535 U.S. at 323.

[28] *Lucas,* 505 U.S. at 1003.

[29] *Pa. Coal Co.* v. *Mahon,* 260 U.S. 393, 415 (1922).

Supreme Court has defined ''a regulation which 'denies all economically beneficial or productive use of land' will require compensation under the Takings Clause'' and is a ''regulation that goes too far.'' [30] Without necessary assurances under CAA section 110(a)(2)(E)(i), it is not possible for the EPA to ensure that approval of the unconsented closures at the Kanoelehua-Hill and Kahului Generating Stations will not constitute a regulatory taking under the U.S. Constitution, given the administrative record. For this reason, the EPA is authorized under the CAA to disapprove Hawaii's long-term strategy to avoid a takings situation. The effect of such a taking could result in permanent deprivation of property and would be a textbook example of a ''regulation going too far.'' [31]

A partial regulatory taking results when a regulation hinders the use of property but does not deprive the owner of all economically beneficial use. Here, the analysis involves considering whether approving the closures in the long-term strategy into the SIP results in (1) a significant economic impact on the claimants; (2) interference with distinct investment-backed expectations; and (3) shares characteristics with similar governmental actions considered takings.[32] Without necessary assurances to the contrary in the Plan, it is not possible for the EPA to ensure that approval of the long-term strategy containing unconsented closure provisions will not constitute a partial regulatory taking under the U.S. Constitution, given the administrative record.

Additionally, building on the analysis earlier in this section, the EPA disagrees with commenters' conclusion that the *Penn Central* test does not support a determination that a partial regulatory taking would result if the EPA codified Hawaii's unconsented closure provisions for the Kanoelehua-Hill and Kahului Generating Stations. A use restriction may constitute a taking if not reasonably necessary to the effectuation of a substantial public purpose or if it has an unduly harsh impact upon the owner's use of the property.[33] First, contrary to commenters' statements, the purpose of the CAA's regional haze provisions is to address visibility impairment in Class I areas, not to address public health. Moreover, the unconsented closure of units at the Kanoelehua-Hill and Kahului Generating Stations could threaten grid reliability on the islands of Hawaii and Maui.[34]

Second, the economic impact of the government regulation ''is determined by comparing the total value of the affected property before and after the government action.'' [35] Here, if the EPA approves unconsented closure requirements for the Kanoelehua-Hill and Kahului units into the SIP, they would be federally enforceable, and would diminish the units' economically beneficial use and value. Thus, after considering the *Penn Central* factors in relation to the unconsented closures of the Kanoelehua-Hill and Kahului Generating units, it is not possible for the EPA to ensure that approval of these unconsented closures will not constitute a partial regulatory taking under the U.S. Constitution. An uncompensated partial regulatory taking violates Federal law and without the CAA section 110(a)(2)(E)(i) necessary assurances to the contrary, the EPA does not have the authority to approve these uncompensated unconsented closures into the SIP.

The EPA shall approve a SIP revision as a whole only if it meets all applicable CAA requirements.[36] Given the necessary assurances requirement in CAA section 110(a)(2)(E)(i) and the withdrawal of consent from Hawaiian Electric for closure of its units, Hawaii is required to provide necessary assurances to the EPA to ensure that approval of the unconsented closure provisions at the Kanoelehua-Hill and Kahului units is not prohibited by Federal law including the Takings Clause of the U.S. Constitution. However, Hawaii did not provide as part of the Plan the necessary assurances required by CAA section 110(a)(2)(E)(i) that approval of the long-term strategy containing these unconsented closure provisions will not violate Federal law by effecting uncompensated takings *per se* or a partial or full regulatory takings. Because the unconsented closures at the Kanoelehua-Hill and Kahului Generating Stations are not approvable under CAA section 110(a)(2)(E)(i), we are disapproving Hawaii's long-term strategy and related elements of the Plan.

B. Comments Regarding Grid Reliability

Commenters asserted that grid reliability is not a relevant consideration for regional haze plans and that Hawaiian Electric had not adequately substantiated its concerns regarding grid reliability. As noted in the proposal, the EPA's partial disapproval of the 2024 Hawaii Regional Haze Plan is not based on Hawaii's consideration of the energy impacts associated with the source closures.[37] Nonetheless, we maintain that Hawaii did not independently assess the source closures under the ''energy and non-air quality environmental impacts of compliance'' statutory factor, including impacts on maintaining grid reliability and Hawaiian Electric's ability to meet energy demand.

Despite the shortcomings in Hawaii's analysis of grid reliability concerns, and the significant concerns related to grid reliability if the contested closure is enacted, the EPA recognizes that our prior statements may have generated a reliance interest that led to how Hawaii developed the Plan.[38] For example, the EPA's 2019 Guidance provided a limited scope of considerations generally involved under the ''energy and non-air quality factor'' and it was reasonable for Hawaii to rely on the interpretation provided in that guidance–although the 2019 Guidance did not prohibit the consideration of grid reliability.

C. Comments Regarding ''Control Measures'' under CAA section 110 and 169A

One commenter opposed our proposed finding that the best reading of the phrase ''control measures'' in CAA section 110(a)(2)(A) and 169A(b)(2) does not encompass the authority to force a source to close, or to close on timeframe not agreed to by the owner/operator. Following our careful consideration of these comments, the EPA is no longer relying on the rationale that forced source closures contained in the 2024 Hawaii Regional Haze Plan are inconsistent with ''control measures'' in CAA sections 110 and 169A and that rationale is not an independent basis for our final disapproval of the 2024 Hawaii Regional Haze Plan. However, the EPA is not taking the position in this rule that forced source closures are allowed under the CAA. We note that the use of unconsented closure deadlines is different in kind from the practice of recognizing consensual, certain closures in the near future as a basis for limiting

[30] *Palazzolo* v. *Rhode Island,* 533 U.S. 606, 617 (2001) (quoting *Lucas,* 505 U.S. at 1015).

[31] *Mahon,* 260 U.S. at 415.

[32] *Penn Central,* 438 U.S. at 124.

[33] *Id.* at 127 (internal citation omitted).

[34] Letter dated August 29, 2025, from Karin Kimura, Director, Environmental Division, Hawaiian Electric, to Josh F.W. Cook, Regional Administrator, EPA Region 9, pp. 1–2.

[35] *Colony Cove Props., LLC* v. *City of Carson,* 888 F.3d 445, 451 (9th Cir. 2018).

[36] 42 U.S.C. 7410(k)(3).

[37] 91 FR 7204, 7218 (February 17, 2026).

[38] See, *e.g., Kentucky* v. *EPA,* 123 F.4th 447, 467–471 (4th Cir. 2025).

the analysis of a source to a shorter period of remaining useful life. Instead, as explained in this document and the RTC, the use of forced closures to satisfy regional haze requirements is, at minimum, legally suspect under the CAA and other applicable sources of Federal law.

III. Final Action

For the reasons stated in the proposal, the RTC document and in this document, we are partially approving and partially disapproving the 2024 Hawaii Regional Haze Plan. Specifically, we are approving the elements of the 2024 Hawaii Regional Haze Plan related to requirements contained in 40 CFR 51.308(f)(1), (f)(4) through (6), and (g)(1) through (5) and disapproving the elements of the 2024 Hawaii Regional Haze Plan related to requirements contained in 40 CFR 51.308(f)(2), (3), and (i)(2) through (4). A FIP or an approved SIP revision will be required to satisfy these outstanding regional haze rule requirements.[39]

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by State law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by State law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by State law. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction, and will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it merely partially approves and partially disapproves State law as meeting Federal requirements. Furthermore, the EPA's Policy on Children's Health does not apply to this action.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

K. Congressional Review Act (CRA)

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

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026 Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Recordkeeping and reporting, Sulfur oxides.

Dated: May 15, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the EPA amends chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart M—Hawaii

■ 2. In § 52.620, amend the table in paragraph (e), by adding an entry for ''Hawaii State Department of Health Regional Haze State Implementation Plan, Revision 1, Second Planning

[39] 42 U.S.C. 7410(c).

Period excluding the Executive Summary, Chapters 2.2, 5, 6, 7, 8, and 9.5, and 10 and the Appendices'' immediately after the entry for ''Hawaii State Department of Health 5-Year Regional Haze Progress Report for Federal Implementation Plan, excluding Appendix H, I and J'' to read as follows:

§ 52.620 Identification of plan.

* * * * *

(e) * * *

EPA Approved Hawaii Nonregulatory Provisions and Quasi-Regulatory Measures

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
State of Hawaii Air Pollution Control Implementation Plans for Regional Haze				
*	*	*	*	*
Hawaii State Department of Health Regional Haze State Implementation Plan, Revision 1, Second Planning Period excluding the Executive Summary, Chapters 2.2, 5, 6, 7, 8, and 9.5, and 10 and the Appendices.	State-wide	08/02/2024	05/29/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
*	*	*	*	*

■ 3. Amend § 52.633 by adding paragraph (f) to read as follows:

§ 52.633 Visibility protection.

* * * * *

(f) *Disapproval.* On August 2, 2024, the Hawaii State Department of Health submitted the ''Hawaii State Department of Health Regional Haze State Implementation Plan, Revision 1, Second Planning Period.''

(1) The following portions of the ''Hawaii State Department of Health Regional Haze State Implementation Plan, Revision 1, Second Planning Period'' are disapproved because they do not meet the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule in 40 CFR 51.301 through 51.308.

(i) Executive Summary;

(ii) Chapters 5, 6, 7, 8, and 9.5; and

(iii) Appendices K, P, V, and X.

(2) [Reserved]

[FR Doc. 2026–10754 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2025–1746; FRL–13006–02–R3]

Approval and Promulgation of State Air Quality Plans (Negative Declarations) for Designated Facilities and Pollutants; District of Columbia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of and is codifying approval of negative declarations submitted by the District of Columbia Department of Energy and Environment (DCDOEE) on July 19, 2024 and August 28, 2024. The negative declarations submitted by the DCDOEE certify that there are no existing large municipal waste combustors (LMWC), crude oil and natural gas facilities (ONG), or electric utility generating units (EGU) subject to sections 111(d) and 129 of the Clean Air Act (CAA) within the jurisdiction of the District of Columbia.

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2025–1746. All documents in the docket are listed on the *Regulations.gov* website. Some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *Regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additionally available information.

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AP10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.krystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 20, 2025, 90 FR 52313, the EPA published a notice of proposed rulemaking (NPRM). In the NPRM, EPA proposed approval of the negative declarations submitted by District of Columbia Department of Energy and Environment (DCDOEE). The negative declarations certify that there are no existing large municipal waste combustors (LMWC), crude oil and natural gas facilities (ONG), or electric utility generating units (EGU) subject to sections 111(d) and 129 of the CAA within the jurisdiction of the District of Columbia.

The CAA requires State regulatory agencies to implement emission guidelines and associated compliance times using a State plan developed under sections 111(d) and 129 of the CAA. Section 111(d) of the CAA establishes standards of performance for certain existing sources. Air pollutants included under this section are those which have not already been established as air quality criteria pollutants via 42 U.S.C. 7408(a) or hazardous air pollutants via 42 U.S.C. 7412. Section 111(d)(1) of the CAA requires States to submit to the EPA for approval a plan that establishes standards of performance. The plan must provide that the State will implement and enforce the standards of performance.

Section 129 of the CAA requires emission guidelines to be promulgated for solid waste incineration units, including LMWCs. Section 129 of the CAA mandates that all plan requirements be at least as protective as the promulgated emission guidelines, including fixed final compliance dates, fixed compliance schedules, and title V permitting requirements for all affected sources. Section 129 of the CAA also requires the States to submit plans to the EPA within one year after promulgation of the emission guidelines and compliance times.

The EPA prescribes a Federal plan if a State does not submit a State-specific plan or the submitted plan is disapproved. If a State has no designated facilities for a standards of performance source category, it may submit a negative declaration in lieu of a State plan for that source category in accordance with 40 Code of Federal Regulations (CFR) 60.23(b), 60.23a(b) and 62.06.

II. Summary of Action and the EPA Analysis

The DCDOEE submitted negative declarations to the EPA on July 19, 2024, and August 28, 2024, certifying that there are no existing large municipal waste combustors, crude oil and natural gas facilities, or electric utility generating units in its jurisdiction that are subject to the requirements of 40 CFR part 60 subpart Cb, subpart OOOOc, and subpart UUUUb, respectively. For additional background information on DCDOEE's negative declaration, see the documents that are available at *Regulations.gov,* Docket ID No. EPA–R03–OAR–2025–1746.

III. EPA's Response to Comments Received

The EPA received one set of comments on the November 20, 2025, NPRM. *See* 90 FR 52312. A summary of the comments and the EPA's responses are included in this section. A copy of the set of comments can be found in the docket for the rulemaking action.

Comment 1: The comment suggested that the EPA invoked the ''good cause'' exception under 5 U.S.C. 553(b)(B) to forgo notice and comment and publish this action as a direct final rule. The comment urged EPA to withdraw its action, republish the action as a proposal, and provide ''the APA's ordinary process.''

Response 1: The EPA disagrees with this comment. This action was published as a notice of proposed rulemaking, 90 FR 52312, November 20, 2025, and did not include or otherwise mention the ''good cause'' exception under 5 U.S.C. 553(b)(B). The comment period for this NPRM was open from November 20, 2025 to December 22, 2025, as stated in the **DATES** section of the NPRM. The EPA is now finalizing that proposed rulemaking.

Comment 2: The comment stated that the record for this action is incomplete and that EPA did not ''provide a reasoned basis for approving each negative declaration.'' The comment further asserted that the docket for this action should include: DCDOEE's signed negative declaration letters, with dates and specific identification of the relevant emission guidelines; the inventory or survey EPA used to conclude that no designated facilities exist within DCDOEE's jurisdiction; a clarification of applicability determinations; and any ''data checks against national datasets.'' The comment requests that EPA supplement the docket with the complete State submissions and corroborating review materials.

Response 2: The EPA disagrees that the record for this action is incomplete. The EPA included DCDOEE's dated negative declaration letters in the docket for this action, EPA–R03–OAR–2025–1746. The NPRM for this action detailed the relevant emissions guidelines corresponding to each negative declaration submitted by DCDOEE: (1) 40 CFR part 60, subpart OOOOc for Existing Crude Oil and Natural Gas Facilities; (2) 40 CFR part 60, subpart UUUUb for Electric Utility Generating Units; and (3) 40 CFR part 60, subpart Cb for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994. There were no applicability determinations submitted by DCDOEE in its negative declaration letters, nor did the EPA receive any other requests for an applicability determination related to this matter.[1] The regulations at 40 CFR part 60, subpart B (Subpart B), contain general provisions applicable to the adoption and submittal of State plans for controlling designated pollutants. Additionally, 40 CFR part 62, subpart A, provides the procedural framework by which the EPA will approve or disapprove such plans submitted by a State. However, 40 CFR 60.23(b) and 62.06 provide that if there are no existing sources of the designated pollutant in the state, the State may submit a letter of certification to that effect (*i.e.,* a negative declaration) in lieu of a plan. The negative declaration exempts the State from the requirements of subpart B that require the submittal of a CAA section 111(d)/129 plan. Accordingly, the EPA did not utilize any additional surveys, inventories, or national dataset checks to verify DCDOEE's assertion that there are no affected or designated facilities in its jurisdiction.

Comment 3: The comment stated that EPA must either prepare an Initial Regulatory Flexibility Analysis (RFA) or certify that the rule will have no significant economic impact on a substantial number of small entities and provide a ''statement providing the factual basis for such certification.'' The comment also stated that EPA should explain which categories of small entities it considered in its determination, and why ''codifying negative declarations has no foreseeable economic impacts.''

Response 3: The EPA is certifying that this action will not have a significant economic impact on a substantial number of small entities. *See* 90 FR 52312, November 20, 2025. Because the EPA has certified that this action will not have a significant economic impact, Sections 603 and 604 of the RFA do not apply. 5 U.S.C. 605(b). The EPA provided DCDOEE's negative declaration letters in the docket for this action, EPA–R03–OAE–2025–1746. These letters certify that no affected facilities are located within DCDOEE's jurisdiction. If such facilities were found to be within DCDOEE's jurisdiction, they would be subject to the applicable rules and requirements. Codifying a negative declaration merely memorializes the EPA's receipt of a negative declaration letter.

Comment 4: The comment requested that EPA clarify the applicability of the Paperwork Reduction Act, UMRA, and Executive Order 12866. The comment requests that EPA also clarify whether any ongoing inventory or verification activities are assumed at the State or local level as a condition of maintaining an accurate negative declaration and confirm that no reporting or recordkeeping is required by this approval. The comment also states, ''If EPA concluded UMRA does not apply because the action does not impose enforceable duties or costs of $100 million or more, it should expressly state that determination and its rationale under 2 U.S.C. 1532.'' The comment also requests, in relation to Executive Order 12866, that ''EPA should, at minimum, identify whether OIRA was

[1] The EPA's applicability determinations are publicly available. Determinations submitted prior to May 2019 may be found at *https://cfpub.epa.gov/adi/,* and those submitted after May 2019 may be found at *https://www.epa.gov/complying-air-emissions-standards-stationary-sources/epa-determinations-compliance-and.*

consulted and confirm that no significance criterion is triggered.''

Response 4: Section 129 of the CAA requires the EPA to promulgate performance standards and emission guidelines pursuant to CAA section 111(d) for all categories of existing solid waste incineration units to control certain pollutants. State regulatory agencies implement the emission guidelines and compliance times using a State plan developed under sections 111(d) and 129 of the CAA. Section 111(d) of the CAA establishes general requirements and procedures on State plan submittals for the control of designated pollutants. 40 CFR part 60, subparts B and Ba set forth the procedures for adoption and submittal of the State plan. Section 129(b)(2) of the CAA mandates that all State plan requirements be at least as protective as the promulgated emission guidelines. Section 129(b)(2) of the CAA also requires that state plans be submitted to the EPA within one year after the EPA's promulgation of the emission guidelines and compliance times. Under CAA section 129(b)(3), if a State does not submit an approvable State plan within two years after the promulgation of the emission guidelines, the Federal plan applies in that State until the State has an approved State plan. A State may submit a negative declaration in lieu of a State plan if there are no sources in the State subject to the promulgated rule. Because emissions guidelines set the standards for existing sources, once a State has determined that there are no existing sources, the only way for there to be existing sources is if they are unknown to the State. In such cases, these discovered sources will be subject to the Federal plan until the State submits an approvable State plan.

While DCDOEE may maintain inventories for emission sources subject to these rules, the approval of this negative declaration does not impose any additional reporting or recordkeeping requirements. The Paperwork Reduction Act (PRA) does not apply because this action does not involve an information collection burden as defined by the PRA.

With regard to UMRA, UMRA does not apply because this action does not impose any enforceable duties or costs greater than $100 million.

With regard to Executive Order 12866, the EPA has determined that this rule is not a significant regulatory action as defined in Executive Order 12866. It was therefore not submitted to the Office of Management and Budget (OMB) for review.

IV. Final Action

In this action, the EPA is approving the negative declarations submitted by DCDOEE in lieu of its CAA (129)/111(d) State plans for the LMWC, ONG, and EGU Emission Guidelines to satisfy the requirements of 40 CFR 60.23(b), 60.23a(b), and 62.06. The Code of Federal Regulations is being amended at 40 CFR part 62 subpart J to reflect this approval.

V. Statutory and Executive Order Reviews

1. General Requirements

Under the CAA, the EPA has the authority to approve a 129/111(d) negative declaration in lieu of a State plan that complies with the provisions of the CAA and applicable Federal regulations. *See* 40 CFR 62.06. In reviewing CAA section 129/111(d) negative declaration letters, EPA's role is to approve State choices, provided that they meet the criteria of the CAA and of EPA's implementing regulations. Accordingly, this action merely notifies the public of the EPA's receipt of DCDOEE's negative declarations for large municipal waste combustors, crude oil and natural gas facilities, and electric utility generating units and does not impose additional requirements. For that reason, this action:

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards. This action is not subject to the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

This action does not have Tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

2. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

3. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

For the reasons set forth in the preamble, *EPA* amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart J—District of Columbia

■ 2. Revise § 62.2130 to read as follows:

§ 62.2130 Identification of plan—negative declaration.

(a) Letter from the Department of Consumer and Regulatory Affairs submitted July 6, 1992 certifying that there are no existing municipal waste combustor units in the District of Columbia that are subject to part 60, subpart Cb, of this chapter.

(b) Letter from the District of Columbia, Department of Energy and Environment, submitted July 19, 2024 certifying that there are no existing large municipal waste combustors in the District of Columbia that are subject to part 60, subpart Cb of this chapter.

■ 3. Add an undesignated center heading and § 62.2165 immediately after § 62.2160 to read as follows:

Emissions From Existing Crude Oil and Natural Gas Facilities

§ 62.2165 Identification of plan—negative declaration.

Letter from the District of Columbia, Department of Energy and Environment, submitted August 28, 2024 certifying that there are no existing crude oil and natural gas facilities in the District of Columbia that are subject to part 60, subpart OOOOc of this chapter.

■ 4. Add an undesignated center heading and § 62.2170 immediately after the newly added § 62.2165 to read as follows:

Emissions From Existing Electric Utility Generating Units

§ 62.2170 Identification of plan—negative declaration.

Letter from the District of Columbia, Department of Energy and Environment, submitted August 28, 2024 certifying that there are no existing electric utility generating units in the District of Columbia that are subject to part 60, subpart UUUUb of this chapter.

[FR Doc. 2026–10739 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R04–OAR–2021–0258; FRL–9562–02–R4]

South Carolina; Approval of State Plan for Control of Emissions From Commercial and Industrial Solid Waste Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a state plan submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC) on December 19, 2014, and supplemented on September 17, 2018, June 19, 2019, and November 5, 2019, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Commercial and Industrial Solid Waste Incineration (CISWI) units. The State plan provides for implementation and enforcement of the EG, as finalized by EPA on June 23, 2016, applicable to existing CISWI units for which construction commenced on or before June 4, 2010, or for which modification or reconstruction commenced after June 4, 2010, but no later than August 7, 2013. The State plan also incorporates the CISWI technical amendments finalized by EPA on April 16, 2019. The South Carolina State plan establishes emission limits, monitoring, operating, recordkeeping, and reporting requirements for affected CISWI units.

DATES: This rule is effective on June 29, 2026. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of June 29, 2026.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R04–OAR–2021–0258. All documents in the docket are listed on the *regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov,* or in hard copy form at the Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303–8960. EPA requests that, if at all possible, you contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Bloeth, Regulatory and Communities Air Toxics Section, Air Analysis and Support Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth St. SW, Atlanta, Georgia 30303, telephone number: (404) 562–9013, email address: *bloeth.mark@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 129 of the Clean Air Act (CAA or the Act) directs the Administrator to develop regulations under that section and section 111(d) of the Act to limit emissions of nine air pollutants (particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium) from four categories of solid waste incineration units: municipal solid waste incinerators; hospital, medical, and infectious solid waste incinerators; commercial and industrial solid waste incinerators; and other solid waste incinerators.

On December 1, 2000, EPA promulgated new source performance standards (NSPS) and EG to reduce air pollution from CISWI units, which are codified at 40 CFR part 60, subparts CCCC and DDDD, respectively. *See* 65 FR 75338. EPA revised the NSPS and EG for CISWI units on March 21, 2011. *See* 76 FR 15704. Following promulgation of the 2011 CISWI rule, EPA received petitions requesting that it reconsider numerous provisions in the rule. EPA granted reconsideration on certain issues and, subsequently, on February 7, 2013, it promulgated a CISWI reconsideration rule. *See* 78 FR 9112. Subsequently, EPA received petitions to reconsider certain provisions of the NSPS and EG for CISWI units. On January 21, 2015, EPA granted reconsideration on four specific issues and subsequently, on June 23, 2016, it finalized reconsideration of the CISWI NSPS and EG. *See* 81 FR 40956.

Following promulgation of the June 23, 2016, final action, EPA received requests from industry stakeholders and implementing agencies to clarify various issues with implementation of the standards. In addition, EPA identified certain procedural issues, including testing and monitoring issues and inconsistencies within the rules, that required further clarification or correction. To address the issues, EPA proposed amendments on June 15, 2018, to several provisions of the 2016 CISWI NSPS and EG. *See* 83 FR 28068. On April 16, 2019, EPA finalized technical amendments to the June 15, 2018, proposal by promulgating clarifying changes and corrections to the 2016 CISWI rule. *See* 84 FR 15846.

Section 129(b)(2) of the CAA requires states to submit to EPA for approval state plans and revisions that implement and enforce the EG—in this case, 40 CFR part 60, subpart DDDD. State plans and revisions must be at least as protective as the EG and become federally enforceable upon approval by EPA. The procedures for submittal and adoption of state plans and revisions are codified in 40 CFR part 60, subpart B.

South Carolina submitted a State plan to implement and enforce the EG for existing CISWI units in the State on December 19, 2014, with a subsequent supplemental revision on September 17, 2018, an addendum on June 19, 2019, and a final updated State plan on November 5, 2019.[1] In a notice of proposed rulemaking published on April 26, 2024 (*See* 89 FR 32387), EPA proposed to approve South Carolina's State plan. Additional information concerning South Carolina's State plan submission and the rationale for EPA's actions for this final rule are explained in the April 26, 2024, proposed rulemaking. Comments on the proposed rulemaking were due on or before May 28, 2024. EPA received no comments on the proposed action.

II. Final Action

EPA is finalizing approval of South Carolina's section 129 State plan for CISWI units in the State, as submitted on December 19, 2014, and supplemented on September 17, 2018, June 19, 2019, and November 5, 2019. The State plan was submitted in full compliance with the requirements of sections 111(d) and 129 of the CAA, and 40 CFR part 60, subparts B and DDDD. This approval is based on the rationale provided in the NPRM associated with this rulemaking. EPA's approval is in accordance with the general provisions of plan approval found in 40 CFR part 60, subpart B and 40 CFR part 62, subpart A, and is pursuant to the Agency's role under 42 U.S.C. 7411(d) and 7429(b). EPA's approval of South Carolina's State plan is limited to those CISWI units that meet the criteria established in 40 CFR part 60, subpart DDDD, and grants the State authority to implement and enforce the performance standards and source requirements of the EG, except in those cases where authorities are specifically reserved for the EPA Administrator or his designee. Authorities retained by the EPA Administrator are those listed in 40 CFR 60.2542.

[1] On July 1, 2024, SC DHEC was restructured into a health agency, the Department of Public Health, and an environmental agency, the Department of Environmental Services (SC DES). In a letter dated June 20, 2024, South Carolina represented to EPA that all the functions, powers, and duties of the environmental divisions, offices, and programs of SC DHEC, including the authority to administer and enforce State plans, are retained and continued in full force and effect under SC DES. Throughout this proposal, the terms, ''Department'', ''South Carolina Department of Health and Environmental Services'', ''SCDHEC'', ''South Carolina Department of Environmental Services'', and ''SC DES'' are all interchangeable.

III. Incorporation by Reference

In accordance with requirements of 1 CFR 51.5, EPA is finalizing regulatory text that includes incorporation by reference of South Carolina Code of Regulations (S.C. Code Regs.) ch. 61–62.60, Subpart DDDD, which became effective in the State of South Carolina on August 23, 2019. This incorporation establishes emission standards and compliance times for the control of air pollutants from certain CISWI units that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013. S.C. Code Regs. ch. 61–62.60, Subpart DDDD provides details regarding South Carolina's adoption of the applicability provisions, compliance times, emission guidelines, operational standards, test methods, compliance provisions, monitoring requirements, reporting guidelines, recordkeeping guidelines, and definitions contained in EPA's emission guidelines for existing CISWI units (40 CFR part 60, subpart DDDD). The emissions standards and compliance times established within the South Carolina State plan are at least as stringent as those required by the EG for existing CISWI units subject to Subpart DDDD. EPA has made, and will continue to make, these materials generally available through the docket for this action, EPA–R04–OAR–2021–0258, at *https://www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). This incorporation by reference has been approved by the Office of the Federal Register as of June 29, 2026, and the plan is federally enforceable under the CAA as of the effective date of this final rulemaking.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a 111(d)/129 plan submission that complies with the provisions of the CAA and applicable Federal regulations. In reviewing 111(d)/129 plan submissions, EPA's role is to approve State choices, provided they meet the criteria of the CAA and EPA's implementing regulations. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under

Executive Order 12866 (58 FR 51735, October 4, 1993);

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

Because the South Carolina State plan for existing CISWI units is not approved to apply and does not impose additional requirements beyond those imposed by state law, this action does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation (CIN) Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' The CIN also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Incorporation by reference, Industrial facilities, Intergovernmental relations, Methane, Ozone, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Waste treatment and disposal.

Dated: May 14, 2026.

Kevin McOmber,

Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart PP—South Carolina

■ 2. Amend § 62.10100 by:
■ a. Revising paragraph (a); and
■ b. Adding paragraphs (b)(6) and (c)(6).

The revision and additions read as follows:

§ 62.10100 Identification of plan.

(a) Identification of plan. South Carolina Designated Facility Plan.

(b) * * *

(6) South Carolina's State Plan for Existing Commercial and Industrial Solid Waste Incineration Units, as submitted on December 19, 2014, and supplemented on September 17, 2018, June 19, 2019, and November 5, 2019, by the South Carolina Department of Health and Environmental Control (now the ''South Carolina Department of Environmental Services'').

(c) * * *

(6) Existing commercial and industrial solid waste incineration units.

■ 2. Revise § 62.10190 to read as follows:

§ 62.10190 Identification of Sources.

(a) *Identification of plan.* South Carolina's State Plan for Existing Commercial and Industrial Solid Waste Incineration Units, as submitted on December 19, 2014, and supplemented on September 17, 2018, June 19, 2019, and November 5, 2019. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to each existing commercial and industrial solid waste incineration unit in the State of South Carolina that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013, as such incineration units are defined in 40 CFR 60.2875 and 40 CFR part 60.

(c) *Effective date.* The effective date of the plan is June 29, 2026.

(d) *Incorporation by reference.* Material listed in this paragraph (d) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact the EPA at: EPA Region 4 office, 61 Forsyth St. SW, Atlanta, Georgia 30303, 404–562–9900. 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.* The material may be obtained from the State of South Carolina at *https://www.scstatehouse.gov/state_register.php.*

(1) *State of South Carolina—The Legislative Council of the General Assembly* S.C. Code Regs. ch. 61–62.60, Subpart DDDD, South Carolina Code of Regulations, ch. 61–62.60, Subpart DDDD—Performance Standards and Compliance Times for Existing Commercial and Industrial Solid Waste Incineration Units, as published in the South Carolina State Register Vol. 43, Issue 8, which became effective in the State of South Carolina on August 23, 2019.

(2) [Reserved].

[FR Doc. 2026–10744 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R05–OAR–2022–0004; FRL–13336–01–R5]

Designation of Areas for Air Quality Planning Purposes; Michigan; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Detroit, Michigan area was redesignated to attainment of the 2015 ozone National Ambient Air Quality Standards (NAAQS) on May 19, 2023. On December 5, 2025, the United States Court of Appeals for the Sixth Circuit vacated the Environmental Protection Agency's (EPA's) redesignation of the Detroit area. Therefore, pursuant to the Court's decision, the EPA is making a technical amendment to the part 81 listing for the Detroit area to reflect the area's designation as nonattainment for the 2015 ozone NAAQS, with a classification of Moderate.

DATES: This final rule is effective on June 29, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2022–0004. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Eric Svingen, Environmental Engineer, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 353–4489, email address: *svingen.eric@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background Information

The EPA designated the Detroit, Michigan area (Detroit area) as Marginal nonattainment for the 2015 ozone NAAQS on June 4, 2018 (83 FR 25776) (effective August 3, 2018). The Detroit area includes Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties. On February 1, 2023 (88 FR 6633), the EPA determined that the Detroit area failed to attain the 2015 ozone NAAQS by its Marginal attainment date of August 3, 2021, based on the area's design value as of the attainment date (*i.e.,* monitoring data from 2018–2020). As a result of that determination, the area was reclassified by operation of law to Moderate nonattainment. On January 3, 2022, the Michigan Department of Environment, Great Lakes, and Energy submitted a request to redesignate the Detroit area to attainment of the 2015 ozone NAAQS based on monitored attainment of the NAAQS for the 2019–2021 time period. On May 19, 2023 (88 FR 32594), the EPA finalized redesignation of the Detroit area to attainment of the 2015 ozone NAAQS.

On July 17, 2023, Sierra Club petitioned the United States Court of Appeals for the Sixth Circuit (Court) for review of this action. On December 5, 2025, the Court concluded that EPA erred with respect to its legal interpretation of Clean Air Act (CAA) section 107(d)(3)(E)(v), which requires that a State ''has met'' all requirements applicable to the area as a prerequisite to redesignation. The Court vacated the EPA's redesignation of the Detroit area and issued its mandate in the case on February 24, 2026. *See Sierra Club* v. *EPA,* 161 F.4th 934 (6th Cir. 2025). The EPA is therefore amending 40 CFR 81.323 to reflect the Court's decision.

II. Final Action

The EPA is amending the listing in 40 CFR 81.323 to indicate that the Detroit area is designated as nonattainment for the 2015 ozone NAAQS, with a classification of Moderate.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not subject to Executive Order 14192 because it is taken pursuant to a decision of the United States Court of Appeals for the Sixth Circuit and merely reflects the Court's action in reinstating the area's previous designation, an action that affects the attainment status of a geographical area, and is exempt from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

This action is not subject to Executive Order 13045 because it is not 3(f)(1) significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to

children because it approves a State program.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act

This rulemaking does not involve technical standards.

K. Congressional Review Act

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

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 28, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: May 19, 2026.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 81 is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

■ 2. Section 81.323 is amended by revising the entry for Detroit, MI in the table entitled ''Michigan-2015 8-Hour Ozone NAAQS [Primary and Secondary]'' to read as follows:

§ 81.323 Michigan.

* * * * *

MICHIGAN-2015 8-HOUR OZONE NAAQS

[Primary and Secondary]

Designated area[1]	Designation		Classification	
	Date[2]	Type	Date[2]	Type
* * * * * * *				
Detroit, MI	.....	Nonattainment ..	March 1, 2023.	Moderate
Livingston County.				
Macomb County.				
Monroe County.				
Oakland County.				
St. Clair County.				
Washtenaw County.				
Wayne County.				
* * * * * * *				

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

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

* * * * *

[FR Doc. 2026–10768 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 174

[EPA–HQ–OPP–2025–0089; EPA–HQ–OPP–2025–0099; EPA–HQ–OPP–2025–0100; FRL–13294–01–OCSPP]

Bacillus Thuringiensis Cry1B.34.1, Bacillus Thuringiensis Cry1B.61.1 and Adiantum Trapeziforme var. Braziliense IPD083Cb Proteins; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of the *Bacillus thuringiensis* Cry1B.34.1, *Bacillus thuringiensis* Cry1B.61.1, and *Adiantum trapeziforme var. braziliense* IPD083Cb proteins (hereafter Cry1B.34.1, Cry1B.61, and IPD083Cb proteins) in or on all food and feed commodities when used as plant-incorporated protectants (PIP). Pioneer Hi-Bred International Inc. (Pioneer) submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting exemptions from the requirement of a tolerance. This regulation eliminates the need to establish maximum permissible levels for residues of Cry1B.34.1, Cry1B.61, and IPD083Cb proteins when used in accordance with the terms of the exemption.

DATES: This regulation is effective on May 29, 2026. Objections and requests for hearings must be received on or before July 28, 2026, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The dockets for this action, identified by docket identification (ID) numbers EPA–HQ–OPP–2025–0089, EPA–HQ–OPP–2025–0099, and EPA–HQ–OPP–2025–0100 are available at *https://www.regulations.gov.* Additional information about the docket generally, along with instructions for visiting the docket in-person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Shannon Borges, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(c)(2)(A)(i) allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' FFDCA section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider, among other things, ''available information concerning the cumulative effects of a particular pesticide's residues'' and ''other substances that have a common mechanism of toxicity.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID numbers EPA–HQ–OPP–2025–0089, EPA–HQ–OPP–2025–0099, and EPA–HQ–OPP–2025–0100, in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before July 28, 2026.

EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See ''Order Urging Electronic Filing and Service,'' dated December 3, 2025, which can be found at *https://www.epa.gov/system/files/documents/2025-12/2025-12-03-order-urging-electronic-filing-and-service.pdf.* Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/OA/EAB/EAB-ALJ_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned for Exemptions

In the **Federal Register** of September 5, 2025 (90 FR 42896) (FRL–12474–06–OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of pesticide tolerance petitions (PP 4F9125, 4F9126, and 4F9127) by Pioneer Hi-Bred International Inc.,7300 NW 62nd Avenue, P.O. Box Johnston, Iowa 50131. The petition requested that 40 CFR part 174 be amended by establishing exemptions from the requirement of a tolerance for residues of the *Bacillus thuringiensis* Cry1B.34.1, *Bacillus thuringiensis* Cry1B.61.1, and *Adiantum trapeziforme var. braziliense* IPD083Cb proteins in or on all food and feed commodities when used as plant incorporated protectants (PIP). That document referenced a summary of the petitions submitted by the petitioner Pioneer, which is available in the dockets.

One comment was received on the notice of filing. EPA's response to the comment is discussed in Unit III.C.

III. Final Tolerance Actions

A. EPA's Safety Determination

EPA evaluated the available toxicological and exposure data on the Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which the EPA relied and its risk assessment based on those data can be found within the document entitled ''Product Characterization Review and Human Health Risk Assessment of the Insecticidal Plant-Incorporated Protectant (PIP) Active Ingredients Cry1B.34.1, Cry1B.61.1, and IPD083Cb, the PIP Inert Ingredient GM–HRA, and the Genetic Material Necessary (PHP90315 T–DNA) for their Production in Event COR23134 Soybean (OECD Unique Identifier: COR–23134–4)'' (Human Health Risk Assessment). This document, as well as other relevant information, are available in the docket

for this action as described under **ADDRESSES**.

Cry1B.34.1 and Cry1B.61.1 are both derived from the bacterium *Bacillus thuringiensis* (*Bt*) and IPD083Cb is derived from *Adiantum trapeziforme var. braziliense* (maidenhair fern). All three of these PIPs are intended to provide protection from feeding damage caused by certain lepidopteran insect pests. Similar to other insecticidal crystal proteins derived from *Bt,* the pesticidal mode of action effected by both Cry1B.34.1 and Cry1B.61.1 is pore formation in the midgut of the target pest leading to death. The Cry1B.34.1 protein in soybean was determined to be identical to the Cry1B.34 active ingredient in maize, for which an exemption from tolerance was previously established (40 CFR 174.553). The three-domain core of Cry1B.34.1 is intact and as such is expected to exhibit the mode of action and activity spectrum of Cry1B.34 in maize. Cry1B.61.1 is a modified Cry1B-class protein with changes introduced into the amino acid sequence to improve effectiveness against the target pests. The IPD083Cb protein is a fern-derived insecticidal protein whose mode of action is expected to be similar to that of the Bt Cry proteins. Characterization of fern-derived IPD proteins found that, while they share no significant sequence homology to Cry proteins, they do exhibit high structural and functional similarity to domains I and II of the tryptic core of three-domain Cry proteins, and the insecticidal activity was found to be specific to lepidopteran pests.

The most likely route of exposure to these plant-incorporated protectants are dietary, via consumption of food plants producing the three PIPs. However, Cry1B.34.1, Cry1B.61.1, and IPD083Cb are expected to be of negligible toxicity and are unlikely to be food allergens. The lack of toxicity is due to: (1) the results of the acute oral toxicity studies, which showed no toxicity to mice after exposure to three oral doses totaling 5000 mg/kg/bw (EPA Toxicity Category IV); and (2) bioinformatic analyses of the proteins that showed none of Cry1B.34.1 and Cry1B.61.1 of IPD083Cb were found to exhibit significant homology to any known mammalian toxins. Likewise, the potential for allergenicity is low because: (1) bioinformatic analyses indicate no biologically relevant similarity between the Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins and any known allergens; (2) Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins were fully and rapidly digested when exposed to digestive enzymes (gastric proteases); (3) Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins behave with a predictable tendency toward protein denaturation and loss of functional activity at elevated temperatures, indicating that they are heat labile and will likely denature in the course of normal thermal treatment during food preparation; and (4) Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins are not glycosylated. Current scientific knowledge suggests that protein glycosylation may contribute to protein stability and enhance its allergenic potential.

Oral exposure to the Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins via drinking water is considered unlikely. Cry1B.34.1, Cry1B.61.1, and IPD083Cb are proteins and, as such, they are susceptible to degradation by environmental conditions and microbial activity. Therefore, the expectation is that these proteins would be broken down into their amino acid constituents before they could reach drinking water. However, in the unlikely event that Cry1B.34.1, Cry1B.61.1, or IPD083Cb are present in drinking water, exposure to these proteins would not be expected to result in a human health risk based on the hazard considerations articulated above.

As plant-incorporated protectants, Cry1B.34.1, Cry1B.61.1, and IPD083Cb are contained within the plant cells. Therefore, non-occupational and residential exposure is considered to be negligible except for oral exposure through consumption of the plant expressing those proteins.

Although FFDCA section 408(b)(2)(C) provides for an additional tenfold margin of safety for infants and children in the case of threshold effects, EPA has determined that there are no such effects due to the lack of toxicity and allergenicity of Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins. As a result, an additional margin of safety for the protection of infants and children is unnecessary.

Based upon its evaluation in the Human Health Risk Assessment, which concluded that *Bacillus thuringiensis* Cry1B.34.1, *Bacillus thuringiensis* Cry1B.61.1, and *Adiantum trapeziforme var. braziliense* IPD083Cb proteins are not toxic or allergenic to mammals, the EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children from aggregate exposure to residues of Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins. Therefore, exemptions from the requirement of a tolerance are established for residues of *Bacillus thuringiensis* Cry1B.34.1, *Bacillus thuringiensis* Cry1B.61.1, and *Adiantum trapeziforme var. braziliense* IPD083Cb proteins in or on all food and feed commodities when used as plant-incorporated protectants and according to the label and good agricultural practices.

B. Analytical Enforcement Methodology

EPA has determined that an analytical method is not required for enforcement purposes for Cry1B.34.1, Cry1B.61.1, and IPD083Cb residues since the Agency is establishing exemptions from the requirement of a tolerance without any numerical limitation. Nonetheless, a valid enzyme-linked immunosorbent assay (ELISA) to detect the presence of. Cry1B.34.1, Cry1B.61.1, and IPD083Cb proteins in extracts from different plant parts were submitted with the petitions. The submitted ELISA methodology was determined to be a reliable method of detecting Cry1B.34.1, Cry1B.61.1, and IPD083C proteins in the tissues of soybean.

C. Response to Comments

One comment was received during the public comment period for the notice of filing. The commentor urged the prohibition of PIPs and ''manipulated nucleic acids (MNAs)'' citing potential health and environmental impacts due to the gene flow (integration) of the modified genetic material from PIPs into other organisms, particularly microbes and marine fauna. EPA's assessments for PIP active ingredients have concluded that there is no evidence that the transfer of PIP genes and/or toxins to microorganisms or other fauna can occur. Furthermore, experiments published in the scientific literature have been unable to detect PIP gene transfer under typical environmental conditions. Regarding the Cry1B.34.1, Cry1B.61.1, and IPD083C proteins, EPA has performed two in-depth assessments to ascertain the overall risk to human health and the environment. As described in Part III.A above, these PIPs are expected to be of negligible mammalian toxicity and are unlikely to be food allergens. Therefore, no adverse effects to human health are expected when Cry1B.34.1, Cry1B.61.1, and IPD083Cb are expressed as a PIP in food and feed commodities. Further, an ecological risk and environmental fate assessment was conducted to determine the risk to terrestrial and aquatic non-target organisms. The results of this assessment determined that the three PIPs are not expected to pose a hazard to any non-target, non-lepidopteran organisms, including non-lepidopteran marine fauna such as fish and invertebrates, due to the proteins' lack

of activity against non-insect species. Furthermore, exposure to these proteins is anticipated to be limited as off-field dispersal of the PIP pollen and post-harvest residues would result in negligible exposures levels of Cry1B.34.1, Cry1B.61.1, and IPD083Cb to marine environments. Therefore, due to a lack of hazard and/or relevant environmental exposure, there is a reasonable expectation of no discernible effects to occur to marine fish or invertebrate species.

D. Conclusion

Therefore, EPA is finalizing the tolerance exemption that was petitioned for by Pioneer (PP 4F9125 2025–0099) (PP 4F9126 2025–0100) (PP 4F9127 2025–0089).

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/regulations/and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance or tolerance exemption under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA, 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA, 5 U.S.C. 601 *et seq.* The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to the APA but is subject to FFDCA section 408(d), which does not require notice and comment rulemaking to take this action in response to a petition.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

However, EPA's 2026 Policy on Children's Health applies to this action. This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....'' (FFDCA 408(b)(2)(C)). The Agency's consideration is documented in Unit III.A.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 174

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 26, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

For the reasons set forth in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 174—PROCEDURES AND REQUIREMENTS FOR PLANT-INCORPORATED PROTECTANTS

Subpart W—TOLERANCES AND TOLERANCE EXEMPTIONS

■ 1. The authority citation for part 174 continues to read as follows:

Authority: 7 U.S.C. 136–136y; 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 174.557 to Subpart W to read as follows:

§ 174.557 *Bacillus thuringensis* Cry1B.34.1 protein; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance for residues of *Bacillus thuringensis* Cry1B.34.1 protein in or on all food and feed commodities when used as a Plant-Incorporated Protectant in accordance with label directions and good agricultural practices.

■ 3. Add § 174.558 to Subpart W to read as follows:

§ 174.558 *Bacillus thuringensis* Cry1B.61.1 protein; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance for residues of *Bacillus thuringensis* Cry1B.61.1 protein, in or on all food and feed commodities when used as a Plant-Incorporated Protectant in accordance with label directions and good agricultural practices.

■ 4. Add § 174.559 to Subpart W to read as follows:

§ 174.559 *Adiantum trapeziforme* var. *braziliense* IPD083Cb protein; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance for residues of *Adiantum trapeziforme* var. *braziliense* IPD083Cb protein in or on all food and feed commodities when used as a Plant-Incorporated Protectant in accordance with label directions and good agricultural practices.

[FR Doc. 2026–10709 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2025–0158; FRL–13382–01–OCSPP]

Propylene Oxide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of propylene oxide (PPO) in or on sesame, seed; turmeric, roots, dried; ginger, dried; pepper, bell, dried; and pepper, nonbell, dried. ABERCO, Inc., a Balchem Company, submitted a petition to EPA requesting that EPA establish a maximum permissible level for residues of this pesticide in or on the identified commodities.

DATES: This regulation is effective May 29, 2026. Objections and requests for hearings must be received July 28, 2026, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2025–0158, is available at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket center in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' FFDCA section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2025–0158 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 28, 2026.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Order Urging Electronic Filing and Service,'' dated December 3, 2025, which can be found at *https://www.epa.gov/system/files/documents/2025-12/2025-12-03-order-urging-electronic-filing-and-service.pdf.* Although the EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned-For Tolerance

In the **Federal Register** of September 5, 2025 (90 FR 42896) (FRL–12474–06–OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5F9175) by ABERCO, Inc., a Balchem Company, 5 Paragon Drive, Suite 201, Montvale, NJ 07645. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide propylene oxide (PPO), in or on sesame, seed; turmeric, roots, dried; ginger, dried; pepper, bell, dried; and pepper, nonbell, dried at 300 parts per million (ppm) for PPO, including its metabolites and degradates, and 6,000 ppm for its reaction product propylene chlorohydrin (PCH), including its metabolites and degradates. That document referenced a summary of the petition prepared by ABERCO, Inc., a Balchem Company, the registrant, which is available in the docket, ID number EPA–HQ–OPP–2025–0158, at *http://www.regulations.gov.*

EPA received one comment on the notice of filing. The comment did not pertain to the PPO or PCH tolerances described in the notice of filing and provided no information indicating that a safety determination for these tolerances cannot be supported.

EPA is not establishing the petitioned-for PCH tolerances because the request was subsequently withdrawn by the petitioner. The reason for this change is explained in Unit IV.C.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for PPO, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with PPO follows.

B. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Systemic effects in toxicity studies via the inhalation route suggest that PPO is absorbed locally and systemically, accumulating in the mucosa of the nose, trachea, and lung, but also reaching the liver; however, data suggest that inhalation exposure produces adverse effects only at the portal of entry. Oral and dermal toxicity studies have also found mostly portal of entry effects, suggesting that PPO is minimally absorbed systemically via those routes. Hydrolysis of PPO may occur spontaneously in the acidic environment of the stomach. Under *in vitro* conditions similar to the stomach environment, PPO hydrolysis is fast (half-life of 1 minute) and yields propylene glycol. Conjugation of PPO to glutathione (GSH), and alkylation to DNA or proteins can also occur, especially at the portal of entry. Chronic oral gavage dosing induced forestomach lesions in rats; however, this effect is not relevant for risk assessment because humans do not have a forestomach or any similar tissues. Inhalation exposure to PPO decreased non-protein sulfhydryl (NPSH) levels in respiratory mucosa, lung, and liver, and induced nasal cavity lesions in rats (olfactory epithelium atrophy, necrosis and regeneration; respiratory epithelium regeneration; inflammation; epithelial and squamous metaplasia) and mice (inflammation). For inhalation exposure, PPO is classified as ''B2; Probable Human Carcinogen'' by the Integrated Risk Information System, and a cancer slope factor (Q1*) of 3.7×10^{-6} $(\mu g/m^3)^{-1}$ based on nasal cavity hemangioma in mice is used for inhalation risk assessment. There is no offspring susceptibility in the PPO database.

In animal studies via the oral route, PCH targets primarily the acinar cells of the pancreas, with lesions that progress from cytoplasmic alteration and degeneration at 14 days, to fatty change and focal metaplasia at 90 days of exposure. In prenatal developmental studies in rat and rabbit, fetuses had decreased weight at the same dose that showed increased incidence of maternal mortality and pre-term delivery. In a reproductive study, rat dams showed decreased body weight at delivery and during lactation at a higher dose than that causing decreased body weight in pups, indicating offspring susceptibility. In an acute neurotoxicity study, lower total ambulatory activity was observed. PCH is classified as ''Not Likely to be Carcinogenic to Humans.'' This is based on a lack of treatment-related tumors observed in male and female mice and rats. There is also low concern for mutagenicity *in vivo.*

Specific information on the risk assessment conducted in support of this action, including on the studies received and the nature of the adverse effects caused by PPO and PCH, can be found in the document titled ''Propylene Oxide. Human Health Risk Assessment for Proposed New Uses on Sesame, seed; Turmeric, roots, dried; Ginger, dried; Pepper, bell, dried; and Pepper, nonbell, dried'' (hereinafter ''PPO Human Health Risk Assessment''), which is available in the docket for this action.

C. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level, generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD), and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/human-health-risk-pesticides.*

More detailed information on the toxicological endpoints for PPO and PCH used for human health risk assessment can be found in the PPO Human Health Risk Assessment, which is available in the docket for this action.

D. Exposure Assessment

1. Dietary Exposure From Food and Feed Uses

In evaluating dietary exposure to PPO and PCH, EPA considered exposure under the petitioned-for tolerances as

well as all existing PPO tolerances in 40 CFR 180.491. A quantitative dietary exposure assessment was not conducted for PPO, because no effect of concern was identified in the database for oral exposure scenarios and no dietary PODs were selected for PPO for any population. A quantitative dietary exposure assessment was conducted for PCH only. EPA assessed dietary exposures from PCH in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for PCH. In estimating acute dietary exposure, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 4.02. This model uses 2005–2010 food consumption information from the United States Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA conducted a partially refined acute dietary (food only) exposure and risk assessment, taking into account the interval between treatment and availability of treated commodities for consumption. EPA assumed 100 percent crop treated (PCT) for all commodities.

ii. *Chronic exposure.* In estimating chronic dietary exposure, EPA used the DEEM–FCID Version 4.02 and 2005–2010 food consumption information from the NHANES/WWEIA. As to residue levels in food, EPA conducted a partially refined chronic dietary (food only) exposure and risk assessment, taking into account the interval between treatment and availability of treated commodities for consumption. EPA assumed 100 PCT for all commodities.

iii. *Cancer.* PCH has been classified as ''Not Likely to be Carcinogenic to Humans,'' and therefore a cancer dietary assessment was not conducted.

iv. *Anticipated residue and PCT information.* FFDCA section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require, pursuant to FFDCA section 408(f)(1), that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. EPA assumed 100 PCT for both the acute and chronic dietary assessments for this action.

2. Dietary Exposure From Drinking Water

Based on the registered and proposed uses of PPO as an indoor fumigant, PPO and PCH residues are not expected in surface water or groundwater, so exposure to PPO and PCH in drinking water is not expected. A quantitative drinking water exposure assessment therefore was not conducted for PPO or PCH.

3. From Non-Dietary Exposure

The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). There are no residential uses of PPO registered or proposed, and no residential handler or residential post-application exposure is expected. Quantitative residential handler and residential post-application exposure assessments therefore were not conducted for PPO or PCH.

4. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to PPO or PCH and any other substances and they do not appear to produce a toxic metabolite produced by other substances. Therefore, for the purposes of this action, EPA has not assumed that neither PPO nor PCH has a common mechanism of toxicity with other substances.

E. Safety Factor for Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) safety factor. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

Based on the analysis in section 4.1 of the PPO Human Health Risk Assessment, EPA concludes that there is reliable data to support the reduction of the FQPA safety factor for PPO and PCH to 1X. That analysis demonstrates that a FQPA safety factor of 1X will be safe for infants and children because the available information fully accounts for the potential for pre- and post-natal toxicity of PPO and PCH and the toxicological and exposure databases for PPO and PCH are adequate to characterize potential pre- and post-natal risk for infants and children.

F. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. Acute Risk

There are no registered or proposed uses of PPO that are expected to result in drinking water exposure. Therefore, the acute aggregate risk assessment considers exposures from food only. For PPO, no adverse effect resulting from oral exposure was identified and no dietary endpoint was selected. Therefore, PPO is not expected to pose an acute risk. For PCH, using the exposure assumptions described in this unit for acute exposure, EPA has concluded that acute exposure to PCH from food will occupy 16% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure, and is not of concern.

2. Chronic Risk

There are no registered or proposed uses of PPO that are expected to result in drinking water exposure or direct residential exposure. Therefore, the chronic aggregate risk assessment considers exposures from food only. For PPO, no adverse effect resulting from oral exposure was identified and no dietary endpoint was selected. Therefore, PPO is not expected to pose a chronic risk. For PCH, using the exposure assumptions described in this unit for chronic exposure, EPA has

concluded that chronic exposure to PCH from food will utilize 8.0% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure, and is not of concern.

3. Short-Term Risk

Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there are no registered or proposed uses of PPO resulting in direct residential exposures, and no residues expected in drinking water, the short-term risk is equal to the chronic dietary risk described above.

4. Intermediate-Term Risk

Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there are no registered or proposed uses of PPO resulting in direct residential exposures, and no residues expected in drinking water, the intermediate-term risk is equal to the chronic dietary risk described above.

5. Aggregate Cancer Risk for U.S. Population

No dietary cancer risks of concern were identified for PPO or PCH. The Agency did not conduct an oral quantitative cancer risk assessment for PPO, based on the available information (*i.e.,* no effects relevant to humans were identified as a result of oral exposure to PPO). Similarly, no cancer risk of concern was identified for PCH. PCH is classified as ''Not Likely to be Carcinogenic to Humans''.

6. Determination of Safety

Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to PPO residues, including its metabolites and degradates. More detailed information about the Agency's analysis can be found in the PPO Human Health Risk Assessment, which is available in the docket for this action.

IV. Other Considerations

A. Analytical Enforcement Methodology

The available analytical enforcement method, ABC METHOD 46306–PPO/Hydrins Rev 1.0, is able to quantitate the residues of PPO in various commodities using head space gas chromatography with flame ionization detection (GC/FID). A confirmatory method has been validated for PPO and PCH, utilizing GC with electron impact ionization mass spectrometry (EIMS) for quantitation of PPO, and either GC/EIMS or GC/ELCD (electron capture detection) for quantitation of the isomers of PCH. More detailed information about analytical enforcement methodology can be found in the PPO Human Health Risk Assessment, which is available in the docket for this action.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRL) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Codex has not established a MRL for PPO in or on ginger, bell or nonbell pepper, sesame seed, or turmeric, roots.

C. Revisions to Petitioned-For Tolerances

During the registration review of PPO conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA determined that PCH tolerances are not needed since PPO residues alone are adequate for detection of PPO misuse for enforcement activities, and there are no established Codex MRLs for PCH. For regulatory clarity, and to ensure residues of PPO reaction products (including PCH and propylene bromohydrin) remain covered under the PPO tolerances, the Agency proposed and finalized a rule under the FFDCA removing all PCH tolerances from 40 CFR 180.491 and revising the tolerance expression for PPO to specify the inclusion of these reaction products. *See* 90 FR 42896, June 9, 2025 (FRL–12765–01–OCSPP), and 91 FR 21386, April 22, 2026 (FRL–12765–02–OCSPP). As a result, the petitioner withdrew its request that EPA establish the petitioned-for PCH tolerances, and EPA is not establishing these tolerances.

V. Conclusion

Therefore, tolerances are established for residues of propylene oxide in or on ginger, dried; pepper, bell, dried; pepper, nonbell, dried; sesame, seed; and turmeric, roots, dried at 300 ppm.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and executive orders can be found at *https://www.epa.gov/regulations/and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.,* do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or Tribal governments or on the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because tolerance actions like this one are exempt from review under Executive Order 12866.

However, EPA's 2026 *Policy on Children's Health* applies to this action. This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' (FFDCA 408(b)(2)(C)). The Agency's consideration is summarized in Unit III.E.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 18, 2026.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

For the reasons set forth in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Amend § 180.491 by adding, in alphabetical order, the entries ''Ginger, dried'', ''Pepper, bell, dried'', ''Pepper, nonbell, dried'', ''Sesame, seed'', and ''Turmeric, roots, dried'' to table 1 to paragraph (a) to read as follows:

§ 180.491 Propylene oxide; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Ginger, dried	300
* * * * *	
Pepper, bell, dried	300
Pepper, nonbell, dried	300
* * * * *	
Sesame, seed	300
Turmeric, roots, dried	300

* * * * *

[FR Doc. 2026–10711 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2025–0314; FRL–12931–02–OCSPP]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (25–2.5e)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for certain chemical substances that were the subject of premanufacture notices (PMNs) and are also subject to an Order issued by EPA pursuant to TSCA. The SNURs require persons to notify EPA at least 90 days before commencing the manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use in the SNUR. The required notification initiates EPA's evaluation of the conditions of that use for that chemical substance. In addition, the manufacture or processing for the significant new use may not commence until EPA has conducted a review of the required notification; made an appropriate determination regarding that notification; and taken such actions as required by that determination.

DATES: This rule is effective on July 28, 2026. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (EST) on June 12, 2026.

ADDRESSES: The docket for this action, identified under docket identification (ID) number EPA–HQ–OPPT–2025–0314, is available online at *https://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket) in the Environmental Protection Agency Docket Center (EPA/DC). Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Punam Tyagi, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1176; email address: *tyagi.punam@epa.gov.*

For general information on SNURs: William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental

Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information on TSCA: The TSCA Assistance Information Service Hotline, Goodwill of the Finger Lakes, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the factors in TSCA section 5(a)(2).

B. What action is the Agency taking?

EPA is finalizing SNURs under TSCA section 5(a)(2) for the chemical substances identified in this document. These chemical substances were the subject of PMNs and are also subject to an Order issued by EPA pursuant to TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). The SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4). The SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use in the SNURs to notify EPA at least 90 days before commencing that activity.

Previously, EPA proposed SNURs for these chemical substances in the **Federal Register** of November 3, 2025 (90 FR 49180 (FRL–12931–01–OCSPP)). The docket includes information considered by the Agency in developing the proposed and final rules, including public comments and EPA's responses to the comments received as discussed in Unit II.D.

C. Does this action apply to me?

1. General Applicability

This action applies to you if you manufacture, process, or use the chemical substances identified in this document. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

2. Applicability to Importers and Exporters

This action may also apply to certain entities through pre-existing import certification and export notification requirements under TSCA (*https://www.epa.gov/tsca-import-export-requirements*).

Chemical importers are subject to TSCA section 13 (15 U.S.C. 2612), the requirements in 19 CFR 12.118 through 12.127, 19 CFR 127.28, and 40 CFR part 707, subpart B. Importers of chemical substances in bulk form, as part of a mixture, or as part of an article (if required by rule) must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including regulations issued under TSCA sections 5, 6, 7 and Title IV.

Pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance identified in this document are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

D. What are the incremental economic impacts of this action?

EPA has evaluated the potential costs of establishing SNUN reporting requirements for potential manufacturers and processors of the chemical substances identified in this document. This analysis, which is available in the docket, is briefly summarized here.

1. Estimated Costs for SNUN Submissions

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. If a SNUN is submitted, costs are an estimated $45,000 per SNUN submission for large business submitters and $14,500 for small business submitters. These estimates include the cost to prepare and submit the SNUN (including registration for EPA's Central Data Exchange (CDX)), and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $37,000 user fee required by 40 CFR 700.45(c)(2)(ii) and (d), or, if they are a small business as defined at 13 CFR 121.201, a reduced user fee of $6,480 (40 CFR 700.45(c)(1)(ii) and (d)). These estimates reflect the costs and fees as they are known at the time of this rulemaking.

2. Estimated Costs for Export Notifications

EPA has also evaluated the potential costs associated with the pre-existing export notification requirements under TSCA section 12(b) and the implementing regulations at 40 CFR part 707, subpart D. For persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical substances covered by these SNURs, as stated in the accompanying economic analysis, the estimated cost of the export notification requirement on a per unit basis is approximately $106.

II. Background

A. General Information About SNURs

Unit II. of the proposed rule provides general information about SNURs, and additional information about EPA's new chemical program is available at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

B. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. As discussed in Unit II.E. of the proposed rule, EPA concluded that the proposed significant new uses were not ongoing. If EPA subsequently determines that such a use was ongoing as of the date of publication of the proposed rule and did not cease prior to issuance of the final rule, EPA will not designate that use as a significant new use in the final rule. EPA has no information to suggest that any of the significant new uses identified in this rule meet this criterion.

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376 (FRL–3658–5)), EPA believes that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. The objective of EPA's approach is to ensure

that a person cannot impede finalization of a SNUR by initiating a significant new use after publication of the proposed rule but before the effective date of the final rule. Uses arising after the publication of the proposed rule are distinguished from uses that are identified in the final rule as having been ongoing on the date of publication of the proposed rule. The former would be new uses, the latter ongoing uses, except that uses that are identified as ongoing as of the publication of the proposed rule would not be considered ongoing uses if they have ceased by the date of issuance of a final rule.

In the unlikely event that before a final rule becomes effective a person begins commercial manufacturing (including importing) or processing of the chemical substances for a use that is designated as a significant new use in that final rule, such a person would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until all TSCA prerequisites for the commencement of manufacture or processing have been satisfied.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

C. Important Information About SNUN Submissions

1. SNUN Submissions

SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

2. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, TSCA order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. To assist with EPA's analysis of the SNUN, submitters are encouraged, but not required, to provide the potentially useful information as identified for the chemical substance in Unit III.C. of the proposed rule.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). For more information on alternative test methods and strategies to reduce vertebrate animal testing, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

The potentially useful information described in Unit III. of the proposed rule may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information about human exposure and environmental release that may result from the significant new use of the chemical substances.

D. Public Comments on Proposed Rule and EPA Responses

EPA received public comments on the proposed SNURs and prepared a Response to Comment document that provides the Agency responses. The comments and the Response to Comment document are available in the docket. As described in the Response to Comment document, EPA is finalizing these SNURs with the following change (listed by PMN Number and proposed 40 CFR citation):

- For PMN P–18–413 (40 CFR 721.12185), EPA removed ''unless or until the article has been shredded or processed such that exposure to the chemical substance occurs'' from paragraph (a)(1) of the SNUR because that language does not appear in the underlying Order and was included in the proposed rule inadvertently. The last sentence of paragraph (a)(1) of the SNUR now reads: ''The requirements of this section do not apply to quantities of the chemical substance after they have been completely entrained in a sealed battery or sealed supercapacitor.''

In addition to the change to respond to comments, EPA identified the need to revise the following proposed SNURs (listed by PMN Number and proposed 40 CFR citation):

- For P–18–104 (40 CFR 721.12184), to improve clarity, EPA revised the wording of paragraph (a)(2)(iii) by separating the first sentence into two sentences, which now read: ''It is a significant new use to manufacture the substance other than by import into the United States (*i.e.,* no domestic manufacture). It is a significant new use to manufacture the substance above the confidential percentage in formulation specified in the Order.''

- For P–24–4 (40 CFR 721.12202), EPA replaced the generic chemical name with the specific chemical name and CASRN because the CBI claim for this information has been relinquished by the PMN submitter.

- For P–24–102 (40 CFR 721.12206) and P–24–103 (40 CFR 721.12207), EPA updated the generic chemical names to reflect changes negotiated with the notice submitter(s) at the time EPA received Notices of Commencement of Manufacture or Import (NOCs) for the substances.

III. Chemical Substances Subject to These SNURs

A. What is the designated cutoff date for ongoing uses?

EPA designates the date of publication of the proposed rule as the cutoff date for determining whether the new use is ongoing, *i.e.,* November 3, 2025 (90 FR 49180 (FRL–12931–01–OCSPP)). This designation is explained in more detail in Unit II.B.

B. What information was provided for each chemical substance?

In Unit III.C. of the proposed rule, EPA provided the following information for each chemical substance subject to these SNURs:

- PMN number (the CFR citation assigned in the regulatory text section of this document).
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service Registry Number (CASRN) or Accession Number (if assigned, for confidential chemical identities).
- Basis for the SNUR (*e.g.,* effective date of and basis for the TSCA Order).
- Potentially useful information.

The regulatory text section of this document specifies the chemical substances and activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated, may be claimed as CBI, as discussed in more detail in Unit II.C. of the proposed rule.

In addition, as discussed in Unit III.B. of the proposed rule, these SNURs include PMN substances that are subject to orders issued under TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). Those TSCA Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. As such, the SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4).

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations.*

A. Executive Order 12866: Regulatory Planning and Review

This action establishes SNURs for new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866 (58 FR 51735, October 4, 1993).

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because a significant new use rule for a new chemical under TSCA section 5 is exempt from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

According to the 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 that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to SNURs have already been approved by OMB pursuant to PRA under OMB control number 2070–0038 (EPA ICR No. 1188). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per submission. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, EPA has concluded that no small or large entities presently engage in such activities.

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was 7 in Federal fiscal year (FY) 2020, 9 in FY2021, 9 in FY2022, 23 in FY2023, and 7 in FY2024, and only a fraction of these submissions were from small businesses.

In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $37,000 to $6,480. This lower fee reduces the total reporting and recordkeeping cost of submitting a SNUN to about $14,500 per SNUN submission for qualifying small firms. Therefore, the potential economic impacts of complying with these proposed SNURs are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684 (FRL–5597–1)), the Agency presented its general determination that SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars) in any one year as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by SNURs, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by these SNURs. In addition, the estimated costs of this action to the private sector do not exceed $183 million or more in any one year (the 1995 dollars are adjusted to 2023 dollars for inflation using the GDP implicit price deflator). The estimated costs for this action are discussed in Unit I.D.

F. Executive Order 13132: Federalism

This action will not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it is not expected to have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the requirements of Executive Order 13132 do not apply to this action.

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

This action will not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect

the communities of Indian Tribal governments and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it does not concern an environmental health or safety risk. Since this action does not concern a human health risk, EPA's 2021 Policy on Children's Health also does not apply. Although the establishment of these SNURs do not address an existing children's environmental health concern because the chemical uses involved are not ongoing uses, SNURs require that persons notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of the identified chemical substances for an activity that is designated as a significant new use by the SNUR. This notification allows EPA to assess the intended uses to identify potential risks and take appropriate actions before the activities commence.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve any technical standards subject to NTTAA section 12(d) (15 U.S.C. 272 note).

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 26, 2026.

Mary Elissa Reaves,

Director, Office of Pollution Prevention and Toxics.

For the reasons stated in the preamble, 40 CFR chapter I is amended as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add §§ 721.12184 through 721.12218 to subpart E to read as follows:

* * * * *

Sec.

721.12184 Heteroaromatic substituted alkanoic acid, [2,2-bis[[(1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester, dioxide homopolymer (generic).
721.12185 Ethanol, 2,2-difluoro-, 1-acetate.
721.12186 Heterocyclic epoxide polymer with mixed substituted glycols and acid anhydride (generic).
721.12187 Pyridinium, 3-carboxy-1-methyl-, inner salt.
721.12188 Polyol allyl ether, homopolymer terpene ether and polyol allyl ether, homopolymer, alkyl ethers (generic).
721.12189 Polyol allyl ether, homopolymer terpene ether and polyol allyl ether, homopolymer, alkyl ethers (generic).
721.12190 Polyol allyl ether, polymer with alkylene oxides, terpene ether and Polyol allyl ether, polymer with alkylene oxides, alkyl ethers (generic).
721.12191 Polyol allyl ether, polymer with alkylene oxides, terpene ether and Polyol allyl ether, polymer with alkylene oxides, alkyl ethers (generic).
721.12192 Polyol allyl ether, polymer with alkylene oxides, terpene ether sulfate, ammonium salt and Polyol allyl ether, polymer with alkylene oxides, alkyl ether sulfate, ammonium salts (generic).
721.12193 Polyol allyl ether, polymer with alkylene oxides, terpene ether sulfate, ammonium salt and Polyol allyl ether, polymer with alkylene oxides, alkyl ether sulfate, ammonium salts (generic).
721.12194 2-Propenoic acid, 2-methyl-, 2-hydroxyethyl ester, reaction products with 2-oxepanone homopolymer 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl] ester and phosphorous oxide (P2O5).
721.12195 Alkyl acid, 2-hydroxy-, methyl substituted alkyl ester (generic).
721.12196 Cysteine, cyclic alkyl, ethyl ester; alkylthio ketone (generic).
721.12197 Cysteine, cyclic alkyl, ethyl ester; alkylthio ketone (generic).
721.12198 1,3-Propanediol, polymer with 1,3-diisocyanatomethylbenzene.
721.12199 Glycerides from fermentation of genetically modified microorganism, ethoxylated, reaction products with ethanol, polycyclic isocyanate (generic).
721.12200 Alkenal, 9-(acetyloxy)-, (E)-(generic).
721.12201 Cellulose, alkoxyalkyl ether, alkali metal salt (generic).
721.12202 L-Aspartic acid, N-benzoyl-, sodium salt (1:2).
721.12203 Alkylated succinimide (generic).
721.12204 2-Propenoic acid, 3-bromo-2,2-bis(bromomethyl)propyl ester.
721.12205 Siloxanes and Silicones, di-Me, 3-[[[[4-[(4-isocyanantocyclohexyl)methyl] cyclohexyl] amino]carbonyl]oxy] propyl group-terminated.
721.12206 Alkanediacid polymer with alkanediol, polybutylene glycol and 1,1'-methylenebis [4-isocyanatobenzene] (generic).
721.12207 Alkanediacid polymer with alkanediol, polybutylene glycol and 1,1'-methylenebis [isocyanatobenzene] (generic).
721.12208 Alkanoic acid, mercapto-, ((((mercapto-oxoalkoxy)-(mercapto-oxoalkoxy)alkyl)alkoxy)alkyl) -((mercapto-oxoalkoxy)alkyl) -alkanediyl ester (generic).
721.12209 Sulfonium, triphenyl-, salt with fluorosulfoalkyl-fluoroalkyl substituted-heterotri cycloalkane-carboxylate (1:1) (generic).
721.12210 Heteroonium, tri(substitute daromatichydrocarbon)-, nitrate (1:1) (generic).
721.12211 Alkyl transition metal alkoxide (generic).
721.12212 Silsesquioxanes, alkyl Ph alkoxy (halosubstitutedphenyl), polymers with silicic acid (H4SiO4) tetra-Me ester, hydroxy-terminated (generic).
721.12213 Phenoxathiinium, 10-phenyl-, tricycloalkylcarbomonocyclesulfonate (1:1) (generic).
721.12214 Sulfonium, triphenyl-, heteropolyclyclecarboxylate (1:1) (generic).
721.12215 Trihaloaromatic iodonium dicyclo salt with polyhaloalkyl carbomonocycle hetero-acid (generic).
721.12216 Sulfonium, triphenyl-, salt with heterosubstituteddif luorosubstitutedalkyl substitutedalkyl trihalosubstitute dcarbomonocycle carboxylate (1:1) (generic).
721.12217 Sulfonium, tri(halosubstitutedphenyl)-, salt with heterosubstituteddi fluorosubstitutedalkyl substitutedalkyl trihalosubst itutedcarbomonocycle carboxylate (1:1) (generic).
721.12218 Sulfonium, bis(dihalo carbomonocycle)carbomonocycle-, salt with trihalobenzoate (generic).

* * * * *

§ 721.12184 Heteroaromatic substituted alkanoic acid, [2,2-bis[[(1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester, dioxide homopolymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heteroaromatic substituted alkanoic acid, [2,2-bis[[(1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester, dioxide homopolymer (PMN P–18–104) is

subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been entrained in the plastic article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1000.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture the substance other than by import into the United States (*i.e.,* no domestic manufacture). It is a significant new use to manufacture the substance above the confidential percentage in formulation specified in the Order. It is a significant new use to use the substance other than as a halogen-free flame retardant for use in thermoplastic polymers.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12185 Ethanol, 2,2-difluoro-, 1-acetate.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as ethanol, 2,2-difluoro-, 1-acetate (PMN P–18–413; CASRN: 1550–44–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the chemical substance after they have been completely entrained in a sealed battery or sealed supercapacitor.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: reproductive toxicity, specific target organ toxicity, skin corrosion, and serious eye damage. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(a) through (c).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=554.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12186 Heterocyclic epoxide polymer with mixed substituted glycols and acid anhydride (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heterocyclic epoxide polymer with mixed substituted glycols and acid anhydride (PMN P–21–88; Accession No. 303458) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1000.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, eye irritation, respiratory sensitization, skin sensitization, genetic toxicity, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture the substance as a solid without the use of a fume hood, dust collector, or other engineering controls with at least 25% combined capture and removal efficiency of aggregate releases of the total process, unless in an enclosed process. It is a significant new use to process or use the substance as a solid without the use of a fume hood, dust collector, or other engineering controls with at least 25% combined capture and removal efficiency, unless in an enclosed process.

(iv) *Disposal.* It is a significant new use to dispose of the substance or waste streams containing the substance other than by incineration or hazardous waste landfill in compliance with RCRA subtitle C.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in

§ 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12187 Pyridinium, 3-carboxy-1-methyl-, inner salt.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as pyridinium, 3-carboxy-1-methyl-, inner salt (PMN P–21–215; CASRN 535–83–1) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely destroyed.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: eye irritation, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=770.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12188 Polyol allyl ether, homopolymer terpene ether and polyol allyl ether, homopolymer, alkyl ethers (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyol allyl ether, homopolymer terpene ether and polyol allyl ether, homopolymer, alkyl ethers (PMN P–22–60) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when completely reacted, cured, or incorporated into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplac*e. Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin corrosion, skin irritation, serious eye damage, eye irritation, respiratory sensitization, skin sensitization, genetic toxicity, carcinogenicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85(a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12189 Polyol allyl ether, homopolymer terpene ether and polyol allyl ether, homopolymer, alkyl ethers (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyol allyl ether, homopolymer terpene ether and polyol allyl ether, homopolymer, alkyl ethers (PMN P–22–61) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when completely reacted, cured, or incorporated into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin corrosion, skin irritation, serious eye damage, eye irritation, respiratory sensitization, skin sensitization, genetic toxicity, carcinogenicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activitie*s. Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85(a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable

to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12190 Polyol allyl ether, polymer with alkylene oxides, terpene ether and polyol allyl ether, polymer with alkylene oxides, alkyl ethers (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyol allyl ether, polymer with alkylene oxides, terpene ether and polyol allyl ether, polymer with alkylene oxides, alkyl ethers (PMN P–22–64) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when completely reacted, cured, or incorporated into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and(3) and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin corrosion, skin irritation, serious eye damage, eye irritation, respiratory sensitization, skin sensitization, genetic toxicity, carcinogenicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85 (a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12191 Polyol allyl ether, polymer with alkylene oxides, terpene ether and polyol allyl ether, polymer with alkylene oxides, alkyl ethers (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyol allyl ether, polymer with alkylene oxides, terpene ether and polyol allyl ether, polymer with alkylene oxides, alkyl ethers (PMN P–22–65) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when completely reacted, cured, or incorporated into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin corrosion, skin irritation, serious eye damage, eye irritation, respiratory sensitization, skin sensitization, genetic toxicity, carcinogenicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85 (a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12192 Polyol allyl ether, polymer with alkylene oxides, terpene ether sulfate, ammonium salt and Polyol allyl ether, polymer with alkylene oxides, alkyl ether sulfate, ammonium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyol allyl ether, polymer with alkylene oxides, terpene ether sulfate, ammonium salt and polyol allyl ether, polymer with alkylene oxides, alkyl ether sulfate, ammonium salts (PMN P–22–66) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when completely reacted, cured, or incorporated into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin corrosion, serious eye damage, respiratory sensitization, skin sensitization, genetic toxicity, carcinogenicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a

significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85 (a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12193 Polyol allyl ether, polymer with alkylene oxides, terpene ether sulfate, ammonium salt and Polyol allyl ether, polymer with alkylene oxides, alkyl ether sulfate, ammonium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyol allyl ether, polymer with alkylene oxides, terpene ether sulfate, ammonium salt and polyol allyl ether, polymer with alkylene oxides, alkyl ether sulfate, ammonium salts (PMN P–22–67) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance when completely reacted, cured, or incorporated into a polymer matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin corrosion, serious eye damage, respiratory sensitization, skin sensitization, genetic toxicity, carcinogenicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* Requirements as specified in § 721.85 (a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12194 2-Propenoic acid, 2-methyl-, 2-hydroxyethyl ester, reaction products with 2-oxepanone homopolymer 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl] ester and phosphorous oxide (P2O5).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, reaction products with 2-oxepanone homopolymer 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl] ester and phosphorous oxide (P2O5) (PMN P–22–153; CASRN 2548699–72–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation, serious eye damage, respiratory sensitization, skin sensitization, carcinogenicity, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=3.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12195 Alkyl acid, 2-hydroxy-, methyl substituted alkyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyl acid, 2-hydroxy-, methyl substituted alkyl ester (PMN P–22–165) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1000.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: serious eye damage, carcinogenicity, reproductive toxicity, and specific target organ

toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=231.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12196 Cysteine, cyclic alkyl, ethyl ester; alkylthio ketone (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as cysteine, cyclic alkyl, ethyl ester; alkylthio ketone (PMN P–23–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation (degradation product), skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture or process the substance in any manner that results in inhalation exposure to the substance. It is a significant new use to process for use or use the substance in a consumer product unless the concentration does not exceed 0.1% by weight in the consumer product.

(iv) *Disposal.* It is a significant new use to land apply the substance, or waste streams containing the substance, to agricultural lands.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12197 Cysteine, cyclic alkyl, ethyl ester; alkylthio ketone (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as cysteine, cyclic alkyl, ethyl ester; alkylthio ketone (PMN P–23–10) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity (degradation product), skin irritation (degradation product), eye irritation (degradation product), skin sensitization, reproductive toxicity (degradation product), and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture or process the substance in any manner that results in inhalation exposure to the substance. It is a significant new use to process for use or use the substance in a consumer product unless the concentration does not exceed 1% by weight in the consumer product.

(iv) *Disposal.* It is a significant new use to land apply the substance, or waste streams containing the substance, to agricultural lands.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12198 1,3-Propanediol, polymer with 1,3-diisocyanatomethylbenzene.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-propanediol, polymer with 1,3-diisocyanatomethylbenzene (PMN P–23–32; CASRN 67517–96–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, respiratory sensitization, skin sensitization, genetic toxicity, carcinogenicity, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12199 Glycerides from fermentation of genetically modified microorganism, ethoxylated, reaction products with ethanol, polycyclic isocyanate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as glycerides from fermentation of genetically modified microorganism, ethoxylated, reaction products with ethanol, polycyclic isocyanate (PMN P–23–118) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: eye irritation, respiratory sensitization, skin irritation, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance. It is a significant new use to manufacture the substance in a formulation unless the percentage of the confidential unreacted substance listed in the Order does not exceed the confidential percentage by weight listed in the Order.

(iv) *Disposal.* It is a significant new use to dispose of the substance in any manner that results in inhalation exposure to the substance. It is a significant new use to dispose of the substance other than by hazardous waste incineration and the disposal must be at a facility that is in compliance with RCRA subtitle C.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (j) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12200 Alkenal, 9-(acetyloxy)-, (E)- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkenal, 9-(acetyloxy)-, (E)- (PMN P–23–142; Accession No. 302751) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation, respiratory sensitization, skin sensitization, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(iv) *Disposal.* Requirements as specified in § 721.85(a)(1), (b)(1), and (c)(1).

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12201 Cellulose, alkoxyalkyl ether, alkali metal salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as cellulose, alkoxyalkyl ether, alkali metal salt (PMN P–23–173; Accession No. 303061) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article as defined at 40 CFR 720.3 or when the substance is embedded in or cured in a matrix.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity and reproductive toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=120.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12202 L-Aspartic acid, N-benzoyl-, sodium salt (1:2).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as L-Aspartic acid, N-benzoyl-, sodium salt (1:2) (PMN P–24–4; CASRN 2092399–70–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: eye irritation and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (t).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12203 Alkylated succinimide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkylated succinimide (PMN P–24–79; Accession No. 303301) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) Industrial, commercial, and consumer activities. Requirements as specified in § 721.80(k). It is a significant new use to manufacture or process the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance in any manner that results in inhalation exposure to the substance. It is a significant new use to dispose of the substance, or waste streams containing the substance, other than by hazardous waste incineration in compliance with RCRA, including RCRA subtitle C.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12204 2-Propenoic acid, 3-bromo-2,2-bis(bromomethyl)propyl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 3-bromo-2,2-bis(bromomethyl)propyl ester (PMN P–24–82; CASRN 3217–37–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substances when completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, respiratory sensitization, skin corrosion, skin sensitization, serious eye damage, genetic toxicity, carcinogenicity, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture the substance other than by import into the United States in ink cartridges (*i.e.,* no domestic manufacture). It is a significant new use to process or use the substance in any manner that results in inhalation exposure to the substance.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or cartridges or waste steams containing the substance, other than by hazardous waste incineration in compliance with RCRA. It is a significant new use to dispose of the substance in any manner that results in inhalation exposure to the substance.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12205 Siloxanes and Silicones, di-Me, 3-[[[[4-[(4-isocyan antocyclohexyl) methyl] cyclohexyl]amino] carbonyl]oxy] propyl group-terminated.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as siloxanes and silicones, di-Me, 3-[[[[4-[(4-isocyanantocyclohexyl)methyl cyclohexyl]amino]carbonyl]oxy] propyl group-terminated (PMN P–24–85; CASRN 1411848–76–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, eye irritation, respiratory sensitization, skin irritation, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12206 Alkanediacid polymer with alkanediol, polybutylene glycol and 1,1′-methylenebis[4-isocyanatobenzene] (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanediacid polymer with alkanediol, polybutylene glycol and 1,1′-methylenebis[4-isocyanatobenzene] (PMN P–24–102; Accession No. 303641) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation, eye irritation, respiratory sensitization, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12207 Alkanediacid polymer with alkanediol, polybutylene glycol and 1,1′-methylenebis[isocyanatobenzene] (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanediacid polymer with alkanediol, polybutylene glycol and 1,1′-methylenebis [isocyanatobenzene] (PMN P–24–103; Accession No. 303652) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative

control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation, eye irritation, respiratory sensitization, skin sensitization, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12208 Alkanoic acid, mercapto-, ((((mercapto-oxoalkoxy)-(mercapto-oxoalkoxy)alkyl)alkoxy)alkyl)-((mercapto-oxoalkoxy)alkyl)-alkanediyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanoic acid, mercapto-, ((((mercapto-oxoalkoxy)-(mercapto-oxoalkoxy)alkyl)(alkoxy)alkyl)-((mercapto-oxoalkoxy)(alkyl)-(alkanediyl ester (PMN P–24–129) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured (*i.e.,* the substance has been reacted or cured to the extent that no release of the substance can be detected).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin sensitization, acute toxicity, respiratory sensitization, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(iv) Release to water. Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N=1.6.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12209 Sulfonium, triphenyl-, salt with fluorosulfoalkyl-fluoroalkyl substituted-heterotricycloalkane-carboxylate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, triphenyl-, salt with fluorosulfoalkyl-fluoroalkyl substituted-heterotricycloalkane-carboxylate (1:1) (PMN P–24–185) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (a)(2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, genetic toxicity, skin irritation, skin sensitization, serious eye damage, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 18 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12210 Heteroonium, tri(substitutedaromatichydrocarbon)-, nitrate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heteroonium, tri(substitutedaromatichydrocarbon)-, nitrate (1:1) (PMN P–25–28) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article

used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (a)(2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and(g)(2) (v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 0.1%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, carcinogenicity, reproductive toxicity, genetic toxicity, skin irritation, skin sensitization, serious eye damage, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 18 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12211 Alkyl transition metal alkoxide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyl transition metal alkoxide (PMN P–24–187) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been destroyed.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin corrosion, serious eye damage, reproductive toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture, process, or use the substance in any manner that generates a vapor, mist, dust, or aerosol outside of a fully enclosed system containing the substance.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12212 Silsesquioxanes, alkyl Ph alkoxy(halosubstitutedphenyl), polymers with silicic acid (H4SiO4) tetra-Me ester, hydroxy-terminated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as silsesquioxanes, alkyl Ph alkoxy(halosubstitutedphenyl), polymers with silicic acid (H4SiO4) tetra-Me ester, hydroxy-terminated (PMN P–24–189) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), and (5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure to the substance.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (f) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.12213 Phenoxathiinium, 10-phenyl-, tricycloalkylcarbomonocyclesulfonate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as phenoxathiinium, 10-phenyl-, tricycloalkylcarbomonocyclesulfonate (1:1) (PMN P–25–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (a)(2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

721.12214 Sulfonium, triphenyl-, heteropolyclyclecarboxylate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, triphenyl-, heteropolyclyclecarboxylate (1:1) (PMN P–25–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (a)(2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

721.12215 Trihaloaromatic iodonium dicyclo salt with polyhaloalkyl carbomonocycle hetero-acid (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as trihaloaromatic iodonium dicyclo salt with polyhaloalkyl carbomonocycle hetero-acid (PMN P–25–16; Accession No. 303389) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (a)(2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 0.1%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, skin sensitization, genetic toxicity, reproductive toxicity, specific target organ toxicity, and carcinogenicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 18 months.

(b) Specific requirements. The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

721.12216 Sulfonium, triphenyl-, salt with heterosubstituteddifluorosubstitutedalkyl substitutedalkyltrihalosubstituted carbomonocycle carboxylate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, triphenyl-, salt with heterosubstituteddifluorosubsti tutedalkyl substitutedalkyl trihalosu bstitutedcarbomonocycle carboxylate (1:1) (PMN P–25–20) is subject to reporting under this section for the

significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (a)(2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii), (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) Specific requirements. The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

721.12217 Sulfonium, tri(halosubst itutedphenyl)-, salt with heterosubstituteddi fluorosubstitutedalkyl substitutedalkyl trihalosubstitutedcarbomonocycle carboxylate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, tri(halosubsti tutedphenyl)-, salt with heterosub stituteddifluorosubstitutedalkyl substitu tedalkyl trihalosubstitutedca rbomonocycle carboxylate (1:1) (PMN P–25–21) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (a)(2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii), (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

721.12218 Sulfonium, bis(dihalo carbomonocycle)carbomonocycle-, salt with trihalobenzoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, bis(dihalo carbomonocycle)carbomonocycle-, salt with trihalobenzoate (PMN P–25–67; Accession No. 303334) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (2)(iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (g)(2)(v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity, skin irritation, serious eye damage, skin sensitization, genetic toxicity, and specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5

kilograms or less. It is a significant new use to process the substance in any way that generates vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2026–10712 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–2017–0151]

RIN 2137–AF29

Pipeline Safety: Class Location Change Requirements; Correction

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Correcting amendment.

SUMMARY: PHMSA is making a technical correction to a January 14, 2026 final rule that amended the class location change requirements. The final rule allows an operator to confirm or to restore the maximum allowable operating pressure (MAOP) of an eligible gas transmission pipeline segment that experiences a class location change by implementing an integrity management (IM) alternative. For MAOP restorations, PHMSA is clarifying in this correction notice that the 24-month deadline for implementing the initial programmatic requirements of the IM alternative runs from the effective date of the final rule or the date that an operator decides to initiate an MAOP restoration, whichever is later. This clarification is consistent with the requirements in the final rule, including the deadline in the IM alternative that applies to MAOP confirmations, which runs from the effective date of the final rule or the date of the class location change, whichever is later.

DATES: This rule is effective May 29, 2026.

FOR FURTHER INFORMATION CONTACT: Matthew Bottini, Inspection Development and Support Division, at 816–663–1361 or *matthew.bottini@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On January 14, 2026, PHMSA issued a final rule amending the class location change requirements in 49 CFR 192.611.[1] The final rule allows operators to confirm the maximum allowable operating pressure (MAOP) of an eligible gas transmission segment that experiences a class location change by implementing an integrity management (IM) alternative. The final rule prescribes a 24-month deadline for completing the compliance activities necessary to use the IM alternative. That 24-month deadline runs from the date of the class location change or an initial compliance window from the effective date of the final rule, *i.e.,* March 16, 2026, whichever is later. The 24-month deadline is also referenced in other provisions in the IM alternative that determine the extent of an operator's compliance obligations.

As relevant here, the final rule also allows operators to use the IM alternative to restore the MAOP of eligible segments that previously experienced class location changes. Before implementing an MAOP restoration, an operator must comply with the uprating requirements in subpart K and the integrity management requirements in subpart O, and complete initial programmatic activities required by the IM alternative. *See* § 192.611(d)(1)–(3). As with MAOP confirmations, an operator must also implement certain ongoing compliance activities to use the IM alternative to maintain a restored MAOP.

The final rule did not prescribe a specific deadline for satisfying the initial programmatic requirements in the IM alternative under § 192.611(a)(4)(i) for MAOP restorations; however, PHMSA made clear in the preamble and final regulatory impact analysis that the same deadlines apply to all uses of the IM alternative.[2] In other words, PHMSA intended the 24-month deadline in the IM alternative to run from either of the following dates, whichever is later: (1) the effective date of the final rule or (2) the date of the action that requires the operator to confirm or to restore the MAOP of an eligible segment under § 192.611.

To avoid any potential ambiguity in applying the IM alternative to restorations, PHMSA is amending § 192.611(d) to clarify that the 24-month deadline to complete the initial programmatic requirements in § 192.611(a)(4)(i) and begin the ongoing programmatic requirements in § 192.611(a)(4)(ii) runs from the date that an operator decides to initiate an MAOP restoration. Because that action can occur any time after an MAOP reduction under § 192.611(a)(1)–(2), the date of the decision to initiate an MAOP restoration functions as the date of the class location change for purposes of the IM alternative, providing an operator with a 24-month window to complete initial programmatic requirements of § 192.611(a)(4)(i). This ensures that the (a)(4)(i) requirements are completed close in time to the actual restoration and are thus not out-of-date. Accordingly, PHMSA is amending § 192.611(d) to clarify that an operator must use that date in implementing the requirements in the IM alternative.

II. Regulatory Analysis

A. Legal Authority

PHMSA is authorized to administer the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*) pursuant to a delegation of authority from the Secretary of Transportation. 49 CFR 1.97. Section 60102 authorizes PHMSA to prescribe minimum safety standards for the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of gas transmission pipeline facilities. PHMSA has good cause to issue this correction without notice and comment pursuant to Section 553(b)(B) of the Administrative Procedure Act because this technical correction aligns the regulatory text with the intent of the final rule, notice and public comment are unnecessary.

[1] *Pipeline Safety: Class Location Change Requirements,* 91 FR 1608 (Jan. 14, 2026).

[2] *See* PHMSA, *Class Location Change Requirements: Regulatory Impact Analysis,* Docket ID No. PHMSA–2017–0151–0083, at 46 (Jan. 2026) (''This [rule] enables eligible Class 3 segments that have first employed the pressure reduction confirmation option to select the IM alternative and restore their pressure using procedures in amended § 192.611(d) . . . and some portion may restore and use the IM alternative later in the [20-year] analysis period.''); 91 FR at 1635 (''[T]he methods traditionally authorized for confirming or revising the MAOP of class change segments—MAOP reductions, pressure testing, and pipe replacement—do not account for modern risk management principles and impose unnecessary burdens on the regulated community and consumers. The MAOP restoration requirements in the final rule provide a safe, efficient, and practicable approach for eliminating those burdens and increasing pipeline capacity.'').

Further delaying this clarification would hinder the public interest in clear regulations.

The Administrative Procedure Act also generally requires that an agency publish a rule in the **Federal Register** 30 days before it becomes effective, 5 U.S.C. 553(d), a requirement that does not apply if the agency finds good cause for making the rule effective sooner. For the same reasons, PHMSA finds good cause to make the rules effective on May 29, 2026.

B. Regulatory Planning and Review: Executive Order 12866 and DOT Order 2100.6B

This technical correction has been evaluated in accordance with existing policies and procedures and is considered not significant under Executive Order (E.O.) 12866 (*Regulatory Planning and Review;* 58 FR 51735 (Oct. 4, 1993)) and 49 CFR part 5, subpart B. While the January 2026 final rule was reviewed as a significant rule under E.O. 12866, this technical correction is consistent with the final rule and does not impose additional incremental compliance costs or adversely affect safety.

C. Energy-Related Executive Orders 13211, 14154, and 14156

PHMSA has prepared this technical correction consistent with E.O. 14156 (*Declaring a National Energy Emergency;* 90 FR 8353 (Jan. 29, 2025)) and E.O. 14154 (*Unleashing American Energy;* 90 FR 8353 (Jan. 29, 2025)). PHMSA determined that the January 2026 final rule was not a ''significant energy action'' under E.O. 13211 (*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use;* 66 FR 28355 (May 22, 2001)), and neither is this technical correction that is consistent with it.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to consider the impact of their rules on small entities, to analyze alternatives that minimize those impacts, and to make their analyses available for public comment. PHMSA completed an interim and final regulatory flexibility analysis in the January 2026 final rule, analysis that this technical correction does not alter. As a regulatory flexibility analysis is required of a rulemaking subject to notice-and comment, 5 U.S.C. 604(a), and, as PHMSA has ''good cause'' under the Administrative Procedure Act to issue this technical correction without prior notice-and-comment, no additional regulatory flexibility analysis is necessary.[3]

E. Unfunded Mandates Reform Act of 1995 (UMRA)

PHMSA analyzed the UMRA (2 U.S.C. 1501 *et seq.*) in the January 2026 final rule and this technical correction has no substantial effect on that analysis, as it will not impose any additional incremental compliance cost. This technical correction will not impose any enforceable duty on State, local, or Tribal governments, nor on the private sector of $100 million or more, adjusted for inflation, in any given year.

F. Paperwork Reduction Act

This technical correction imposes no new or revised information collection requirements beyond those discussed in the January 2026 final rule.

G. National Environmental Policy Act

The technical correction has no effect on PHMSA's analysis under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) of the January 2026 final rule that is contained in the environmental analysis available in the rulemaking docket.

H. Executive Order 13132: Federalism

PHMSA analyzed this notice in accordance with the principles and criteria in E.O. 13132 (*Federalism;* 64 FR 43255 (Aug. 10, 1999)) and the Presidential Memorandum (*Preemption;* 74 FR 24693 (May 22, 2009)). PHMSA determined that the January 2026 final rule did not impose any substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government, and nor does this technical correction that is consistent with that final rule. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

I. Executive Order 13175

PHMSA analyzed this notice according to the principles and criteria in E.O. 13175 (*Consultation and Coordination with Indian Tribal Governments;* 65 FR 67249 (Nov. 9, 2000)) and DOT Order 5301.1A (*Department of Transportation Tribal Consultation Policies and Procedures*). Because nothing in this technical correction has Tribal implications or imposes substantial direct compliance costs on Indian Tribal governments, the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Executive Order 13609 and International Trade Analysis

The technical correction does not impact international trade, though PHMSA evaluated E.O. 13609 (*Promoting International Regulatory Cooperation;* 77 FR 26413 (May 4, 2012)), which requires agencies to consider whether significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally, and the Trade Agreements Act of 1979 (Pub. L. 96–39, as amended by Pub. L. 103–465), which prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States.

K. Cybersecurity and Executive Order 14028

E.O. 14028 (*Improving the Nation's Cybersecurity;* 86 FR 26633 (May 17, 2021)) directs the Federal Government to improve its efforts to identify, deter, and respond to ''persistent and increasingly sophisticated malicious cyber campaigns.'' PHMSA considered the cybersecurity effects of the January 2026 final rule, and this technical correction has no effect on that analysis.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Pipelines.

In consideration of the foregoing, PHMSA amends 49 CFR part 192 by making the following correcting amendment:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et. seq.,* and 49 CFR 1.97.

■ 2. Amend § 192.611 by revising the introductory text of paragraph (d) to read as follows:

§ 192.611 Change in class location: Confirmation or revision of maximum allowable operating pressure.

* * * * *

(d) Confirmation or revision of maximum allowable operating pressure required as a result of a study under § 192.609 must be completed within 24 months of the change in class location. Pressure reduction under paragraph

[3] Small Business Administration, *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act,* 55 (2017) (''If an NPRM is not required, the RFA does not apply.'').

(a)(1) or (2) of this section within the 24-month period does not preclude establishing the maximum allowable operating pressure of a segment under paragraph (a)(3) of this section or restoring the maximum allowable operating pressure of a segment under paragraph (a)(4) of this section at a later date, provided the date of the decision to restore the maximum allowable operating pressure is treated as the date of the class location change. Before restoring the maximum allowable operating pressure of an eligible Class 3 segment pursuant to paragraph (a)(4) of this section, an operator must:

* * * * *

Issued in Washington, DC on May 27, 2026, under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2026–10782 Filed 5–28–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193; RTID 0648–XF784]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Angling Category Retention Limit Adjustment

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

ACTION: Temporary rule; retention limit adjustment.

SUMMARY: NMFS is adjusting the Angling category Atlantic bluefin tuna (BFT) daily retention limit from the default of one school, large school, or small medium BFT to: two BFT per vessel per day/trip measuring 27 inches (68.5 cm) to less than 73 inches (185 cm) curved fork length (CFL), only one of which can be large school/small medium-sized fish (47 inches (119 cm) to less than 73 inches (185 cm) CFL) for private vessels with Highly Migratory Species (HMS) Angling category permits; three BFT per vessel per day/trip measuring 27 inches to less than 73 inches CFL, only one of which can be large school/small medium for charter boat vessels with HMS Charter/Headboat permits when fishing recreationally for BFT; and six BFT per vessel per day/trip measuring 27 inches to less than 73 inches CFL, only one of which can be large school/small medium for headboat vessels with HMS Charter/Headboat permits when fishing recreationally for BFT. These retention limits are effective in all areas, except for the Gulf of America, where targeted fishing for BFT is prohibited.

DATES: Effective June 1, 2026, through December 31, 2026, or until NMFS via a notice in the **Federal Register** announces another adjustment to the retention limit.

FOR FURTHER INFORMATION CONTACT: Larry Redd, Jr., *larry.redd@noaa.gov,* or Becky Curtis, *becky.curtis@noaa.gov,* by email or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25-mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). The Angling category baseline quota is 297.4 mt. This baseline quota is further subdivided into subquotas by size class (see table 1) as follows: 134.1 mt for school BFT, 154.1 mt for large school/small medium BFT, and 9.2 mt for large medium/giant BFT. Large school and small medium BFT traditionally have been managed as one size class, *i.e.,* a limit of one large school/small medium BFT (measuring 47 to less than 73 inches (119 to less than 150 cm) CFL). Similarly, large medium and giant BFT traditionally have been managed as one size class that is also known as the ''trophy'' class. Currently, the default Angling category daily retention limit of one school, large school, or small medium BFT is in effect and applies to HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally for BFT) (§ 635.23(b)(2)).

TABLE 1—BFT SIZE CLASSES

Size class	Curved fork length
School	27 to less than 47 inches (68.5 to less than 119 cm).
Large school	47 to less than 59 inches (119 to less than 150 cm).
Small medium	59 to less than 73 inches (150 to less than 185 cm).
Large medium	73 to less than 81 inches (185 to less than 206 cm).
Giant	81 inches or greater (206 cm or greater).

Separate from this action, NMFS published a proposed rule that would implement the 2025 ICCAT recommendation (Recommendation 25–05) regarding western BFT management (91 FR 24789, May 7, 2026). Consistent with the recommendation, that proposed rule would increase the baseline U.S. BFT quota from 1,316.14 mt to 1,509.98 mt and adjust all the subquotas accordingly. In that proposed rule, the Angling baseline quota would increase from 297.4 mt to 341.3 mt. The comment period on that proposed rule ends on June 8, 2026. Any final rule implementing ICCAT Recommendation 25–05 would likely be effective in mid-2026 or later.

Adjustment of Angling Category Daily Retention Limit

Under § 635.23(b)(3), NMFS may increase or decrease the Angling category daily retention limit for any size class of BFT after considering the regulatory determination criteria under § 635.27(a)(7). Also under § 635.23(b)(3), recreational retention limits may be adjusted separately for specific vessel type, such as private vessels, charter boats, or headboats.

NMFS has considered all of the relevant determination criteria and their applicability to the change in the Angling category retention limit. After considering these criteria, NMFS has decided to adjust the Angling category retention limit as follows:

(1) For private vessels with HMS Angling permits, this action increases the limit to two BFT per vessel per day/trip measuring 27 inches (68.5 cm) to less than 73 inches (185 cm) CFL, only one of which can be a large school/small

medium-sized BFT (47 inches (119 cm) to less than 73 inches (185 cm) CFL). In other words, a private vessel could land two school-sized BFT or could land one school-sized fish and one large school/small medium-sized fish.

(2) For charter boat vessels with HMS Charter/Headboat permits when fishing recreationally for BFT, this action increases the limit to three BFT per vessel per day/trip measuring 27 inches (68.5 cm) to less than 73 (185 cm) CFL, only one of which can be a large school/small medium-sized BFT (47 inches (119 cm) to less than 73 inches (185 cm) CFL). In other words, a charter boat vessel could land three school-sized BFT or could land two school-sized BFT and one large school/small medium-sized BFT.

(3) For headboat vessels with HMS Charter/Headboat permits when fishing recreationally for BFT, this action increases the limit to six BFT per vessel per day/trip measuring 27 inches (68.5 cm) to less than 73 (185 cm) CFL, only one of which can be a large school/small medium-sized BFT (47 inches (119 cm) to less than 73 inches (185 cm) CFL). In other words, a headboat vessel could land six school-sized BFT or could land five school-sized BFT and one large school/small medium-sized BFT.

Regardless of the duration of a fishing trip, no more than a single day's retention limit may be possessed or retained at the end of the trip upon landing. For example, whether a private vessel (fishing under the Angling category retention limit) takes a two-day trip or makes two trips in one day, the day/trip retention limit of two school-sized BFT or one school-sized fish and one large school/small medium-sized fish would apply and could not be exceeded upon landed.

If needed, NMFS could take another action later in the year to modify these retention limits or close the fishery.

Consideration of the Determination Criteria

As described above, under § 635.23(b)(3), NMFS may increase or decrease the retention limit for any size class of BFT or change a vessel trip limit to an angler trip limit and vice versa after considering the regulatory determination criteria under § 635.27(a)(7). These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by recreational fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the Angling category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the Angling category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(7)(ii)). In addition to Angling category landings to date in 2026, NMFS considered Angling category landings in 2025, which totaled 189.5 mt, exceeding the adjusted 187.3 mt Angling category quota by 1 percent. NMFS notes that in 2025, the baseline Angling category quota was adjusted from 297.4 mt to 187.3 to account for quota overages in 2024 (90 FR 60017, December 23, 2025). Furthermore, in 2025, NMFS closed the Angling category fishery for school and large school/small medium-sized BFT for the remainder of the 2025 fishing year on August 12, 2025 (90 FR 38709). For the Angling category, in 2025, school and large school/small medium BFT landings totaled 100.7 mt and 73.5 mt, respectively. The daily retention limits for private, charter boat, and headboat vessels in 2025 were lower than the daily retention limits established in this action as a result of the Angling category quota reduction (*i.e.,* NMFS did not set higher retention limits due to less available quota). However, for the 2026 fishing year, NMFS does not anticipate having to reduce the Angling category quota from the baseline amount of 297.4 mt. Additionally, if the proposed rule implementing ICCAT Recommendation 25–05 is finalized (91 FR 24789, May 7, 2026), the baseline quota would be increased, potentially providing additional fishing opportunities.

Given fishery performance in recent years and the high availability of BFT on fishing grounds, the Angling category may need to be closed even if that proposed rule increasing the quota is finalized. NMFS expects that if a closure is needed, the closure would happen later in the fall. Despite this possibility, after considering the other criteria, NMFS is adjusting the retention limits to provide opportunities for anglers to take advantage of the BFT that are currently available on the fishing grounds. NMFS believes that this adjustment should provide a reasonable opportunity to harvest the available quota while maintaining equitable fishing opportunities across the fishery. If needed, NMFS could take another action later in the year to modify the retention limits or close the fishery.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the adjustment on accomplishing the objectives of the HMS FMP (§ 635.27(a)(7)(v) and (vi)). Adjusting the retention limits would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT Recommendations, ATCA, and the objectives of the HMS FMP and its amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. Making these retention limit adjustments is in line with the established management measures and stock status determinations. It is also important that NMFS limit landings to the quotas and subquotas both to adhere to the domestic allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.,* fish caught at each age) that was assumed in the latest stock assessment. These retention limit adjustments are consistent with those objectives.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the available Angling category quota without exceeding the annual quota. This consideration is based on the objectives of the HMS FMP and its amendments, and it includes achieving optimum yield on a continuing basis and optimizing the ability of all permit categories to harvest available BFT quota allocations (see § 635.27(a)(7)(x)).

Furthermore, NMFS examined the results of the 2025 fishing year under the applicable daily retention limits, as well as the observed trend in the recreational fishery harvesting heavier fish, particularly in the large school and small medium size classes. In reviewing size class trends across recent years, NMFS expects the available year-class to be primarily heavier fish (see § 635.27(a)(7)(vii)). NMFS believes the retention limits established through this action, which provides for the opportunity to land no more than one large school/small medium fish per vessel per day/trip for all vessel types, provide opportunities to harvest the available large school/small medium BFT subquota without exceeding it. If needed, NMFS could take an additional action later in the year to modify the retention limits or close the fishery.

Lastly, NMFS has concluded that implementation of separate limits for

private and charter/headboat vessels is appropriate, recognizing the different nature, social and economic needs, and recent landings results of these components of the recreational BFT fishery. For example, charter operators historically have indicated that a retention limit greater than the default limit of one fish is vital to their ability to attract customers. In addition, the Large Pelagics Survey estimates indicate that charter/headboat BFT landings averaged 76 percent of recent Angling category landings for 2025, with the remaining 24 percent landed by private vessels. NMFS has further concluded that a higher limit for headboats (than charter boats) is appropriate, given the limited number of headboats participating in the BFT fishery.

Given these considerations, NMFS has determined that the Angling category daily retention limits applicable to HMS Angling and HMS Charter/Headboat permitted vessels should be adjusted from the default levels. The retention limits established through this action are intended to provide a reasonable opportunity to harvest the available Angling category quota and subquotas, without exceeding them, while maintaining equitable fishing opportunities. NMFS acknowledges that the BFT daily retention limits in this action may result in landings during 2026 that could reach or exceed the annual Angling category quota and subquotas. However, lower retention limits could result in substantial social and economic impacts for the recreational BFT fishery. Furthermore, if effort is lower than previous years or if catch rates are not as high as anticipated, maintaining the default retention limit could result in an underharvest of the Angling category quota and subquotas. As described earlier, if needed and appropriate, NMFS could take additional action(s) later in the year to increase or decrease the retention limits or close the fishery.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or the end of each trip, by accessing *https://hmspermits.noaa.gov* or by using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m. Eastern Time).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access *https://hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

HMS Angling and HMS Charter/Headboat permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure.*

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 533(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and contrary to the public interest. Specifically, the regulations implementing the HMS FMP and its amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Based on available quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, responsive adjustment of the daily retention limit is warranted to provide additional flexibility to maximize fishing opportunities to land the available BFT quota. It is impracticable for NMFS to have proposed this action earlier, as it needed to consider and respond to complete 2025 recreational landings data and the most recent 2026 recreational landings data about daily landing trends and the availability of BFT on the fishing grounds. If NMFS was to offer a public comment period now, after having appropriately considered that information, it would preclude the fishery from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriately high or low for the amount of quota available for the period. Fisheries under the default Angling category daily retention limit are currently underway and thus prior notice would be contrary to the public interest. Delays in this action would adversely affect those HMS Angling and Charter/Headboat permitted vessels that would otherwise have an opportunity to harvest more than the default retention limit of one school, large school, or small medium BFT per day/trip, contrary to the public interest. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risk of exceeding the ICCAT-allocated quota given NMFS ability to further adjust the retention limit or close the fishery as needed. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on *https://hmspermits.noaa.gov.* Taking this action does not raise conservation and management concerns and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d)(3), there is good cause found to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: May 27, 2026.

David R. Blankinship,

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

[FR Doc. 2026–10816 Filed 5–27–26; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 260305–0067; RTID 0648–XF446]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2026 total allowable catch (TAC) of Pacific cod allocated to vessels using jig gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), May 27, 2026, through 1200 hours, A.l.t., June 10, 2026.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907–586–7416.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the GOA (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2026 Pacific cod TAC allocated to vessels using jig gear in the Central Regulatory Area of the GOA is 517 metric tons (mt) as established by the final 2026 and 2027 harvest specifications for groundfish in the GOA (91 FR 11902, March 11, 2026).

In accordance with § 679.20(d)(1)(i), the Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2026 Pacific cod TAC allocated to vessels using jig gear in the Central Regulatory Area of the GOA will be or has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 517 mt and is setting aside 0 mt as incidental catch because it is not necessary to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the GOA to prevent exceeding this sector's A season allowance of Pacific cod TAC.

While this closure is effective, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on Pacific cod catch in a timely fashion, and would delay the closure of directed fishing for Pacific cod by vessels using jig gear in the A season in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on Pacific cod catch only became available as of May 26, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: May 26, 2026.

David R. Blankinship,

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

[FR Doc. 2026–10713 Filed 5–27–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 103
Friday, May 29, 2026

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

DEPARTMENT OF ENERGY

10 CFR Parts 300, 602, 605, 706, 708, 712, 719, 725, 727, 733, 760, 766, 782, 783, 784, 824, 840, 860, 861, 862, 950, 960, 963, 1009, 1015, 1016, 1045, 1046, and 1061

[Docket No. DOE–HQ–2025–0603]

RIN 1990–AA54

Zero-Based Regulating

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: This proposed rule would insert sunset provisions into certain regulations, consistent with the Executive Order (E.O.), *Zero-Based Regulatory Budgeting to Unleash American Energy* (April 9, 2025), and agency policy. Each sunset provision would establish a conditional sunset date for covered regulations, as defined by the E.O. In this notice of proposed rulemaking (NOPR), the U.S. Department of Energy (DOE) proposes regulatory revisions identical to those set forth in a direct final rule published elsewhere in this issue of the **Federal Register**. If DOE receives significant adverse comments, DOE will publish a notice of withdrawal for the direct final rule and will proceed with this proposed rule.

DATES: DOE will accept comments, data, and information regarding this NOPR no later than June 29, 2026.

ADDRESSES: See section IV of this document, ''Public Participation,'' for details. Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number DOE–HQ–2025–0603. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number DOE–HQ–2025–0603, by any of the following methods:

(1) *Email: FederalRegisterOP@hq.doe.gov.* Please include the docket number DOE–HQ–2025–0603 in the subject line of the message.

(2) *Postal Mail:* U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW, Office, Washington, DC 20585.

(3) *Hand Delivery/Courier:* U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW, Office, Washington, DC 20585. 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.

Docket: The docket for this proposed rulemaking, which includes **Federal Register** notices, public meeting attendee lists and transcripts (if one is held), comments, and other supporting documents and 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/DOE–HQ–2025–0603.* The docket web page contains instructions on how to access all documents, including public comments, in the docket, as well as a summary of the rulemaking. See section IV of this document, *Public Participation,* for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Clara Wheelock, U.S. Department of Energy, Office of Policy, OP–1, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2859. Email: *FederalRegisterOP@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background

A. Zero-Based Regulatory Budgeting To Unleash American Energy

On April 9, 2025, President Donald J. Trump issued Executive Order (E.O.) 14270, *Zero-Based Regulatory Budgeting to Unleash American Energy.* 90 FR 15643. In E.O. 14270, the President directed the Department of Energy (DOE), among other agencies, to ''the extent consistent with applicable law'' to ''issue a sunset rule, effective not later than September 30, 2025'' to insert a conditional sunset date into regulations promulgated under a variety of energy-related statutes. *Id.,* section 4(a). E.O.14270 identified five statutes relevant to DOE: the Atomic Energy Act of 1954; the National Appliance Energy Conservation Act of 1987; the Energy Policy Act of 1992; the Energy Policy Act of 2005; and the Energy Independence and Security Act of 2007. *Id.,* section 3(b). E.O. 14270 directed DOE to issue its sunset rule with an effective date ''not later than September 30, 2025.'' *Id.,* section 4(a).

E.O. 14270 ordered that the ''sunset rule shall provide'' that each regulation issued pursuant to the identified statutes and their amendments, ''in effect on the date of this order,'' shall have a conditional sunset date ''1 year after the effective date of the sunset rule.'' *Id.,* section 4(b). Under the sunset provision, each regulation expires on the conditional sunset date unless DOE ''finds an extension is warranted'' and extends the sunset date of the regulation. *Id.,* section 4(d). Regulations that expire will cease to be effective and, to the maximum extent permitted by law, shall be removed from the *Code of Federal Regulations. Id.,* section 4(b).

E.O. 14270 also directed DOE to insert a sunset provision into each regulation promulgated under the same five statutes, going forward. E.O. 14270 directed DOE to insert a conditional sunset date for future covered regulations ''not more than 5 years in the future'' following the effective date of a particular regulation.[1] E.O. 14270

[1] *Id.,* section§ 4(c). Thus, DOE will include a conditional sunset date in future regulations to which the E.O. would apply, consistent with the approach taken herein.

exempted permitting regimes authorized by statute. *Id.,* section 5(c).

B. Identified DOE Statutes and Regulations

As stated previously, E.O. 14270 directed DOE to issue a rule that inserts conditional sunset dates into each of the covered regulations, which are defined as ''regulation[s] issued in whole or in part pursuant to a statutory authority listed in sections 3(b)–(j) of this order.'' *Id.,* sections 2(c), 4(a). For DOE, the identified statutes are the Atomic Energy Act of 1954; the National Appliance Energy Conservation Act of 1987; the Energy Policy Act of 1992; the Energy Policy Act of 2005; and the Energy Independence and Security Act of 2007. *Id.,* section 3(b). The Atomic Energy Act of 1954 governs the development and use of nuclear energy. Public Law 83–703 (1954). The National Appliance Energy Conservation Act of 1987 established energy efficiency standards for appliances. The Energy Policy Act of 1992 amended the Energy Policy and Conservation Act (EPCA) to further increase energy efficiency in the United States. The Energy Policy Act of 2005 addressed energy production in the United States. The Energy Independence and Security Act of 2007 aimed to increase the energy independence of the nation.

DOE regulations promulgated under the authority of these statutes are codified in 10 CFR parts 300, 602, 605, 706, 708, 712, 719, 725, 727, 733, 760, 766, 782, 783, 784, 824, 840, 860, 861, 862, 950, 960, 963, 1009, 1015, 1016, 1045, and 1046. These regulations may be issued pursuant to multiple statutes, including statutes not listed in E.O. 14270. The CFR parts listed previously include regulations where DOE relied on one of the five statutes identified in E.O. 14270, or their amendments, for any section in that part, and where it would be consistent with applicable law to sunset.

There are several regulations codified in 10 CFR that are promulgated under the authority of these statutes but are not included in this rulemaking. E.O. 14270 directs DOE to issue a sunset rule ''to the extent consistent with applicable law.'' E.O. 14270, section 4. Thus, this rulemaking does not include regulations that could not be sunset ''consistent with applicable law.'' Specifically, there are several regulations that are required by Congress or are required to fulfill DOE's statutory duties, and conditional sunset dates for these provisions may have a chilling effect on the market. For example, 10 CFR parts 820, 830, and 835 either directly or indirectly serve as underlying nuclear safety requirements for Price Anderson Amendments Act (PAAA) indemnification, which provides a system of financial protection for persons (including DOE contractors) who may be liable and persons who may be injured by a nuclear incident. The potential for these regulations to sunset would be inconsistent with the requirements of PAAA and because this indemnification is a critical element of obtaining contractors to perform work for the Department, the potential for these regulations to sunset could negatively affect DOE's ability to secure contracts necessary for it to perform its statutory duties. For these reasons, regulations that are required by Congress or are required to fulfill DOE's statutory duties and would have a chilling effect on the market if DOE inserted a conditional sunset are excluded from the rulemaking.

II. Proposed Rule Overview

A. Sunset Provisions for Specific Covered Regulations

This notice of proposed rulemaking would insert a sunset provision into its regulations codified in each of the parts previously listed. This NOPR would amend the identified parts of title 10 of the *Code of Federal Regulations* to add a sunset provision to the end of the identified parts. The sunset provision states: ''Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.''

For sunset provisions added to parts 712, 725, 860, 862, 1016, 1045, and 1046, the NOPR would set a conditional sunset date of five years from the effective date. These parts govern access to classified information/classified programs, administer the Human Reliability Program, protect worker health and safety, and establish processes to govern the production of nuclear material for the personnel at DOE and National Nuclear Security Administration (NNSA) facilities. The identified parts implicate DOE and NNSA abilities to protect DOE and NNSA personnel, facilities, materials, and information. Thus, the Secretary has preliminarily determined that an extension of the conditional sunset date for these parts for a period of five years is warranted. Accordingly, instead of a conditional sunset date of one year from the effective date, the NOPR would set a conditional sunset date that is 5 years from the effective date for these provisions. DOE requests comment on the costs and benefits of extending these regulations.

B. Sunset Provisions for Covered Regulations Generally

This NOPR also would add part 1061 to Chapter X of title 10 of the Code of Federal Regulations, which outlines how these sunset provisions are applied to covered regulations. The proposed general sunset provisions would reiterate that sections to which the sunset provisions apply would ''automatically expire and cease to be effective on the identified conditional sunset date unless the section expires, is rescinded, or is extended prior to that date.''

The proposed general sunset provisions would extend the conditional sunset date upon a written determination by the Secretary of Energy or his designee that ''an extension of the section is warranted[.]'' The written determination may extend the conditional sunset date for period not to exceed five years. Additionally, section 10 CFR 1061.101 requires DOE to publish in the **Federal Register** a written determination in which DOE extends the conditional sunset date of a covered regulation. Consistent with the E.O. 14270, the proposed rule would provide that ''Amendments to an existing regulation shall not extend its sunset date[,]'' and provides that ''that DOE will give the public an opportunity to comment on the costs and benefits of extending any regulations covered by a sunset provision, through a request for information, before allowing any regulation to expire.'' *See* E.O. 14270, section 4(d).

III. Justifications and Authority

A. Executive Order 14270

E.O. 14270, *Zero-Based Regulatory Budgeting to Unleash American Energy,* states ''each of the Covered Agencies *shall* issue a sunset rule,'' and further specifies the general terms of those rules. E.O. 14270, section 4(a). Consistent with this direction, DOE issues this notice of proposed rulemaking. The President's directive provides an independent and sufficient justification for this proposed rulemaking. E.O. 14270 does not direct the Secretary to rescind or reissue any particular regulation. The Secretary retains his full authority to issue and repeal regulations under the five relevant statutes and their amendments. The President has directed only the manner in which the Secretary is to review and extend the conditional sunset dates for covered regulations, as defined in E.O. 14270.

B. DOE's Determination

Independent of E.O. 14270, DOE separately determines that it is good public policy to routinely review agency regulations and that this sunset rule is an appropriate mechanism to compel that review. Energy markets and needs are constantly changing. So is new energy technology. DOE's regulations must adapt to this changing landscape to foster innovation and growth. Having regulations expire unless extended would ensure DOE's regulations are programmatically reviewed. Simply promising to review rules is insufficient because it fails to provide the agency with an adequate incentive to periodically review its regulations.

E.O. 14270 covers a diversity of statutes, which all involve energy-production issues wherein science and technology are constantly evolving, and wherein regulations must adapt to the current energy needs of the country. For example, the Atomic Energy Act of 1954 is designed to ''encourage scientific and industrial progress,'' a goal that requires that the regulatory structure keep up with the rapid pace of scientific and industrial innovation. 42 U.S.C. 2013(b). Similarly, EPCA and its amendments seek to conserve energy supplies and improve energy efficiency of various consumer products and commercial equipment and DOE is directed to routinely consider whether to make those standards more stringent. DOE requests comment regarding the effects of EPCA's anti-backsliding provision on technological developments, resource allocations, market forces, and unnecessary intervention into consumer, industrial and energy markets.

The sunset provisions do not force the expiration or the extension of any particular regulation. The decision whether to extend a conditional sunset date will come later, as DOE reviews the various covered regulations, as defined by E.O. 14270. DOE will consider the ongoing need for each individual regulation at that time, along with the particular statutory authorities for each regulation.

DOE is not the first governmental entity to consider a sunset rule—it is not even the first Federal agency to adopt one. On January 19, 2021, Health and Human Services adopted a sunset rule, 86 FR 5694, although it was later withdrawn, 87 FR 32246. Beyond that, many states have automatic sunset provisions. In New Jersey, for example, regulations automatically expire after seven years unless extended by the agency. N.J. Stat. Ann. sec. 52:14B–5.1(b). Indiana likewise has a seven-year sunset rule. Ind. Code sec. 4–22–2.5–2. And in 2019, the state of Idaho underwent a sunset review process for its entire regulatory code—ultimately rescinding more than 19,000 regulatory restrictions as part of the process. Office of Gov. Brad Little, Idaho's Historic Regulatory Cuts (July 2019). Other countries have also imposed sunset provisions, including South Korea. OECD Reviews of Regulatory Reform, Regulatory Policy in Korea, Toward Better Regulation, at 86 (2017), *https://publicadministration.un.org/unpsa/Portals/0/UNPSA_Submitted_Docs/2019/4cd3e219-c819-40f3-8246-7a024d9a82a9/2020%20UNPSA_the%20Regulatory%20Reform%20Sinmungo_Evaluation%20Report_27112019_032807_e4d166a9-f6ef-4a6c-9aaf-99748fa94284.pdf?ver=2019-11-27-032807-637.*

Previous administrations have also recommended sunset provisions. An Obama administration report from the Council of Economic Advisors explained that sunset provisions could be useful in the context of occupational licensing ''because, even if licensing was justified when first introduced, technological and economic changes may have rendered it unnecessary or overly restrictive.'' *Occupational Licensing: A Framework for Policymakers,* The White House, at 48–50 (July 2015), *https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf.*

Overall, a sunset rule is one of the most important tools a government can use to reduce regulatory costs. Russell S. Sobel & John A. Dove, *State Regulatory Review: A 50 State Analysis of Effectiveness* 36 (Mercatus Ctr., Working Paper No. 12–18, 2012), *https://www.mercatus.org/system/files/State-Regulatory-Review-50-State-Analysis-Effectiveness.pdf.* This is consistent with the Secretary's policy of deregulation. The agency is committed to repealing outdated and unnecessary regulations as a pathway to maximize human freedom, stimulate economic growth, and promote innovation. Unless a regulation is statutorily required or critical to the public interest, the agency's general policy view is that it should be withdrawn and removed as expeditiously as possible. The proposed sunset rule is the best way to achieve the Secretary's policy.

The Secretary's general authority to issue a sunset rule comes from DOE's general ''housekeeping'' authority, *see* 5 U.S.C. 301, as well as the same regulatory authority used to initially issue the regulations under the relevant statutes. Furthermore, ''[t]he Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions'' vested in DOE. 42 U.S.C. 7254.

IV. Public Participation

DOE will accept comments, data, and information regarding this NOPR on or before the date provided in the **DATES** section. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will not be publicly viewable except for your first and last name(s), organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, 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 the disclosure of which 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 comments 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 written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption. If possible, documents should carry the electronic signature of the author.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that they believe 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'' that deletes the information believed to be confidential. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and will treat it according to its determination. It is DOE's policy that all comments, including any personal information provided in the comments, may be included in the public docket, without change and as received, except for information deemed to be exempt from public disclosure.

V. Procedural Issues and Regulatory Review

The regulatory reviews conducted for this proposed rule are identical to those conducted for the direct final rule published elsewhere in this issue of the **Federal Register**. Please see the direct final rule for further details.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking and request for comments.

List of Subjects

10 CFR Part 300

Administrative practice and procedure, Buildings and facilities, Business and industry, Energy conservation, Grant programs—energy, Housing, Reporting and recordkeeping requirements, Technical assistance.

10 CFR Part 602

Grant programs—health, Medical research, Occupational safety and health, Reporting and recordkeeping requirements.

10 CFR Part 605

Accounting, Administrative practice and procedure, Adult education, Aged, Agriculture, American Samoa, Bilingual education, Blind, Business and industry, Civil rights, Colleges and universities, Communications, Community development, Community facilities, Copyright, Credit, Cultural exchange programs, Educational facilities, Educational research, Education, Education of disadvantaged, Education of individuals with disabilities, Educational study programs, Electric power, Electric power rates, Electric utilities, Elementary and secondary education, Energy conservation, Equal educational opportunity, Federally affected areas, Government contracts, Grant programs, Grants administration, Guam, Home improvement, Homeless, Hospitals, Housing, Human research subjects, Indians, Indians—education, Infants and children, Insurance, Intergovernmental relations, International organizations, Inventions and patents, Loan programs, Manpower training programs, Migrant labor, Mortgage insurance, Nonprofit organizations, Northern Mariana Islands, Pacific Islands Trust Territories, Privacy, Renewable Energy, Reporting and recordkeeping requirements, Rural areas, Scholarships and fellowships, School construction, Schools, Science and technology, Securities, Small businesses, State and local governments, Student aid, Teachers, Telecommunications, Telephone, Urban areas, Veterans, Virgin Islands, Vocational education, Vocational rehabilitation, Waste treatment and disposal, Water pollution control, Water resources, Water supply, Watersheds, Women.

10 CFR Part 706

Administrative practice and procedure, Labor management relations, Security measures.

10 CFR Part 708

Administrative practice and procedure, Whistleblowing.

10 CFR Part 712

Administrative practice and procedure, Alcohol abuse, Classified information, Drug abuse, Government contracts, Government employees, Health, Occupational safety and health, Radiation protection, Security measures.

10 CFR Part 719

Government contracts, Legal services.

10 CFR Part 725

Classified information, Nuclear energy, Reporting and recordkeeping requirements.

10 CFR Part 727

Classified information, Computer technology, Government employees, National defense.

10 CFR Part 733

Investigations, Reporting and recordkeeping requirements, Science and technology, Scientists.

10 CFR Part 760

Public lands—mineral resources, Reporting and recordkeeping requirements, Radioactive materials.

10 CFR Part 766

Confidential business information, Electric utilities, Nuclear energy, Radioactive materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 782

Claims, Copyright, Inventions and patents.

10 CFR Part 783

Inventions and patents.

10 CFR Part 784

Inventions and patents.

10 CFR Part 824

Government contracts, Nuclear energy, Penalties, Security measures.

10 CFR Part 840

Administrative practice and procedure, Government contracts, Nuclear energy, Reporting and recordkeeping requirements.

10 CFR Part 860

Federal buildings and facilities, Penalties, Security measures.

10 CFR Part 861

Federal buildings and facilities, Penalties, Traffic regulations.

10 CFR Part 862

Aircraft, Federal buildings and facilities, Security measures.

10 CFR Part 950

Government contracts, Radiation protection.

10 CFR Part 960

Hazardous waste, Nuclear energy, Radiation protection.

10 CFR Part 963

Hazardous waste, Nuclear energy, Radiation protection.

10 CFR Part 1009

Fees.

10 CFR Part 1015

Administrative practice and procedure, Antitrust, Claims, Fraud, Government employees, Privacy.

10 CFR Part 1016

Classified information, Nuclear energy, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 1045

Classified information

10 CFR Part 1046

Government contracts, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 1061

Administrative practice and procedure.

Signing Authority

This document of the Department of Energy was signed on May 13, 2026, by Chris Wright, 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 27, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons set forth in the preamble, DOE proposes to amend chapters II, III, and X of title 10 of the Code of Federal Regulations, as set forth below.

PART 300—VOLUNTARY GREENHOUSE GAS REPORTING PROGRAM: GENERAL GUIDELINES

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

Authority: 42 U.S.C. 7101, *et seq.,* and 42 U.S.C. 13385(b).

■ 2. Add § 300.14 to read as follows:

§ 300.14 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 602—EPIDEMIOLOGY AND OTHER HEALTH STUDIES FINANCIAL ASSISTANCE PROGRAM

■ 3. The authority citation for part 602 continues to read as follows:

Authority: 42 U.S.C. 2051; 42 U.S.C. 5817; 42 U.S.C. 5901–5920; 42 U.S.C. 7254 and 7256; 31 U.S.C. 6301–6308.

■ 4. Add § 602.20 to read as follows:

§ 602.20 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 605—THE OFFICE OF SCIENCE FINANCIAL ASSISTANCE PROGRAM

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

Authority: Section 31 of the Atomic Energy Act, as amended, Pub. L. 83–703, 68 Stat. 919 (42 U.S.C. 2051); sec. 107 of the Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1240 (42 U.S.C. 5817); Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577, 88 Stat. 1878 (42 U.S.C. 5901 *et seq.*); secs. 644 and 646 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Federal Grant and Cooperative Agreement Act, as amended (31 U.S.C. 6301 *et seq.*).

■ 6. Add § 605.21 to read as follows:

§ 605.21 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 706—SECURITY POLICIES AND PRACTICES RELATING TO LABOR-MANAGEMENT RELATIONS

■ 7. The authority citation for part 706 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201.

■ 8. Add § 706.41 to read as follows:

§ 706.41 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 708—DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

■ 9. The authority citation for part 708 continues to read as follows:

Authority: 41 U.S.C. 8102 *et seq.;* 42 U.S.C. 2012, 2013, 2051, 2061, 2165, 2201b, 2201i, and 2201p; 42 U.S.C. 5814 and 5815; 42 U.S.C. 7151, 7251, 7254, and 7256; 50 U.S.C. 2401 *et seq.*

■ 10. Add § 708.44 to read as follows:

§ 708.44 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 712—HUMAN RELIABILITY PROGRAM

■ 11. The authority citation for part 712 continues to read as follows:

Authority: 42 U.S.C. 2165; 42 U.S.C. 2201; 42 U.S.C. 5814–5815; 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.;* E.O. 10450, 3 CFR 1949–1953 Comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 Comp., p. 398, as amended; 3 CFR Chap. IV.

■ 12. Add § 712.39 to read as follows:

§ 712.39 Sunset Provision.

Sections in this part will automatically expire [5 years from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 719—CONTRACTOR LEGAL MANAGEMENT REQUIREMENTS

■ 13. The authority citation for part 719 continues to read as follows:

Authority: 42 U.S.C. 2201, 5814, 5815 and 7101, *et seq.;* 50 U.S.C. 2401, *et seq.*

■ 14. Add § 719.53 to read as follows:

§ 719.53 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 725—PERMITS FOR ACCESS TO RESTRICTED DATA

■ 15. The authority citation for part 725 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 943, 42 U.S.C. 2201.

■ 16. Add § 725.32 to read as follows:

§ 725.32 Sunset Provision.

Sections in this part will automatically expire [5 years from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 727—CONSENT FOR ACCESS TO INFORMATION ON DEPARTMENT OF ENERGY COMPUTERS

■ 17. The authority citation for part 727 continues to read as follows:

Authority: 42 U.S.C. 7101, *et seq.;* 42 U.S.C. 2011, *et. seq.;* 50 U.S.C. 2425, 2483; E.O. No. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333; and E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

■ 18. Add § 727.7 to read as follows:

§ 727.7 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 733—ALLEGATIONS OF RESEARCH MISCONDUCT

■ 19. The authority citation for part 733 continues to read as follows:

Authority: 42 U.S.C. 2201; 7254; 7256; 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 20. Add § 733.9 to read as follows:

§ 733.9 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 760—DOMESTIC URANIUM PROGRAM

■ 21. The authority citation for part 760 continues to read as follows:

Authority: The Atomic Energy Act of 1954, as amended (68 Stat. 919, 42 U.S.C. 2011 *et seq.*)

■ 22. Add § 760.2 to read as follows:

§ 760.2 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 766—URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND; PROCEDURES FOR SPECIAL ASSESSMENT OF DOMESTIC UTILITIES

■ 23. The authority citation for part 766 continues to read as follows:

Authority: 42 U.S.C. 2201, 2297g, 2297g–1, 2297g–2, 7254.

■ 24. Add § 766.108 to read as follows:

§ 766.108 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 782—CLAIMS FOR PATENT AND COPYRIGHT INFRINGEMENT

■ 25. The authority citation for part 782 continues to read as follows:

Authority: Dept. of Energy Organization Act; sec. 651, 91 Stat. 601, 42 U.S.C. 7261; Atomic Energy Act of 1954; sec. 107(d), 88 Stat. 1241, 42 U.S.C. 5817(d); sec. 161(g), 80 Stat. 443, 42 U.S.C. 2201(g); sec. 172, 62 Stat. 933, 42 U.S.C. 2223; Foreign Assistance Act of 1961, sec. 2356, 75 Stat. 440, 22 U.S.C. 2356; Patents, Invention Secrecy Act; sec. 183, 66 Stat. 4, 35 U.S.C. 183; Judiciary and Judicial Procedure Act, sec. 1498, 62 Stat. 601, 28 U.S.C. 1498.

■ 26. Add § 782.9 to read as follows:

§ 782.9 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 783—WAIVER OF PATENT RIGHTS

■ 27. The authority citation for part 783 continues to read as follows:

Authority: Secs. 152, 161, 68 Stat. 944, 948, as amended; (42 U.S.C. 2182, 2201).

■ 28. Add § 783.2 to read as follows:

§ 783.2 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 784—PATENT WAIVER REGULATION

■ 29. The authority citation for part 784 continues to read as follows:

Authority: 42 U.S.C. 7151; 42 U.S.C. 5908; 42 U.S.C. 2182; 35 U.S.C. 202 and 210; 42 U.S.C. 7261a.

■ 30. Add § 784.14 to read as follows:

§ 784.14 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 824—PROCEDURAL RULES FOR THE ASSESSMENT OF CIVIL PENALTIES FOR CLASSIFIED INFORMATION SECURITY VIOLATIONS

■ 31. The authority citation for part 824 continues to read as follows:

Authority: 42 U.S.C. 2201, 2282b, 7101 *et seq.,* 50 U.S.C. 2401 *et seq.;* 28 U.S.C. 2461 note.

■ 32. Add § 824.17 to read as follows:

§ 824.17 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 840—EXTRAORDINARY NUCLEAR OCCURRENCES

■ 33. The authority citation for part 840 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954, Pub. L. 83–703, 68 Stat. 919 (42 U.S.C. 2201); sec. 170 of the Atomic Energy Act of 1954, Pub. L. 85–256, 71 Stat. 576, as amended by Pub. L. 89–645, 80 Stat. 891 (42 U.S.C. 2210); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565–613 (42 U.S.C. 7101–7352).

■ 34. Add § 840.6 to read as follows:

§ 840.6 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 860—TRESPASSING ON DEPARTMENT OF ENERGY PROPERTY

■ 35. The authority citation for part 860 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, sec. 229, 70 Stat. 1070; (42 U.S.C. 2201; 2278a); sec. 104, 88 Stat. 1237, sec. 105, 88 Stat. 1238 (42 U.S.C. 5814, 5815); sec. 5, Pub. L. 100–185, 101 Stat. 1279 (18 U.S.C. 3559); sec. 6, Pub. L. 100–185, 101 Stat. 1280 (18 U.S.C. 3571); sec. 7041, Pub. L. 100–690, 102 Stat. 4899 (18 U.S.C. 3559).

■ 36. Add § 860.9 to read as follows:

§ 860.9 Sunset Provision.

Sections in this part will automatically expire [5 years from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 861—CONTROL OF TRAFFIC AT NEVADA TEST SITE

■ 37. The authority citation for part 861 continues to read as follows:

Authority: 42 U.S.C. 2201.

■ 38. Add § 861.8 to read as follows:

§ 861.8 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 862—RESTRICTIONS ON AIRCRAFT LANDING AND AIR DELIVERY AT DEPARTMENT OF ENERGY NUCLEAR SITES

■ 39. The authority citation for part 862 continues to read as follows:

Authority: 42 U.S.C. 2201(b), 2201(i) and 2278(a).

■ 40. Add § 862.8 to read as follows:

§ 862.8 Sunset Provision.

Sections in this part will automatically expire [5 years from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 950—STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS

■ 41. The authority citation for part 950 continues to read as follows:

Authority: 42 U.S.C. 2201, 42 U.S.C. 7101 *et seq.,* and 42 U.S.C. 16014.

■ 42. Add § 950.43 to read as follows:

§ 950.43 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 960—GENERAL GUIDELINES FOR THE PRELIMINARY SCREENING OF POTENTIAL SITES FOR A NUCLEAR WASTE REPOSITORY

■ 43. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 2011 *et seq.,* 42 U.S.C. 7101 *et seq.,* 42 U.S.C. 10101 *et seq.*

■ 44. Add § 960.6 to read as follows:

§ 960.6 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 963—YUCCA MOUNTAIN SITE SUITABILITY GUIDELINES

■ 45. The authority citation for part 963 continues to read as follows:

Authority: 42 U.S.C. 2011 *et seq.;* 42 U.S.C. 7101 *et seq.;* 42 U.S.C. 10101, *et seq.*

■ 46. Add § 963.18 to read as follows:

§ 963.18 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1009—GENERAL POLICY FOR PRICING AND CHARGING FOR MATERIALS AND SERVICES SOLD BY DOE

■ 47. The authority citation for part 1009 continues to read as follows:

Authority: Sec. 644 of the Dept. of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7254); Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*) ''User Fee Statute'', 31 U.S.C. 483a, 42 U.S.C. 2111, 2112 and 2201.

■ 48. Add § 1009.7 to read as follows:

§ 1009.7 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1015—COLLECTION OF CLAIMS OWED THE UNITED STATES

■ 49. The authority citation for part 1015 continues to read as follows:

Authority: 31 U.S.C. 3701, 3711, 3716, 3717, 3718, and 3720B; 42 U.S.C. 2201 and 7101, *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 50. Add § 1015.506 to read as follows:

§ 1015.506 Sunset Provision.

Sections in this part will automatically expire [365 days from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1016—SAFEGUARDING OF RESTRICTED DATA BY ACCESS PERMITTEES

■ 51. The authority citation for part 1016 continues to read as follows:

Authority: Sec. 161i of the Atomic Energy Act of 1954, 68 Stat. 948 (42 U.S.C. 2201).

■ 52. Add § 1016.33 to read as follows:

§ 1016.33 Sunset Provision.

Sections in this part will automatically expire [5 years from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1045—NUCLEAR CLASSIFICATION AND DECLASSIFICATION

■ 53. The authority citation for part 1045 continues to read as follows:

Authority: 42 U.S.C. 2011; E.O. 13526, 75 FR 705, 3 CFR 2010 Comp., pp. 298–327.

■ 54. Add § 1045.226 to read as follows:

§ 1045.226 Sunset Provision.

Sections in this part will automatically expire [5 years from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

PART 1046—MEDICAL, PHYSICAL READINESS, TRAINING, AND ACCESS AUTHORIZATION STANDARDS FOR PROTECTIVE FORCE PERSONNEL

■ 55. The authority citation for part 1046 continues to read as follows:

Authority: 42 U.S.C. 2011, *et seq.;* 42 U.S.C. 7101, *et seq.;* 50 U.S.C. 2401, *et seq.*

■ 56. Add § 1046.21 to read as follows:

§ 1046.21 Sunset Provision.

Sections in this part will automatically expire [5 years from the effective date of a final rule] unless the section expires earlier, is rescinded, or the sunset provision is extended pursuant to 10 CFR 1061.101.

■ 57. Adding part 1061 to read as follows:

PART 1061—GENERAL SUNSET PROVISIONS

Authority: 42 U.S.C. 7254; Executive Order 14270 (April 9, 2025).

§ 1061.101 Sunset Provisions

(a) Pursuant to a sunset provision, an affected section will automatically expire and cease to be effective on the identified conditional sunset date unless the section expires, is rescinded, or is extended prior to that date.

(b) If, prior to the expiration of a Section, the Secretary of Energy or designee (Secretary) makes a written determination that an extension of the Section is warranted, the Secretary may continue the sections for a period stated in the determination, which shall not exceed five calendar years from the date of the determination. DOE shall promptly publish in the **Federal Register** a written determination of any extension under this section.

(c) Amendments to an existing regulation shall not extend its sunset date.

(d) DOE will give the public an opportunity to comment on the costs and benefits of extending any regulations covered by a sunset provision, through a request for information or other means, before allowing any regulation to expire.

[FR Doc. 2026–10729 Filed 5–28–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2541; Product Identifier MCAI–2024–00390–E]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: The FAA is withdrawing an NPRM that published on September 15, 2025, that would have applied to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211 Trent 768–60, 772–60, and 772B–60 engines. The NPRM would have required removal from service of affected low-pressure compressor (LPC) blades and replacement with a serviceable part. Since the NPRM was issued, it was determined that additional LPC blades are affected by the unsafe condition and were not included in the service material, and the FAA is evaluating for further rulemaking action. Accordingly, during this evaluation, the NPRM is withdrawn.

DATES: As of May 29, 2026, the proposed rule, which was published in the **Federal Register** on September 15, 2025 (90 FR 44335), is withdrawn.

ADDRESSES: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–2541; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action (withdrawal), the NPRM, the mandatory continuing airworthiness information, any comments received, and other information. The street 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.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7146; email: *barbara.caufield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Background

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD for all RRD Model RB211 Trent 768–60, 772–60, and 772B–60 engines. The NPRM was published in the **Federal Register** on September 15, 2025 (90 FR 44335). The NPRM was prompted by a report that a batch of LPC blades are more prone to cracking due to a deviation from the approved blade configuration design. The NPRM proposed to require removal from service of the affected LPC blades and replacement with a serviceable part, as specified in European Union Aviation Safety Agency (EASA) AD 2024–0130, dated July 8, 2024 (EASA AD 2024–0130).

The proposed actions were intended to prevent blade cracking. The unsafe condition, if not addressed, could lead to multiple structural failures of the affected parts, which could result in increased risk of in-flight shutdown, engine fire, and uncontained high-energy debris release.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, EASA superseded EASA AD 2024–0130 and issued EASA AD 2025–0288, dated December 17, 2025 (EASA AD 2025–0288), which expands the list of affected LPC blades by adding nine additional serial numbers to the removal requirements. The FAA is evaluating this issue for further rulemaking action, and during this evaluation, the NPRM is being withdrawn because it required compliance with EASA AD 2024–0130, which has been determined not to include all affected LPC blades.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future

FAA's Determination

Upon further consideration, the FAA has determined that the NPRM is insufficient because it does not address all affected LPC blades. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking (Docket No. FAA–2025–2541), which was published in the **Federal Register** on September 15, 2025 (90 FR 44335), is withdrawn.

Issued on May 27, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–10781 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2026–3070; FRL–13352–01–R5]

Air Plan Approval; Michigan; Determination of Attainment by the Attainment Date for the 2015 Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine under the Clean Air Act (CAA) that the Detroit, Michigan nonattainment area (''Detroit area'' or ''area'') attained the 2015 ozone National Ambient Air Quality Standards (NAAQS) by the applicable attainment date. This determination relies on the EPA's concurrence on an exceptional events request submitted by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) on February 19, 2026, and concurred on by the EPA on March 24, 2026. Therefore, the EPA is proposing to take final agency action on Michigan's exceptional events request. This action, if finalized, will fulfill the EPA's statutory obligation to determine whether the Detroit area attained the 2015 ozone NAAQS by the Moderate attainment date of August 3, 2024.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2026–3070 at *https://www.regulations.gov,* or via email to *arra.sarah@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Eric Svingen, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 353–4489, email address: *svingen.eric@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

A. 2015 Ozone NAAQS

On October 26, 2015 (80 FR 65452), the EPA issued its final action to revise the NAAQS for ozone to establish a new 8-hour standard. In that action, the EPA promulgated identical tighter primary and secondary ozone standards designed to protect public health and welfare that specified an 8-hour ozone level of 0.070 parts per million (ppm). Specifically, the standards require that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration may not exceed 0.070 ppm.

Effective August 3, 2018, the EPA designated 52 areas throughout the country as nonattainment for the 2015 ozone NAAQS (*see* 83 FR 25776, June 4, 2018). In a separate action, the EPA assigned classification thresholds and attainment dates based on the severity of an area's ozone problem, determined by the area's design value (DV) (see 83 FR 10376, May 8, 2018). The EPA established the attainment date for Marginal, Moderate, and Serious nonattainment areas as 3 years, 6 years, and 9 years, respectively, from the effective date of the final designations. Thus, the attainment date for Marginal nonattainment areas for the 2015 ozone NAAQS was August 3, 2021, the attainment date for Moderate areas was August 3, 2024, and the attainment date for Serious areas is August 3, 2027.

B. Determination of Attainment

Section 181(b)(2)(A) of the CAA requires that within 6 months following the applicable attainment date, the EPA shall determine whether an ozone nonattainment area attained the ozone standard based on the area's DV as of that date. Under CAA section 181(a)(5) as interpreted by the EPA in 40 CFR 51.1307, upon application by any State, the EPA may grant a 1-year extension to the attainment date when certain criteria are met.

In the event an area fails to attain the ozone NAAQS by the applicable attainment date and is not granted a 1-year attainment date extension, CAA section 181(b)(2)(A) requires the EPA to make the determination that an ozone nonattainment area failed to attain the ozone standard by the applicable attainment date, and requires the area to be reclassified by operation of law to the higher of: (1) The next higher classification for the area, or (2) the classification applicable to the area's DV as of the determination of failure to attain.

The level of the 2015 ozone NAAQS is 0.070 ppm.[1] Under the EPA regulations at 40 CFR part 50, appendix U, the 2015 ozone NAAQS is attained at a site when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient ozone concentration (*i.e.,* DV) does not exceed 0.070 ppm. When the DV does not exceed 0.070 ppm at each ambient air quality monitoring site within the area, the area is deemed to be attaining the ozone NAAQS. Each area's DV is determined by the highest DV among monitors with valid DVs.[2] The data handling convention in appendix P dictates that concentrations shall be reported in ''ppm'' to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a computed 3-year average ozone concentration of 0.0709 ppm is truncated to 0.070 ppm and attains the 2015 ozone NAAQS.

C. The Detroit Area

The EPA designated the Detroit area as Marginal nonattainment for the 2015 ozone NAAQS on June 4, 2018 (83 FR 25776) (effective August 3, 2018). On February 1, 2023 (88 FR 6633), the EPA determined that the Detroit area failed

[1] See 40 CFR 50.19.

[2] According to appendix U to 40 CFR part 50, ambient monitoring sites with a DV of 0.070 ppm or less must meet minimum data completeness requirements in order to be considered valid. These requirements are met for a 3-year period at a site if daily maximum 8-hour average ozone concentrations are available for at least 90% of the days within the ozone monitoring season, on average, for the 3-year period, with a minimum of at least 75% of the days within the ozone monitoring season in any one year. Ozone monitoring seasons are defined for each State in appendix D to 40 CFR part 58. DVs greater than 0.070 ppm are considered to be valid regardless of the data completeness.

to attain the 2015 ozone NAAQS by its Marginal attainment date of August 3, 2021, based on the area's DV as of the attainment date (*i.e.,* monitoring data from 2018–2020). As a result of that determination, the area was reclassified by operation of law to Moderate nonattainment. On January 3, 2022, EGLE submitted a request to redesignate the Detroit area to attainment of the 2015 ozone NAAQS based on monitored attainment of the NAAQS for the 2019–2021 time period. On May 19, 2023 (88 FR 32584 and 32594), the EPA issued a determination that the Detroit area was attaining the 2015 ozone NAAQS based on air quality monitoring data from 2020–2022 (clean data determination) and finalized redesignation of the Detroit area to attainment of the 2015 ozone NAAQS.

On December 5, 2025, the United States Court of Appeals for the Sixth Circuit upheld the EPA's clean data determination but vacated the EPA's redesignation of the Detroit area. The Court issued its mandate in the case on February 24, 2026. *See Sierra Club* v. *EPA,* 161 F.4th 934 (6th Cir. 2025). Therefore, the Detroit area is currently designated as nonattainment for the 2015 ozone NAAQS, with a classification of Moderate.

On March 10, 2026, EGLE submitted a request that EPA initiate parallel processing of a supplement to its January 3, 2022, redesignation request. EGLE held a public comment period on the supplemental submittal, which closed on April 22, 2026. In its request for parallel processing EGLE stated that it would address all public comments received and, if appropriate, submit the supplement to EPA in May 2026. EPA will take action on this request in a separate rulemaking.

II. Exceptional Events Demonstration

Congress has recognized that it may not be appropriate for the EPA to use certain monitoring data collected by the ambient air quality monitoring network and maintained in the EPA's Air Quality System (AQS) database in certain regulatory determinations. Thus, in 2005, Congress provided the statutory authority for the exclusion of data influenced by ''exceptional events'' meeting specific criteria by adding section 319(b) to the CAA.[3]

To implement this 2005 CAA amendment, on March 22, 2007 (72 FR 13560), the EPA promulgated the 2007 Exceptional Events Rule. The 2007 Exceptional Events Rule created a regulatory process codified at 40 CFR parts 50 and 51 (sections 50.1, 50.14 and 51.930). These regulatory sections, which superseded the EPA's previous guidance on handling data influenced by events, contain definitions, procedural requirements, requirements for air agency demonstrations, criteria for the EPA's approval of the exclusion of event-affected air quality data from the data set used for regulatory decisions, and requirements for air agencies to take appropriate and reasonable actions to protect public health from exceedances or violations of the NAAQS. On October 3, 2016 (81 FR 68216), the EPA promulgated a comprehensive revision to the 2007 Exceptional Events Rule. The 2016 Exceptional Events Rule revision included the requirement that, if a State demonstrates that emissions from a wildfire smoke event caused a specific air pollution concentration in excess of the NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of 40 CFR 50.14, the EPA must exclude that data from use in determinations of exceedances and violations.[4]

The CAA provides for the exclusion of air quality monitoring data from design value calculations when there are NAAQS exceedances caused by events, such as wildfires, that meet the criteria for an exceptional event identified in the EPA's Exceptional Events Rule at 40 CFR 50.1, 50.14 and 51.930. For the purposes of this proposed action, on February 19, 2026, EGLE submitted an exceptional events demonstration to show that ozone concentrations recorded at the Allen Park monitor in Wayne County with Site ID 26–163–0001 on June 29 and June 30, 2023, and the East 7 Mile monitor in Wayne County with Site ID 26–163–0019 on June 19, June 29, June 30, and July 25, 2023, were influenced by wildfires. The EPA concurred on this request on March 24, 2026.

The EPA found that Michigan's demonstration met the Exceptional Events Rule criteria and determined that these wildfire events had regulatory significance for purposes of calculating the area's most recent design value to determine if the area attained the standard by the Moderate attainment date. For this proposed action, the EPA will rely on the calculated values that exclude the event-influenced data for the purpose of demonstrating attainment of the 2015 ozone NAAQS by the Moderate attainment date. Further details on EGLE's analyses and the EPA's concurrence can be found in the docket for this regulatory action.

While the EPA has concurred with Michigan's request to exclude event-influenced air quality monitoring data from regulatory decisions, the EPA is providing an opportunity for public comment on the claimed exceptional events and all supporting data prior to the EPA taking final agency action that relies on the revised data set. This proposed action provides the public with an opportunity to comment on the claimed exceptional events, all supporting documents, and the EPA's concurrence with Michigan's request. As such, the EPA proposes to take final regulatory action on the request from Michigan to remove the claimed exceptional events from the data set used for regulatory purposes.

III. Determination of Attainment by the Attainment Date

For areas classified as Moderate nonattainment for the 2015 ozone NAAQS, the attainment date was August 3, 2024. Because the DV is based on the three most recent, complete calendar years of data, attainment must occur no later than December 31 of the year prior to the attainment date, *i.e.,* December 31, 2023, in the case of Moderate nonattainment areas for the 2015 ozone NAAQS. Therefore, the EPA's proposed determination of attainment for the Detroit area is based upon hourly ozone concentration data for calendar years 2021, 2022 and 2023 that have been collected and quality-assured in accordance with 40 CFR part 58 and reported to the EPA's AQS database.[5] These data demonstrate that the Detroit area attained the 2015 ozone NAAQS by the Moderate attainment deadline. As discussed in section II above, in making this proposed determination, the EPA is relying on

[3] Under CAA section 319(b), an exceptional event means an event that (i) affects air quality; (ii) is not reasonably controllable or preventable; (iii) is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and (iv) is determined by the EPA under the process established in regulations promulgated by the EPA in accordance with section 319(b)(2) to be an exceptional event. For the purposes of section 319(b), an exceptional event does not include (i) stagnation of air masses or meteorological inversions; (ii) a meteorological event involving high temperatures or lack of precipitation; or (iii) air pollution relating to source noncompliance.

[4] 40 CFR 50.14(b)(4).

[5] The EPA maintains the AQS, a database that contains ambient air pollution data collected by the EPA, State, local, and Tribal air pollution control agencies. The AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator) and data quality assurance/quality control information. The AQS data is used to (1) assess air quality, (2) assist in attainment/non-attainment designations, (3) evaluate SIPs for nonattainment areas, (4) perform modeling for permit review analysis, and (5) prepare reports for Congress as mandated by the CAA. Access is through the website at *https://www.epa.gov/aqs.*

calculated values that exclude the event-influenced data. The annual fourth-highest 8-hour ozone concentrations and the 3-year average of these concentrations (monitoring site ozone DVs) for all monitoring sites are summarized in Table 1.

TABLE 1—2021–2023 ANNUAL FOURTH-HIGHEST DAILY MAXIMUM 8-HOUR OZONE CONCENTRATIONS AND DESIGN VALUES FOR MONITORS IN THE DETROIT AREA

County	Monitor ID	Site name	2021 4th high (ppm)	2022 4th high (ppm)	2023 4th high (ppm)	2021–2023 DV (ppm)
Macomb	26–099–0009	New Haven	0.068	0.066	0.072	0.068
	26–099–1003	Warren FS	0.067	0.068	0.073	0.069
Oakland	26–125–0001	Oak Park	0.068	0.065	0.075	0.069
St. Clair	26–147–0005	Port Huron	0.072	0.066	0.074	0.070
Washtenaw	26–161–0008	Towner St.	0.066	0.067	0.073	0.068
	26–161–9991	Ann Arbor	0.063	0.066	0.072	0.067
Wayne	26–163–0001	Allen Park	0.069	0.071	0.069	0.069
	26–163–0019	East 7 Mile	0.069	0.067	0.071	0.069

IV. Proposed Action

The EPA is proposing to determine that the Detroit area attained the 2015 ozone NAAQS by the Moderate attainment date. This proposed determination is based on complete, quality-assured, and certified ambient air quality monitoring data for the 2021–2023 design value period showing that the area achieved attainment of the 2015 ozone NAAQS. The EPA is also proposing to take final agency action on an exceptional events request submitted by EGLE on February 19, 2026, and concurred on by the EPA on March 24, 2026. This action, if finalized, will fulfill the EPA's statutory obligation to determine whether the Detroit area attained the 2015 ozone NAAQS by the Moderate attainment date.

V. Statutory and Executive Order Reviews.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This action proposed to issue a determination that the Detroit, Michigan area attained the 2015 ozone NAAQS by the Moderate attainment date.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities beyond those imposed by State law. The proposed attainment determination does not create any new requirements and does not directly regulate any entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action proposed to determine that the Detroit area attained the 2015 ozone NAAQS by the Moderate attainment date, as required by the CAA.

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

This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

This action is not subject to Executive Order 13045 because it is not 3(f)(1) significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children because it merely proposed to determine that the Detroit area attained the 2015 ozone NAAQS by the Moderate attainment date.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act

This rulemaking does not involve technical standards.

List of Subjects in 40 CFR Part 52

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

Dated: May 19, 2026.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2026–10767 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 91, No. 103
Friday, May 29, 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

Submission for OMB Reinstatement; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for reinstatement and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden 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.

Comments regarding these information collections are best assured of having their full effect if received by June 29, 2026. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: 2027 Census of Agriculture.

OMB Control Number: 0535–0226.

Summary of Collection: The National Agricultural Statistics Service conducts surveys in order to prepare national, state, and county estimates of crop and livestock production, disposition, prices, as well as statistics on related environmental and economic factors. Every five years these survey statistics are benchmarked with a complete census of agricultural producers. This census is required by law under the ''Census of Agriculture Act of 1997,'' Public Law 105–113 (7 U.S.C. 2204g). It is the primary source of detailed state and county data that provides critical information for the agricultural sector. Without the census, there would be no source of reliable, comparable data throughout the more than 3,000 counties in the 50 States and Puerto Rico. For the outlying areas of American Samoa (AS), the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands (USVI), it is the only source of consistent, comparable agricultural data.

Need and Use of the Information: Data collection will primarily be conducted through a combination of mail, internet, and follow-up by phone or in-person for selected non-respondents. In certain locations, data will be collected exclusively through direct enumeration methods. The census provides data on the number and types of farms, land use, crop area and selected production, livestock inventory and sales, production contracts, production expenses, farm-related income, and other demographic characteristics. This information will serve as the basis for many agriculturally based decisions. Census information is used by the Administration, Congress, and the Federal Agencies to formulate and evaluate national agricultural programs and policy. The Department of Agriculture and the Bureau of Economic Analysis use Census data to compile farm sector economic indicators. State and local governments use Census data in the development of local agricultural programs.

Description of Respondents: Farms; Individuals or households.

Number of Respondents: 3,889,950.

Frequency of Responses: Reporting: Other (Every 5 years).

Total Burden Hours: 2,859,794 hours.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–10761 Filed 5–28–26; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. FCIC–26–0034]

Notice of Request for Revision of an Approved Information Collection; Area Risk Protection Insurance (ARPI)

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Revision of an approved information collection; comment request.

SUMMARY: This notice announces a public comment period on the information collection request (ICR) associated with the Area Risk Protection Insurance (ARPI).

DATES: Comments that we receive on this notice will be accepted until close of business July 28, 2026.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments electronically through the Federal eRulemaking Portal: Go to *http://www.regulations.gov* and search for Docket ID No. FCIC–26–0034. Follow the instructions for submitting comments. Comments will be available for viewing online at *regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Chandra Place; telephone: (816) 926–3875; email: *chandra.place@usda.gov.* Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Title: Area Risk Protection Insurance.

OMB Number: 0563–0083.

Expiration Date of Approval: November 30, 2026.

Type of Request: Revision of a currently approved information collection.

Abstract: The information collection requirements for this renewal package are necessary to administer the ARPI Basic Provisions and affected Crop Provisions to determine insurance coverage, premiums, subsidies, payments, and indemnities. ARPI is an insurance plan that provides coverage based on the experience of an entire county. Producers are required to report specific data when they apply for ARPI such as acreage and yields. Insurance companies accept applications; issue policies; establish and provide insurance coverage; compute liability, premium, subsidies, and losses; indemnify producers; and report specific data to FCIC as required by the Standard Reinsurance Agreement. Commodities for which ARPI is available are included in this information collection package.

FCIC is requesting the Office of Management and Budget (OMB) to renew and extend the approval of this information collection for an additional 3 years with a revision.

The purpose of this notice is to solicit comments from the public concerning this information collection. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 (such as through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses).

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 0.62 of an hour per response.

Respondents/Affected Entities: Producers and insurance providers reinsured by FCIC.

Estimated Annual Number of Respondents: 14,755.

Estimated Annual Number of Responses per Respondent: 6.2.

Estimated Annual Number of Responses: 91,100.

Estimated Total Annual Burden on Respondents: 56,765.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Patricia Swanson,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2026–10741 Filed 5–28–26; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Forest Service

Caribou-Targhee National Forest; Wyoming; Amendment to the 1997 Land Management Plan for the Targhee National Forest

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of opportunity to object to the programmatic amendment to the 1997 Targhee National Forest Land Management Plan for the Caribou-Targhee National Forest.

SUMMARY: The Forest Service, U.S. Department of Agriculture, is amending the 1997 Targhee National Forest Land Management Plan (Forest Plan). The Forest Service has prepared a Final Environmental Impact Statement (FEIS) for the Grand Targhee Resort Master Development Plan Projects and Record of Decision (ROD) that includes a programmatic plan amendment to the Forest Plan. The plan amendment would convert 694 acres of National Forest System Lands on the Teton Basin Ranger District from Forest Plan Management Prescription areas 2.1.2—Visual Quality Maintenance and 2.8.3 Aquatic Influence Zone to Forest Plan Management Prescription Area 4.2—Special Use Permit Recreation Sites to accommodate the expansion of the ski resort Special Use Permit boundary. This notice is to inform the public that the Caribou-Targhee National Forest is initiating a 60-day period where individuals or entities with specific concerns about the amendment to the Forest Plan may file objections for Forest Service review prior to the approval of the amendment.

DATES: The publication date of the legal notice in the Caribou-Targhee National Forest newspaper of record, *Post Register,* initiates the 60-day objection filing period and is the exclusive means for calculating the time to file an objection (36 CFR 219.52(c)(5)). An electronic copy of the legal notice with the publication date will be posted at *https://www.fs.usda.gov/r04/caribou-targhee/projects/58258.*

ADDRESSES: Written objections, including attachments, may be submitted via regulator mail, private carrier, or hand delivery to: USDA Forest Service, Intermountain Region, Attn: Objection Reviewing Officer, Hansen Federal Building, Room 4016, 324 25th Street, Ogden, UT 84401. The office business hours for those submitting hand-delivered objections are: 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Objections may also be sent electronically to *https://www.fs.usda.gov/r04/caribou-targhee/projects/58258,* or via facsimile to 801–625–5365.

FOR FURTHER INFORMATION CONTACT: Jay Pence, Teton Basin District Ranger. *jay.pence@usda.gov,* 208–354–6610. 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 decision to approve the amendment to the 1997 Targhee National Forest Plan in association with the Grand Targhee Resort Master Development Plan Projects will be subject to the objection process identified in 36 CFR part 219, subpart B (§§ 219.50 through 219.62). Per 36 CFR 219.53 only individuals and entities who have submitted substantive formal comments related to a plan amendment during the opportunities for public comment that are attributable to the objector may file an objection unless the objection concerns an issue that arose after the opportunities for formal comment.

A separate Notice of Availability was published for the Grand Targhee Resort Master Development Plan Projects FEIS and draft Record of Decision in the **Federal Register**. Concurrently, a legal notice will be published in the newspaper of record starting the 45-day objection period for the project-specific amendments per 36 CFR 218.26. Both the 45-day objection period for the project-specific amendments and the 60-day objection period for the programmatic plan amendment will run concurrently beginning with the date of publication of the legal notice and the NOO respectively.

How to File an Objection

Objections must be submitted to the Reviewing Officer at the address shown in the **ADDRESSES** section of this notice. An objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address along with a telephone number or email address if available. In cases where no

identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;

(4) The name of the plan amendment being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or parts of the plan amendment to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the draft plan decision may be improved. If the objector believes that the plan amendment is inconsistent with law, regulation, or policy, an explanation should be included;

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and

(8) All documents referenced in the objection (a bibliography is not sufficient), except the following need not be provided:

a. All or any part of a Federal law or regulation,

b. Forest Service Directive System documents and land management plans or other published Forest Service documents,

c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and

d. Formal comments previously provided to the Forest Service by the objector during the proposed plan, plan amendment, or plan revision comment period.

Additionally, objections should be identified as pertaining to the ''1997 Targhee National Forest Land Management Plan amendment'' for the Caribou-Targhee National Forest.

It is the responsibility of the objector to ensure that the Reviewing Officer receives the objection in a timely manner. The regulations generally prohibit extending the length of the objection filing period (36 CFR 219.56(d)). However, when the time period expires on a Saturday, Sunday, or a Federal holiday, the time is extended to the end of the next Federal working day (11:59 p.m. for objections filed by electronic means such as email or facsimile machine) (36 CFR 219.56).

Responsible Official

The responsible official who will approve the record of decision (ROD) and the amendment to the 1997 Targhee National Forest Plan is Forest Supervisor Kim Pierson, Caribou-Targhee National Forest, 1405 Hollipark Drive, Idaho Falls, ID 83401, 208–557–5761.

Deputy Regional Forester Brant Peterson at the Ogden Regional Office, 324 25th Street, Ogden, UT 84401, is the reviewing officer for the amendment to the 1997 Targhee Forest Plan because the Forest Supervisor is the responsible official (36 CFR 219.56(e)).

(Authority: 5 U.S.C 301; 16 U.S.C. 1604, 1613; and 36 CFR 219.16(c))

Beattra Wilson,

Associate Deputy Chief State, Private, and Tribal Forestry, National Forest System.

[FR Doc. 2026–10676 Filed 5–28–26; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Montana Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public briefings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Montana Advisory Committee (Committee) to the Commission will hold public briefings via Zoom.

The purpose of these briefings is to hear testimony concerning potential civil rights violations resulting from Diversity, Equity, and Inclusion Policies at Montana Public Universities.

DATES:

- Thursday, June 11, 2026, from 3:00 p.m.–5:00 p.m. MT
- Thursday, July 9, 2026, from 3:00 p.m.–5:00 p.m. MT
- Thursday, July 16, 2026, from 3:00 p.m.–5:00 p.m. MT

Registration Links (Audio/Visual): The briefings will be held via Zoom.

- 6/11/26: *https://www.zoomgov.com/j/1653597412*
- 7/9/26: *https://www.zoomgov.com/j/1657832469*
- 7/16/26: *https://www.zoomgov.com/j/1655154508*

To Join by Phone (Audio Only): for all meetings, dial: 1–833–435–1820 USA Toll-Free

- 6/11/26: Webinar ID—165 359 7412#
- 7/9/26: Webinar ID—165 783 2469#
- 7/16/26: Webinar ID—165 515 4508#

Agendas (Note: final meeting agendas will be available prior to each meeting date):

- 6/11/26 Agenda: *https://usccr.app.box.com/folder/383161252656*
- 7/9/26 Agenda: *https://usccr.app.box.com/folder/383162696901*
- 7/16/26 Agenda: *https://usccr.app.box.com/folder/383162625008*

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at *afortes@usccr.gov* or 1–202–681–0875.

SUPPLEMENTARY INFORMATION: These virtual committee meetings are available to the public through the registration links above. Any interested member of the public may join at the links to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meetings will include a list of persons who are present at the meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the Zoom meeting platform. To request additional accommodations, please email Support Services Specialist, Angelica Trevino at *atrevino@usccr.gov* at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Ana Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 681–0857.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meetings. Records of the meetings will be available via the file sharing website: *https://usccr.app.box.com/folder/314981673190?s=mw9mbsf7b9dy00grnfelpzs0tykg6isr* as well as at: *www.facadatabase.gov* under the

Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the phone number listed above.

Dated: May 27, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–10758 Filed 5–28–26; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Michigan Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Michigan Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to continue briefing planning on the Committee's study on civil rights implications of the Michigan government's use of AI.

DATES: Thursday, June 18, 2026, from 12:00 p.m. to approximately 1:30 p.m. Eastern Time.

ADDRESSES: This meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_9psSGkefTwGzYmsCUkr4aQ.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 165 743 9565 #.

Agenda: https://tinyurl.com/yvyk2t5y (navigate through the folders until you reach 'meeting records' and select pertinent year/meeting date. Note: a final meeting agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, Designated Federal Officer, at *mtrachtenberg@usccr.gov* or 1–202–809–9618.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral comments as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *mtrachtenberg@usccr.gov* at least 5 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be submitted via: *https://tinyurl.com/mvtxewfe.* Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–809–9618.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via the file sharing website, *https://tinyurl.com/28867tbx.* Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *mtrachtenberg@usccr.gov.*

Dated: May 27, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–10764 Filed 5–28–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–281–2026]

Foreign-Trade Zone 240; Application for Subzone; Pratt & Whitney Engine Services, Inc.; Bridgeport, West Virginia

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the West Virginia Economic Development Authority, grantee of FTZ 240, requesting subzone status for the facilities of Pratt & Whitney Engine Services, Inc., located in Bridgeport, West Virginia. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on May 26, 2026.

The proposed subzone would consist of the following sites: *Site 1* (5.91 acres) 1525 Midway Park Drive, Bridgeport; *Site 2* (2.01 acres) 1200 W. Benedum Industrial Drive, Bridgeport; and *Site 3* (0.59 acres) 1527 Midway Park Drive, Bridgeport. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 240.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 8, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through July 23, 2026.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: May 26, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–10796 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–152–2026]

Approval of Subzone Status; Supreme International LLC dba Perry Ellis International; Dublin, Georgia

On March 19, 2026, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the World Trade Center Savannah, LLC, grantee of FTZ 104, requesting subzone status subject to the existing activation limit of FTZ 104, on behalf of Supreme International LLC dba Perry Ellis International, in Dublin, Georgia.

The application was processed in accordance with the FTZ Act and

Regulations, including notice in the **Federal Register** inviting public comment (91 FR 13996, March 24, 2026). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 104Y was approved on May 27, 2026, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 104's 2,000-acre activation limit.

Dated: May 27, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–10797 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Hans De Geetere, Paul Parmentierlaan 121, 8300 Knokke Heist, Belgium, and Nyckeestraat 4, 8300 Knokke Heist, Belgium, Knokke-Heist Support Corporation Management, a/k/a Hasa Invest, Paul Parmentierlaan 121, 8300 Knokke Heist, Belgium, and Nyckeestraat 4, 8300 Knokke Heist, Belgium; Final Decision and Order

Section 766.24 of the Export Administration Regulations (''Regulations''), 15 CFR parts 730–774, authorizes the Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary'') to issue a Temporary Denial Order (''TDO'') for a period of up to 180 days to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(l), (b)(4).

On August 26, 2022, the Assistant Secretary issued a TDO against Hans De Geetere and his company, Knokke-Heist Support Corporation Management (collectively, ''Appellants''). *See* 87 FR 53716 (Sep. 1, 2022). The TDO stated that De Geetere engaged in conduct prohibited by the Regulations by acquiring or attempting to acquire under false pretenses items subject to the Regulations on behalf of prohibited end-users or for prohibited end uses. *Id.* The TDO was effective immediately and remained in effect for 180 days; it expired on February 22, 2023. *Id.* at 53718.

On February 11, 2026, the Appellants filed an appeal of the TDO under § 766.24(e)(3) of the Regulations. Litigation commenced, and on May 14, 2026, Administrative Law Judge Timothy G. Stueve issued a decision recommending dismissal of Appellants' challenge as moot given that the TDO expired in February 2023 and was never renewed.[1] Judge Stueve further explained that the additional forms of relief requested by Appellants were not within the scope of § 766.24 of the Regulations.

Based on my review of the record, I accept Judge Stueve's recommended decision. This appeal is therefore dismissed. This Final Decision and Order shall be served on Appellants and on BIS and it and the Recommended Decision shall be published in the **Federal Register**.

This Order, which constitutes the Department's final decision regarding this appeal, is effective immediately.

Dated: May 26, 2026.

Jeffrey I. Kessler,

Under Secretary of Commerce for Industry and Security.

United States Department of Commerce

Bureau of Industry and Security

Washington, DC 20230

In the Matter of:
Docket Number: 26–BIS–TDO1 Hans De Geetere And Knokke-Heist Support Corporation Management a/k/a Hasa-Invest Appellants.

Recommended Decision

Issued by: The Honorable Timothy Stueve, Administrative Law Judge

Issued: May 14, 2026

On February 12, 2026, the United States Coast Guard Administrative Law Judge (ALJ) Docketing Center received an Appeal and Motion to Vacate filed by Hans De Geetere and Knokke-Heist Support Corporation Management (collectively, Appellants) pursuant to 15 CFR 766.24(e). Appellants request I vacate the temporary denial order (TDO) issued on August 26, 2022, based on newly discovered evidence not previously available. For the reasons set forth below, I recommend this appeal be *dismissed* as moot.

Background

On August 26, 2022, BIS issued a TDO against Appellants based upon an investigation by the Office of Export Enforcement (OEE). Pursuant to 15 CFR 766.24(d)(1), TDOs are only valid for 180 days absent renewal, thus Appellants' TDO expired on February 22, 2023. BIS did not seek renewal of the TDO. Further, BIS notes Appellants were subsequently added to BIS's Entity List, a separate and distinct list from the Denied Persons List, for acting contrary to the national security or foreign policy interests of the United States.

Appellants state their appeal is based on newly discovered evidence recently provided by the Belgian government, which was not available to Appellants at the time of the 2022 TDO. Appellants requested the 2022 TDO be vacated and various forms of relief including: (1) an investigation into alleged false statements made during the investigation; (2) the production of documents referenced in a government affidavit made at the time of the TDO; (3) costs and attorney's fees; (4) expungement of all references to this matter from export control databases and public records; and (5) issuance of a public correction acknowledging that the 2022 TDO was improper. Appeal at 5.

BIS filed its response on February 26, 2026, arguing the appeal should be dismissed as moot or otherwise denied because the TDO issued against Appeallants has expired. BIS did not seek renewal, despite Appellants' contention the TDO has been renewed. Thus, BIS asserts Appellants do not have standing to bring an appeal.[2] This matter was assigned to me on May 6, 2026 for adjudication. Per BIS regulations, an ALJ shall issue a recommened decision within 10 working days after receipt of the appeal. 15 CFR 766.24(e)(4). However, due to the recent Department of Homeland Security funding hiatus, our office was unable to process this appeal when it was initially filed. The Department of Homeland Security was funded on April 30, 2026. As such, the 10 day deadline to issue a recommended decision started on May 6, 2026, when this case was assigned to me. The record is now closed, and the appeal is ripe for decision.

Recommended Findings of Fact

1. On August 26, 2022, the Assistant Secretary of Export Enforcement (Assistant Secretary) issue a TDO against Appellants. BIS Exhibit 1.[3]

2. The TDO expired on February 22, 2023. 15 CFR 766.24(d)(1)

3. BIS did not seek renewal of the TDO at any time. BIS Exhibit 1.

[1] The Office of the Under Secretary for Industry and Security received a certified copy of Judge Stueve's recommended decision on May 18, 2026.

[2] On May 7, 2026, Appellants filed a reply to BIS' response which I do not consider a part of the record because Appellants did not ask permission from the Court to file a reply and the regulations do not afford appellants the right to file a reply.

[3] ''BIS Exhibit'' references the exhibits attached to BIS's Response dated February 26, 2026.

Opinion and Recommended Conclusions of Law

BIS regulations related to export administration are issued ''under laws relating to the control of certain exports, reexports, and activities.'' 15 CFR 730.1.5. These export control provisions ''are intended to serve the national security, foreign policy, nonproliferation of weapons of mass destruction, and other interests of the United States.'' 15 CFR 730.6. To prevent an imminent violation of the Export Administration Regulations (EAR), the Assistant Secretary may issue a TDO on an ex parte basis. 15 CFR 766.24(a). The TDO ''will deny export privileges to any person named in the order as provided for in § 764.3(a)(2) of the EAR.'' 15 CFR 766.24(a). The order is valid for 180 days, but the Assistant Secretary may renew it, more than once, in additional 180-day increments. 15 CFR 766.24(b)(4), 766.24(d)(4).

BIS regulations afford respondents the right to appeal a TDO. Specifically, ''[a] respondent may, at any time, file an appeal of the initial or renewed temporary denial order with the administrative law judge.'' 15 CFR 766.24(e)(1)(i). ''A respondent may appeal on the grounds that the finding that the order is necessary in the public interest to prevent an imminent violation is unsupported.'' 15 CFR 766.24(e)(2). Within 10 working days after an appeal is filed, the administrative law judge shall submit a recommended decision to the Under Secretary. 15 CFR 766.24(e)(4). The regulations limit the scope of the recommended decision. The ALJ may only recommend whether the issuance or the renewal of the temporary denial order should be affirmed, modified or vacated. 15 CFR 766.24(e)(4).

Having outlined the relevant law governing this appeal, I now turn to the facts of in this case and conclude the appeal is moot because there is no valid TDO against Appellants. Here, BIS issued a TDO in August 2022 and the TDO expired February of 2023. Appellants have not provided any evidence that the 2022 TDO was renewed despite arguing such. BIS indicated it did not seek renewal of the 2022 TDO. Because there is no current TDO, I am dismissing Appellants appeal as moot because I cannot provide a recommended decision on the merits in accordance with the regulations on an expired TDO. Specifically, I cannot affirm, modify or vacate an expired TDO nor can I evaluate whether the order is necessary in the public interest to prevent an imminent violation because there is no current order against Appellants. Doing so would hold no legal significance. Moreover, the additional forms of relief requested by Appellants outlined above are not within the scope of 15 CFR 766.24. Even if BIS erred in issuing the 2022 TDO, and that TDO was current, I cannot lawfully direct BIS to (1) perform an investigation into alleged false statements made during the investigation; (2) produce documents referenced in a government affidavit made at the time of the TDO; (3) provide costs and attorney's fees; (4) expunge all references to this matter from export control databases and public records; or (5) issue of a public correction acknowledging that the 2022 TDO was improper. Considering the above, I recommend this appeal be *dismissed* as moot.

Done and dated May 14, 2026, at Alameda, California

Honorable Timothy G. Stueve
Administrative Law Judge
U.S. Coast Guard

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing **ORDER** upon the following parties as indicated below:

ALJ Docketing Center
Attention: Hearing Docket Clerk
40 South Gay Street, Room 412
Baltimore, Maryland 21202-4022
Email: aljdocketcenter@uscg.mil
Telephone: (410) 962-5100
Facsimile: (410) 962-1746
Sent electronically via email

Gregory Michelsen, Attorney-Advisor
Attorneys for Bureau of Industry and Security
Office of Chief Counsel for Industry and Security
U.S. Department of Commerce, Room H-3839
14th Street & Constitution Avenue, N.W.
Washington, D.C. 20230
Email: gmichelsen@doc.gov
Sent electronically via email

Hans De Geetere
Email: slimslimmer@me.com
Sent electronically via email

I hereby certify that I have forwarded by Express Courier the foregoing Recommended Decision and the case file upon the following:

Jeffrey Kessler
Under Secretary for Industry and Security
Bureau of Industry and Security
U.S. Department of Commerce
1401 Constitution Ave., NW Room 3896
Washington, DC 20230
Sent by Federal Express

Done and dated May 14, 2026, at
Alameda, California

Beth Kim

Beth Kim
Paralegal Specialist to the
Administrative Law Judge

[FR Doc. 2026–10682 Filed 5–28–26; 8:45 am]
BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–337–804, A–570–851, A–533–813, A–560–802]

Certain Preserved Mushrooms From Chile, the People's Republic of China, India, and Indonesia: Final Results of the Expedited Fifth Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on certain preserved mushrooms (mushrooms) from Chile, the People's Republic of China (China), India, and Indonesia would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Reviews'' section of this notice.

DATES: Applicable May 29, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2178.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 1998, and February 19, 1999, Commerce published the AD orders on mushrooms from Chile, China, India, and Indonesia in the **Federal Register**.[1] On February 2, 2026, Commerce published the notice of initiation of these fifth sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930 (the Act).[2]

On February 12, 2026, Commerce received a timely and complete notice of intent to participate in the sunset reviews from Giorgio Foods, Inc. (the domestic interested party) within the deadline specified in the 19 CFR 351.218(d)(1)(i).[3] The domestic interested party claimed the interested party status within the meaning of section 771(9)(C) of the Act as a producer of the domestic like product.[4] On February 20, 2026, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested party.[5]

On March 3, 2026, pursuant to 19 CFR 351.218(d)(3)(i), the domestic interested party filed a timely and adequate substantive response.[6] Commerce did not receive a substantive response from any respondent interested party. On March 27, 2026, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.[7] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order.*

Scope of the Orders

The product covered by these *Orders* is mushrooms from Chile, China, India, and Indonesia. For the full description of the scope of the *Orders, see* the Issues and Decision Memorandum.[8]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Orders* and the magnitude of the margins likely to prevail if the *Orders* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.[9] A list of the topics discussed in the Issues and Decision Memorandum is attached in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at *https://access.trade.gov/frnotices.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 148.51 percent for Chile, 198.63 percent for China, 243.87 percent for India, and 16.24 percent for Indonesia.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as the only 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. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders 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

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act,

[1] *See Notice of Antidumping Duty Order: Certain Preserved Mushrooms from Chile,* 63 FR 66529 (December 2, 1998) (*Chile Order*)*; Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms from the People's Republic of China,* 64 FR 8308 (February 19, 1999) (*China Order*); *Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms from India,* 64 FR 8311 (February 19, 1999) (*India Order*); and *Notice of Antidumping Duty Order: Certain Preserved Mushrooms from Indonesia,* 64 FR 8310 (February 19, 1999) (*Indonesia Order*) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 4499 (February 2, 2026).

[3] *See* Domestic Interested Party's Letter, ''Five-Year (5th Sunset) Review of the Antidumping Duty Order on Certain Preserved Mushrooms from Chile—Domestic Interested Party's Notice of Intent to Participate,'' dated February 12, 2026; ''Five-Year (5th Sunset) Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China—Domestic Interested Party's Notice of Intent to Participate,'' dated February 12, 2026; ''Five-Year (5th Sunset) Review of the Antidumping Duty Order on Certain Preserved Mushrooms from India—Domestic Interested Party's Notice of Intent to Participate,'' dated February 12, 2026; ''Five-Year (5th Sunset) review of the Antidumping Duty Order on Certain Preserved Mushrooms from Indonesia—Domestic Interested Party's Notice of Intent to Participate,'' dated February 12, 2026.

[4] *Id.* at 2.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 2, 2026,'' dated February 20, 2026.

[6] *See* Domestic Interested Party's Letter, ''Five-Year (5th Sunset) Review of the Antidumping Duty Order on Certain Preserved Mushrooms from Chile—Domestic Interested Party's Substantive Response to the Notice of Initiation,'' dated March 3, 2026; ''Five-Year (5th Sunset) Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China—Domestic Interested Party's Substantive Response to the Notice of Initiation,'' dated March 3, 2026; ''Five-Year (5th Sunset) Review of the Antidumping Duty Order on Certain Preserved Mushrooms from India—Domestic Interested Party's Substantive Response to the Notice of Initiation,'' dated March 3, 2026; and ''Five-Year (5th Sunset) Review of the Antidumping Duty Order on Certain Preserved Mushrooms from Indonesia—Domestic Interested Party's Substantive Response to the Notice of Initiation,'' dated March 3, 2026.

[7] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 2, 2026,'' dated March 27, 2026.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Fifth Sunset Reviews of the Antidumping Duty Orders on Certain Preserved Mushrooms from Chile, the People's Republic of China, India, and Indonesia,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[9] *Id.*

and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: May 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of Dumping
2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2026–10680 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–937, C–570–938]

Citric Acid and Certain Citrate Salts From the People's Republic of China: Continuation of Antidumping Duty Order and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on citric acid and certain citrate salts (citric acid) from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable May 26, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2178.

SUPPLEMENTARY INFORMATION:

Background

On May 29, 2009, Commerce published in the **Federal Register** the AD and CVD orders on citric acid from China.[1] On December 1, 2025, the ITC instituted,[2] and Commerce initiated,[3] the third sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On May 26, 2026, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Orders

The scope of these *Orders* includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid sodium citrate, and potassium citrate constitute 40 percent of more, by weight, of the blend. The scope of these *Orders* also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate. The scope of these *Orders* does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least 2 percent, by weight, of the product. The scope of these *Orders* includes hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate, which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and 3824.90.9290 of the HTSUS, respectively. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.90.9290 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be May 26, 2026.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business

[1] *See Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders,* 74 FR 25703 (May 29, 2009); and *Citric Acid and Certain Citrate Salts from the People's Republic of China: Notice of Countervailing Duty Order,* 74 FR 25705 (May 29, 2009) (collectively, *Orders*).

[2] *See Citric Acid and Certain Citrate Salts from China; Institution of Five-Year Reviews,* 90 FR 55172 (December 1, 2025).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 55084 (December 1, 2025).

[4] *See Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order,* 91 FR 20093 (April 15, 2026), and accompanying Issues and Decision Memorandum (IDM); and *Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order,* 91 FR 20105 (April 15, 2026), and accompanying IDM.

[5] *See Citric Acid and Certain Citrate Salts from China; Determinations,* 91 FR 30726 (May 26, 2026) (*ITC Final Determination*).

[6] *See ITC Final Determination.*

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

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: May 26, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–10677 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–814]

Common Alloy Aluminum Sheet From the Sultanate of Oman: 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 common alloy aluminum sheet (aluminum sheet) from the Sultanate of Oman (Oman) to correct ministerial errors. The period of review (POR), April 1, 2023, through March 31, 2024.

DATES: Applicable May 29, 2026.

FOR FURTHER INFORMATION CONTACT: George McMahon, 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) 482–1167.

SUPPLEMENTARY INFORMATION:

Background

On April 16, 2026, Commerce published the *Final Results* of the 2023–2024 administrative review of the AD order on aluminum sheet from Oman.[1] On April 27, 2026, we received a timely filed ministerial error allegation from Oman Aluminium Rolling Company SPC (OARC), the respondent in this administrative review.[2] We are amending the *Final Results* to correct certain ministerial errors raised by OARC.[3]

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.'' [4] 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 its ministerial error comments, OARC alleged that Commerce made ministerial errors in its programming code regarding the packing cost adjustment to total cost of manufacturing and to the currency conversion of packing costs.[5]

We agree with OARC that we made ministerial errors regarding the packing cost adjustment and to the currency conversion of packing costs 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 these errors.[6]

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 errors described above, we determine that the following estimated weighted-average dumping margin for OARC exists for the period April 1, 2023, through March 31, 2024.

Exporter	Weighted-average dumping margin (percent)
Oman Aluminium Rolling Company SPC	13.53

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.[7]

Pursuant to 19 CFR 351.212(b)(1), because OARC reported the entered value for its U.S. sales, we calculated importer specific *ad valorem* rates based on the ratio of the total amount of antidumping duties calculated for each importer's examined sales to the total entered value of those sales. Where an importer-specific assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[8]

For entries of subject merchandise during the POR produced by OARC for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate established in the less-than-fair-value (LTFV) investigation, if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of 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

[1] *See Common Alloy Aluminum Sheet from the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 20414 (April 16, 2026) (*Final Results*), and accompanying Issues and Decision Memorandum.

[2] *See* OARC's Letter, ''OARC's Ministerial Error Comments,'' dated April 27, 2026 (OARC's Ministerial Error Comments).

[3] *See* Memorandum, ''Analysis of Ministerial Error Allegations,'' dated concurrently with this notice (Ministerial Error Memorandum).

[4] *See* 19 CFR 351.224(f).

[5] *See* OARC's Ministerial Error Comments.

[6] *See* Ministerial Error Memorandum.

[7] *See* section 751(a)(2)(C) of the Act.

[8] *See* 19 CFR 351.106(c)(2).

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 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) the cash deposit rate for OARC will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a producer or exporter not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 5.29 percent *ad valorem,* the all-others rate established in the LTFV investigation.[9] 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 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 the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and 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(h) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: May 22, 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. 2026–10795 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and the Republic of Turkey: Antidumping Duty Orders,* 86 FR 22139 (April 27, 2021) (*Order*).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Form NIST–366A: Request for Personal Radiation Monitoring Services

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before July 28, 2026.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, by email to *PRANIST@nist.gov.* Please reference OMB Control Number 0693–0086 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Manuel Mejias, Radiation Safety Officer (also Chief of the Radiation Safety Division), NIST, 100 Bureau Drive, Gaithersburg, MD 20899–1731, 301–975–5022, *manny.mejias@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is to seek clearance for the collection of routine information requested of individuals (including but not limited to federal employees, visitors, contractors, associates) who work with or around sources of ionizing radiation on the NIST campus. Some changes are being made to take into account other monitoring needs across NIST.

The information is collected for the following purposes:

(1) NIST is required by 10 CFR 20.1502 to monitor individuals who may be exposed to ionizing radiation above specific levels. This form will be used to collect information associated with this monitoring and to determine the type of monitoring required.

(2) NIST is required by 10 CFR 20.2106 to maintain records of radiation exposure monitoring. This form will be used to ensure the exposure information collected is properly associated with the individual using unique identifiers. In addition, NIST must provide reports to the monitored individuals when requested and to the NRC annually. This form will be used to ensure the correct information is provided to the individual.

II. Method of Collection

The information will be collected in paper format and electronically as a pdf form.

III. Data

OMB Control Number: 0693–0086.

Form Number(s): NIST 366–A.

Type of Review: Regular submission, revision of a current information collection.

Affected Public: Individuals.

Estimated Number of Respondents: 600.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 150 hours.

Estimated Total Annual Cost to Public: 0.

Respondent's Obligation: Mandatory.

Legal Authority: 10 CFR 20.1502 and 10 CFR 20.2106.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other 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 may 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.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–10706 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: NIST 2026–0034]

RIN 0693–XC138

NIST Artificial Intelligence Consortium

AGENCY: National Institute of Standards and Technology (NIST), Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, previously announced the formation of the Artificial Intelligence Safety Institute Consortium (''AISIC'') through a publication dated November 2, 2023 (88 FR 75276). AISIC brought together more than 280 organizations to develop science-based and empirically backed guidelines and standards for artificial intelligence (AI) measurement, laying a foundation for global AI metrology. Through this succeeding notice, NIST is announcing the retitling of AISIC as the NIST Artificial Intelligence Consortium (''Consortium''), revising the scope of the Consortium's research, and reissuing its invitation to organizations to submit letters of interest in order to collaborate with NIST, non-profit organizations, industry leaders, universities, and other agencies of the Federal Government in addressing the challenges associated with the development and deployment of AI-based innovations. In support of NIST's directives under the National Artificial Intelligence Initiative Act of 2020 (Pub. L. 116–283), in accordance with Executive Order 14179 issued January 23, 2025 (Removing Barriers to American Leadership in Artificial Intelligence), and as mandated by America's AI Action Plan, issued July 2025, NIST will utilize the Consortium to empower the collaborative establishment of a new measurement science that will enable the identification of proven, scalable, and interoperable techniques and metrics to promote the development and use of AI. Interested organizations should describe the technical expertise and products, data, and/or models that they will bring to the Consortium to support the Consortium's collaborative research activities. Participation in the Consortium is open to all interested organizations that can contribute their expertise, products, data, and/or models to the Consortium activities. Selected participants will be required to enter into a Consortium Cooperative Research and Development Agreement (CRADA) with NIST. At NIST's discretion, entities that are not legally permitted to enter into CRADAs pursuant to law may be allowed to participate in the Consortium under a separate non-CRADA agreement. Organizations that are already members of the Consortium (''Consortium Members'') are not required to reapply to NIST but may be asked to sign amendments to their current agreements with NIST that reflect the refocused direction of the Consortium.

DATES: The Consortium's collaborative research activities are ongoing. NIST will accept letters of interest from new organizations to participate in this Consortium on an ongoing basis with regular periods of review for new applicants, likely occurring biannually. The first period of review will begin within 60 days of the publication of this notice, and selection determinations will subsequently be communicated to applicants. Existing Consortium Members will not be required to submit new letters of interest but may be asked to sign amendments to their current agreements within a similar timeframe.

ADDRESSES: Completed letters of interest may be submitted via the letter of interest webform at *https://www.nist.gov/artificial-intelligence/artificial-intelligence-consortium/LOI,* by email to *aiconsortium@nist.gov,* or with a hardcopy to: National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8900, Gaithersburg, MD 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 Cooperative Research and Development Agreement (CRADA) with NIST. The Consortium CRADA template will be made available to selected applicants by NIST's Technology Partnerships Office (TPO).

FOR FURTHER INFORMATION CONTACT: J'aime Maynard, Consortia Agreements Officer, NIST's Technology Partnerships Office (TPO), by email to *agreements@nist.gov* or by mail to 100 Bureau Drive, Mail Stop 2200, Gaithersburg, MD 20899. Please direct all media inquiries to NIST's Public Affairs Office (PAO) by email to *inquiry@nist.gov* or by phone at (301) 975–2762.

SUPPLEMENTARY INFORMATION:

Background: NIST supports the United States in developing standards around emerging technologies, including AI and AI-related systems. In 2019, President Trump issued the first ever Executive Order on AI (E.O. 13859, Maintaining American Leadership in Artificial Intelligence) (84 FR 3967, February 14, 2019), recognizing that American leadership in AI is of paramount importance to maintaining the economic and national security of the United States. Through Executive Order 14179 (Removing Barriers to American Leadership in Artificial Intelligence) (90 FR 8741, January 23, 2025), President Trump directed the development of an AI Action Plan to sustain and enhance America's global AI dominance in order to promote human flourishing, economic competitiveness, and national security. Released in July 2025, America's AI Action Plan instructs NIST to convene this Consortium to empower the collaborative establishment of new measurement science that will enable the identification of proven, scalable, and interoperable techniques and metrics to promote the development of AI.

Consistent with this directive, the National Artificial Intelligence Initiative Act of 2020 charged NIST with, *inter alia:*

- Advancing collaborative frameworks, standards, guidelines, and associated methods and techniques for AI.
- Supporting development of technical standards and guidelines that promote deployment and use of AI systems.
- Conducting stakeholder outreach.

This Consortium was first announced by NIST in November 2023 and began its collaborative research activities in 2024. Originally organized into five working groups, the Consortium provided a hub for interested parties to work together in building and maturing a measurement science for trustworthy and responsible AI. Through this current notice, NIST is announcing changes to the organization and structure of the Consortium that will create a greater agility and capacity to initiate and manage projects within the scope of the Consortium's collaborative research plan.

Through the Consortium, NIST will: support work to ensure that frontier AI technology protects free speech and American values; encourage open-source and open-weight AI; enable AI adoption; invest in AI-enabled science; invest in AI interpretability, control, and robustness breakthroughs; build an AI evaluations ecosystem; protect commercial and government AI innovations; promote secure-by-design AI technologies and applications; and ensure that the U.S. Government is at the forefront of evaluating national security risks in frontier models.

Process: NIST is soliciting responses from all sources of relevant technical capabilities (see below) to enter into a Consortium Cooperative Research and Development Agreement (CRADA) to provide technical expertise and products, data, and/or models to enable innovation, standardization, and interoperability within AI systems. The full project can be viewed at: *https://www.nist.gov/artificial-intelligence/artificial-intelligence-consortium*.

Interested parties can submit a letter of interest by visiting the project website at *https://www.nist.gov/artificial-intelligence/artificial-intelligence-consortium/LOI* and completing the letter of interest webform; 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. NIST will select participants who have submitted complete letters of interest on a first come, first served basis. Selected participants will be required to enter into a Consortium CRADA with NIST. At NIST's discretion, entities that are not legally permitted to enter into CRADAs pursuant to law may be allowed to participate in the Consortium pursuant to separate non-CRADA agreements.

Project Objective: Artificial intelligence is a revolutionary technology with the potential to transform the global economy and alter the balance of power in the world. To encourage even more extraordinary AI technological innovations, NIST is expanding its AI measurement efforts by harnessing the broader community's interests and capabilities. NIST aims to help enable the identification of proven, scalable, and interoperable measurements and methodologies to promote the development and use of AI.

Building upon its long track record of working with the private and public sectors and its history of reliable and practical measurement and standards-oriented solutions, NIST seeks research collaborators who can support this vital undertaking. Specifically, NIST looks to:

- Create a convening space for Consortium Members to engage in informed dialogue and research and development collaborations, striving for open and transparent partnerships;
- Bring together stakeholders from both the public and private sectors, as well as strategic international organizations, to work collaboratively to build and mature a new measurement science for secure AI;
- Develop science-based and empirically backed guidelines and standards for AI measurement, laying the foundation for AI innovation;
- Support U.S. readiness in accelerating the development of next generation AI systems, from frontier models to new applications and approaches, with appropriate risk management strategies;
- Align capability evaluations of AI systems and facilitate the creation and use of AI testbeds and test environments; and
- Build the foundations and documentation for AI standards generation.

To create a lasting approach for continued joint research and development, NIST will engage stakeholders via this Consortium. The work of the Consortium will be open and transparent, consistent with applicable security requirements, and provide a hub for interested parties to work together in building and maturing a measurement science for AI.

NIST has identified a number of focus areas around which to organize the scope of the Consortium's activities. These include domain-specific application areas that were selected based upon current domestic priorities, alongside additional areas focusing on measurement science and technology with broad applications that underpin the innovation, development, and adoption of AI technologies.

- ChemBio
- Healthcare
- Law Enforcement/Forensic Science
- Energy
- Agriculture
- Communication
- Cybersecurity
- Privacy Engineering
- High-Security AI Data Centers
- Authenticating Digital Content
- Post-Deployment Monitoring
- Automation
- Evaluation Methods

Activities of the Consortium are subject to change based upon NIST and U.S. Government priorities and as advances in the technical state of the art open new avenues for scientific inquiry and collaboration. The complete list of ongoing Consortium activities with its goals and outcomes will be made available to the Consortium Members.

If NIST and eligible Consortium Members wish to undertake or develop results in areas relating to national security, such eligible Consortium Members may participate in separate research groups under terms and conditions that vary from those of the Consortium CRADA. The decision of whether or not to participate in a separate national security related research group will not affect any Consortium Members' standing in or ability to participate in any other Task Group.

Eligible Consortium Members that wish to undertake or develop results in areas related to national security concerns, including information that may be classified, will be subject to appropriate risk management strategies and research security requirements. Those requirements will be determined after the launch of the Consortium, if such opportunities arise. All determinations of eligibility for participation in national-security related areas will be at the sole discretion of NIST at the relevant time.

Consortium Members will be expected to contribute:

- Technical expertise in one or more of the following areas:

- Data and data documentation
- AI Metrology
- AI Governance
- AI security vulnerabilities
- AI system design and development
- AI system deployment
- Test, Evaluation, Validation, and Verification methodologies
- AI Explainability and Interpretability
- Workforce skills
- Psychometrics
- Economic analysis

- Models, data, and/or products to support and demonstrate pathways to enable AI systems development
- Infrastructure support for Consortium projects
- Facility space and organizational support to host Consortium Members for workshops and conferences

Requirements for Letters of Interest

Each responding organization's letter of interest should include the address, point of contact, and the following information:

1. The role(s) the organization might play in the Consortium's efforts.

2. The specific expertise the organization intends to bring to the Consortium.

3. The products, services, data, or other technical capabilities the organization will use in or contribute to Consortium activities.

Letters of interest should not include proprietary information. NIST will not treat any information provided in response to this notice as proprietary information.

NIST cannot guarantee that all submissions will be utilized or that the products proposed by respondents will be used in Consortium activities. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the Consortium CRADA.

(Authority: *15 U.S.C. 3710a, 15 U.S.C. 278h–1,* and *15 U.S.C. 272b* and *272c*)

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2026–10779 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF820]

Fisheries of the Gulf of America; Southeast Data, Assessment, and Review; Public Meeting

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

ACTION: Notice of webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 99 assessment process for Gulf migratory king mackerel will consist of a series of data and assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 99 Topical Working Group Assessment Webinar II will be held June 16, 2026, from 11 a.m. until 1 p.m., Eastern Time.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (See **FOR FURTHER CONTACT INFORMATION**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and NMFS Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists; International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion during the Topical Working Group Assessment Webinar II are as follows:

Participants will review modelling work to date and make recommendations.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: May 26, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–10748 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF823]

Marine Mammals; File No. 29749

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the BBC Natural History Unit and Factual Productions Limited, (Responsible Party: Victoria Webb), Bridgewater House, Counterslip, Redcliffe, Bristol, BS1 6BX, United Kingdom, has applied in due form for a permit to conduct commercial or educational photography on bottlenose dolphins (*Tursiops sp.*).

DATES: Written comments must be received on or before June 29, 2026.

ADDRESSES: These documents are available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 29749 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Erin Markin, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film the strand feeding behaviors of bottlenose dolphins in the waters of South Carolina for a television series, ''Americas II''. Filmmakers would approach up to 1,260 dolphins annually by vessel for behavioral observations, filming, and the operation of an unmanned aircraft system. Up to two vessels would target a group of dolphins at a time. The permit would be valid through November 2027.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 26, 2026.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–10710 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF783]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will hold an online meeting of its Ad Hoc Highly Migratory Species (HMS) Fisheries Innovation Workgroup (FIW) to discuss procedures to facilitate the development of new HMS gears and achieve the goals of the HMS Roadmap. This meeting is open to the public.

DATES: The online meeting will be held Thursday, June 18, 2026, from 9 a.m. to 5 p.m. Pacific Daylight Time, or until business for the day has been completed.

ADDRESSES: The meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *https://www.pcouncil.org*). You may send an email to Mr. Hayden York (*hayden.york@pcouncil.org*) or contact him at 503–820–2424 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, Oregon 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: 503–820–2409.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to continue implementation of the Pacific Council's HMS Roadmap, with the goal of facilitating development of innovative fishing gears and methods while minimizing bycatch to the extent practicable. At its June 18 meeting, the FIW will continue developing bycatch and economic benchmarks for use in evaluating HMS exempted fishing permit (EFP) fishing. The FIW is scheduled to provide a final report and recommendations at the November 2026 Pacific Council meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Hayden York *(hayden.york@pcouncil.org;* 503–820–2424) at least 10 days prior to the meeting date.

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

Dated: May 26, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–10749 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF729]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council.

DATES: The meetings will be held Tuesday, June 16 through Thursday, June 18, 2026. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: This will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at the Sheraton Suites Old Town Alexandria (801 North Saint Asaph Street, Alexandria, VA 22314) or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: *https://www.mafmc.org/briefing/june-2026.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *https://www.mafmc.org.*

The Council's website, *https://www.mafmc.org,* also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council's website when possible.)

Tuesday, June 16th

2026 Mid-Atlantic State of the Ecosystem Report—Dr. Abby Tyrell, NEFSC

Review and provide feedback

Ecosystem Approach to Fisheries Management (EAFM) Risk Assessment Report

Review and provide feedback

Vessel Baseline Evaluation

Update on working group progress

Review summary of Advisory Panel meetings

Discuss next steps

Wednesday, June 17th

Unmanaged Commercial Landings Report

Review report and provide feedback

2027 Golden Tilefish Specifications

Review recommendations from the Advisory Panel, SSC, Monitoring Committee, and staff

Review previously adopted 2027 specifications and management measures, and recommend changes if necessary

2027–2029 Blueline Tilefish Specifications

Review recommendations from the Advisory Panel, SSC, Monitoring Committee, and staff

Adopt specifications for 2027–2029

Review and revise 2027–2029 commercial and/or recreational measures if needed

——*Lunch*——

Overview of NEFSC Atlantic Mackerel Cooperative Research Initiative (''MackPack'')—Dr. Anna Mercer, NEFSC

Review and provide feedback

Overview of NEFSC Fisheries Monitoring and Research Division (FMRD) Programs—Katherine McArdle, NEFSC

Review and provide feedback

Scup Winter I Framework

Review preliminary analysis and draft alternatives

Adopt range of alternatives for further development

NEFSC Surveys Update—Peter Chase, NEFSC

Update on the 2025 and 2026 fishery-independent survey seasons

Update on the Regional Industry Trawl Survey (RIBTS)

Other survey related topics

Acknowledgement of Outgoing Council Members

Thursday, June 18th

Business Session

Committee Reports (Scientific and Statistical Committee); Executive Director's Report; Organization Reports; and Liaison Reports

Other Business and General Public Comment

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c).

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: May 26, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–10747 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Socioeconomics of Coral Reef Conservation, Hawai'i 2027 Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. This notice pertains to an individual survey under the approved collection of information for Socioeconomics of Coral Reef Conservation. Public comments were previously requested via the **Federal Register** on January 5, 2024 during a 60-day comment period and on April 15, 2024 during an additional 30-day comment period. This notice allows for an additional 30 days for public comments with respect to the Hawai'i survey.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: Generic Clearance for Socioeconomics of Coral Reef Conservation, Hawai'i 2027 Survey.

OMB Control Number: 0648–0646.

Form Number(s): None.

Type of Request: Regular. Revision of an approved information collection.

Number of Respondents: 1,700.

Average Hours Per Response: 20 minutes (0.33 hours).

Total Annual Burden Hours: 567 hours.

Needs and Uses: This request is for a revision to the currently approved collection of information, OMB Control Number 0648–0646, under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* and implementing regulations at 5 CFR part 1320. This previously-approved information collection assists NOAA in the administration of the National Coral Reef Monitoring Program (NCRMP), which was established by the NOAA Coral Reef Conservation Program (CRCP) under the authority of the Coral Reef Conservation Act of 2000, 16

U.S.C. 6401 *et seq.* This act authorizes CRCP to, among other things, conserve and restore the condition of United States coral reef ecosystems and enhance public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems and their ecological and socioeconomic value. In accordance with its mission goals, NOAA developed a survey to track relevant information regarding each jurisdiction's population, social and economic structure, the benefits of coral reefs and related habitats, the impacts of society on coral reefs, and the impacts of coral management on communities. The survey is repeated in each jurisdiction every five to seven years in order to provide longitudinal data and information for managers to effectively conserve coral reefs for current and future generations.

The purpose of this information collection is to obtain human dimensions information from residents in Hawai'i. Specifically, NOAA is seeking information on the behaviors and activities related to coral reefs, as well as information on perceptions of coral reef conditions and attitudes toward specific reef conservation activities. The survey has a core set of questions that are asked across all jurisdictions to allow for information to be tracked over time and across jurisdictions. To account for geographical, cultural and linguistic differences between jurisdictions, the survey questions include items that are specific to the local context and developed based on jurisdictional partner feedback.

We intend to use the information collected through this instrument for research purposes, as well as for measuring and improving the results of our reef protection programs. Because many of our efforts to protect reefs rely on education and changing attitudes toward reef protection, the information collected will allow CRCP to ensure that programs are designed appropriately at the start, future program evaluation efforts are as successful as possible, and outreach efforts are targeting the intended recipients with useful information.

Affected Public: Individuals or households.

Frequency: Every 5–7 years.

Respondent's Obligation: Voluntary.

Legal Authority: Coral Reef Conservation Act of 2000.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0646.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–10707 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF814]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, June 3, 2026 at 9 a.m. Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/Td6KfkPiTzmQI0Sts3nyOg.*

ADDRESSES: This meeting will be held at Hilton Garden Inn Providence, 220 India St., Providence, RI 02903; Phone (401) 272–5577.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will meet to develop recommendations for Scallop Research Set-Aside priorities for 2027/2028 and 2028/2029. They also plan to discuss Scallop Framework 42: Receive an update on the timeline and provide input on the development of expected measures. This action will be initiated at the June 2026 Council meeting. Also on the agenda is Scallop Long-Term Strategic Plan: Develop recommendations for sequencing Scallop Strategic Plan work items for 2027–2029. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 26, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–10654 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF813]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will

be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, June 2, 2026 at 9 a.m.

Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/Td6KfkPiTzmQI0Sts3nyOg.*

ADDRESSES: This meeting will be held at Hilton Garden Inn Providence, 220 India St., Providence, RI 02903; Phone (401) 272–5577.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel will meet to develop recommendations for Scallop Research Set-Aside priorities for 2027/2028 and 2028/2029. They also plan to discuss Scallop Framework 42: Receive an update on the timeline and provide input on the development of expected measures. This action will be initiated at the June 2026 Council meeting. Also on the agenda is Scallop Long-Term Strategic Plan: Develop recommendations for sequencing Scallop Strategic Plan work items for 2027–2029. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: May 26, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–10644 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF821]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 90 assessment process of South Atlantic Red Snapper will consist of a Data Workshop, a series of Assessment Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 90 Assessment Webinar 7 will be held from 2 p.m. until 5 p.m. EDT June 15, 2026.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. *www.sedarweb.org.*

Meeting address: The SEDAR 90 Assessment Webinar 7 will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process. SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. This multi-step process for determining the status of fish stocks in the Southeast Region may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. Each stage produces a report summarizing decisions made during that stage. A final stock assessment report is produced at the end of a SEDAR process documenting data sets used, model configurations and the opinions from the independent peer review. Participants for SEDAR projects are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants may include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGO's); International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion in the SEDAR 90 Assessment Webinar 7 are as follows:

Participants will Review recommendations made on assessment webinar 5, continue discussion of new modeling topics. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: May 26, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–10746 Filed 5–28–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0202; OMB Control Number 0704–0253]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Subcontracting Policies and Procedures

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD'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. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0253 through August 31, 2026. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 28, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0253, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0253 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: David Johnson, at 202–913–5764.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Subcontracting Policies and Procedures—DoD FAR Supplement Part 244; OMB Control Number 0704–0253.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 22.

Responses per Respondent: 2.

Annual Responses: 44.

Average Burden per Response: 8 hours.

Annual Burden Hours: 372.

Needs and Uses: Administrative contracting officers use the information in making decisions to approve or disapprove a contractor's purchasing system. The disapproval of a contractor's purchasing system would necessitate Government consent to individual subcontracts and possibly prompt a financial withhold or other Government rights and remedies. DFARS 244.305, Granting, Withholding, or Withdrawing Approval, provides policy guidance for administrative contracting officers to determine the acceptability of the contractor's purchasing system and approve or disapprove the system, at the completion of the in-plant portion of a contractor purchasing system review, and to pursue correction of any material weaknesses with the contractor. DFARS clause 252.244–7001, Contractor Purchasing System Administration, requires the contractor to respond within 30 days to a written initial determination from the contracting officer that identifies material weaknesses in the contractor's purchasing system. The contracting officer will evaluate the contractor's response to this initial determination and notify the contractor in writing of any remaining material weaknesses, the adequacy of any proposed or completed corrective action, and system disapproval if the contracting officer determines that one or more material weaknesses remain. If the contractor receives the contracting officer's final determination of material weaknesses, the contractor has 45 days to either correct the material weaknesses or submit an acceptable corrective action plan.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–10731 Filed 5–28–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0201; OMB Control Number 0704–0229]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Part 225, Foreign Acquisition and Related Clauses

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD'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. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0229 through August 31, 2026. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 28, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0229, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0229 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: David Johnson, at 202–913–5764.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 225, Foreign Acquisition, and Related Clauses; OMB Control Number 0704–0229.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 39,221.

Responses per Respondent: 10, approximately.

Annual Responses: 382,876.

Average Burden per Response: 0.28 hour, approximately.

Annual Burden Hours: 106,730.

Needs and Uses: DoD needs this information to ensure compliance with restrictions on the acquisition of foreign products imposed by statute or policy to protect the industrial base; to ensure compliance with U.S. trade agreements and memoranda of understanding that promote reciprocal trade with the U.S. allies; and to prepare reports for submission to the Department of Commerce on the Balance of Payments Program. This information collection includes requirements related to foreign acquisition in DFARS part 225, Foreign Acquisition, and the related clauses at DFARS 252.225 as follows:

DFARS 252.225–7000, Buy American—Balance of Payments Program Certificate, as prescribed in DFARS 225.1101(1)(i), requires the offeror to identify in its proposal supplies that do not meet the definition of domestic end product, separately listing qualifying country and other foreign end products. The Buy American statute does not apply to acquisitions of commercial information technology.

DFARS 252.225–7003, Report of Intended Performance Outside the United States and Canada—Submission with Offer, and 252.225–7004, Report of Intended Performance Outside the United States and Canada—Submission after Award, as prescribed in DFARS 225.7204(a) and (b) respectively, require offerors and contractors to submit a Report of Contract Performance Outside the United States for subcontracts to be performed outside the United States. The reporting threshold is $750,000 for contracts that exceed $15 million. The contractor may submit the report on DD Form 2139, Report of Contract Performance Outside the United States, or a computer-generated report that contains all information required by DD Form 2139.

DFARS 252.225–7005, Identification of Expenditures in the United States, as prescribed in DFARS 225.1103(1), requires contractors incorporated or located in the United States to identify, on each request for payment under contracts for supplies to be used or for construction or services to be performed outside the United States, that part of the requested payment representing estimated expenditures in the United States.

DFARS 252.225–7010, Commercial Derivative Military Article—Specialty Metals Compliance Certificate, as prescribed at DFARS 225.7003–5(b), requires the offeror to certify that it will take certain actions with regard to specialty metals if the offeror chooses to use the alternative compliance approach when providing commercial derivative military articles to the Government.

DFARS 252.225–7013, Duty-Free Entry, prescribed at DFARS 225.1101(4), requires the contractor or an authorized agent to provide information on shipping documents and customs forms regarding those items that are eligible for duty-free entry.

DFARS 252.225–7018, Photovoltaic Devices—Certificate, as prescribed at DFARS 225.7017–4(b), requires offerors to certify that no photovoltaic devices with an estimated value exceeding the micro-purchase threshold will be utilized in performance of the contract or to specify the country of origin.

DFARS 252.225–7020, Trade Agreements Certificate, as prescribed in DFARS 225.1101(5)(i), only requires listing of nondesignated country end products. This provision is used in solicitations for all acquisitions subject to the World Trade Organization Government Procurement Agreement.

DFARS 252.225–7025, Restriction on Acquisition of Forgings, as prescribed in DFARS 225.7102–4, also requires contractor retention of records showing compliance with the restrictions until 3 years after final payment. The contractor agrees to make the records available to the contracting officer upon request. The contractor may request a waiver in accordance with DFARS 225.7102–3.

DFARS 252.225–7032, Waiver of United Kingdom Levies—Evaluation of Offers, and 252.225–7033, Waiver of United Kingdom Levies, as prescribed in DFARS 225.1101(7) and (8) respectively, require United Kingdom offerors and prime contractors, and offerors and prime contractors with subcontracts of a dollar value exceeding $1 million with United Kingdom firms, to provide certain information necessary for DoD to obtain a waiver of United Kingdom levies.

DFARS 252.225–7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate, as prescribed in DFARS 225.1101(9)(i) and (9)(v), requires separate listing of qualifying country (except Canada), Free Trade Agreement (FTA) country, or other foreign end products. Alternate I, as prescribed in 225.1101(9)(ii), requires listing of qualifying country or other foreign end products. The Buy American statute does not apply to acquisitions of commercial information technology.

DFARS 252.225–7046, Exports of Approved Community Members in Response to the Solicitation, as prescribed at DFARS 225.7902–5(a), requires a representation whether exports or transfers of qualifying defense articles were made in preparing the response to the solicitation. If yes, the offeror represents that such exports or transfers complied with the requirements of the provision.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–10730 Filed 5–28–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0166; OMB Control Number 0704–0225]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Administrative Matters

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD'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. The Office of Management and Budget (OMB) has approved this information

collection for use under Control Number 0704–0225 through August 31, 2026. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 28, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0225, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0225 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Heather Kitchens, at 571–296–7152.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Part 204, Administrative Matters and Related Clause at 252.204; OMB Control Number 0704–0225.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 280.

Responses per Respondent: Approximately 1.48.

Annual Responses: 415.

Average Burden per Response: 3 hours.

Annual Burden Hours: 1,245.

Needs and Uses: DFARS 204.404–70(a) prescribes use of the clause at DFARS 252.204–7000, Disclosure of Information, in contracts that require the contractor to access or generate unclassified information that may be sensitive and inappropriate for release to the public. The clause requires the contractor to obtain approval from the contracting officer before release of any unclassified contract-related information outside the contractor's organization, unless the information is already in the public domain. In requesting this approval, the contractor must identify the specific information to be released, the medium to be used, and the purpose for the release. Upon receipt of a contractor's request, the Government reviews the information provided by the contractor to determine if it is sensitive or otherwise inappropriate for release for the stated purpose.

Kimberly R. Zigler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–10728 Filed 5–28–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0203; OMB Control Number 0704–0359]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS), Contract Financing

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD'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. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0359 through August 31, 2026. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 28, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0359, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0359 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Saleemah McMillan, at 202–308–5383.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and Associated Clauses; OMB Control Number 0704–0359.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 1,000.

Responses per Respondent: 14.

Annual Responses: 14,000.

Average Burden per Response: 1.2 hours.

Annual Burden Hours: 16,800.

Needs and Uses:

DFARS 252.232–7007, Limitation of Government's Obligation. The data submitted by contractors enables contracting officers to calculate improved financing opportunities that will provide benefit to both industry (prime contractor and subcontractor level) and the taxpayer. DFARS 252.232–7007 is prescribed for use in solicitations and resultant incrementally-funded fixed-price contracts. Paragraph (c) of the clause requires a written notification from the contractor that: (1) states the estimated date when the total amount payable by the Government, including any cost for termination for convenience, will approximate 85 percent of the total amount then allotted to the contract for performance of the applicable items; (2) states an estimate of additional funding, if any, needed to continue performance of applicable line items up to the next scheduled date for allotment of funds, or to a mutually agreed upon substitute date; and (3) advises the contracting officer of the estimated amount of additional funds that will be required for the timely performance of the items funded pursuant to the clause, for a subsequent period as may be specified in the allotment schedule, or otherwise agreed to by the parties to the contract.

DFARS subpart 232.10, Performance-Based Payments, 252.232–7012, Performance Based Payments—Whole Contract Basis. Contracting officers use the information provided by contractors to create a cash-flow model for use in evaluating alternative financing arrangements. The analysis tool

calculates improved financing opportunities that will provide benefit to both industry (prime contractor and subcontractor level) and the taxpayer. DFARS subpart 232.10 requires the contracting officer, when considering performance-based payments, to obtain from the contractor a proposed performance-based payments schedule which includes all performance-based payments events, completion criteria and event values along with the expected expenditure profile.

DFARS 252.232–7012 requires contractors to report the negotiated value of all previously completed performance-based payments; negotiated value of current performance-based payment(s) event(s); cumulative negotiated value of performance-based payment(s) events completed to date; total costs incurred to date; cumulative amount of payments previously requested; and the payment amount requested for the current performance-based payment.

DFARS 252.232–7013, Performance Based Payments—Deliverable-Item Basis. DFARS 252.232–7013 requires contractors to report the negotiated value of current performance-based payment(s) event(s); cumulative negotiated value of performance-based payment(s) events completed to date; total costs incurred to date; cumulative amount of payments previously requested; and the payment amount requested for the current performance-based payment.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–10732 Filed 5–28–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0199; OMB Control Number 0704–0232]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement, Contract Pricing

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD'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. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0232 through August 31, 2026. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 28, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0232, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0232 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Saleemah McMillan, at 202–308–5383.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 215.4, Contract Pricing and Related Clause at DFARS 252.215; OMB Control Number 0704–0232.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 427.

Responses Per Respondent: 1 (approximately).

Annual Responses: 427.

Average Burden Per Response: 40.7 hours (approximately).

Annual Burden Hours: 17,400.

Needs and Uses: The clause at DFARS 252.215–7002, Cost Estimating System Requirements, requires that certain large business contractors—

- Establish an acceptable cost estimating system and disclose the estimating system to the administrative contracting officer in writing;
- Maintain the estimating system and disclose significant changes in the system to the administrative contracting officer on a timely basis; and
- Respond in writing to written reports from the Government that identify material weaknesses in the estimating system.

DoD contracting officers use this information to determine if the contractor has an adequate system for generating cost estimates, which forecasts costs based on appropriate source information available at the time, and has the ability to monitor the correction of material weaknesses. The need for information collection decreases as contractor estimating systems improve and gain contracting officer approval.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–10725 Filed 5–28–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2026–0200; OMB Control Number 0704–0286]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Publicizing Contract Actions

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of DoD'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. The Office of Management and Budget (OMB) has approved this information collection for use under Control Number 0704–0286 through August 31, 2026. DoD proposes that OMB approve an extension of the information collection requirement, to expire three years after the approval date.

DATES: DoD will consider all comments received by July 28, 2026.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0286, using either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0286 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Jon Snyder, at 703–945–5341.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense FAR Supplement (DFARS) Part 205, Publicizing Contract Actions, and DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders; OMB Control Number 0704–0286.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Number of Respondents: 5,768.

Responses per Respondent: 1.

Annual Responses: 5,768.

Average Burden per Response: 1.08 hours, approximately.

Annual Burden Hours: 6,230.

Needs and Uses: DFARS 205.470 prescribes the use of the clause at DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders, in solicitations and contracts, including solicitations and contracts using Federal Acquisition Regulation (FAR) part 12 procedures for the acquisition of commercial products and commercial services, which are expected to exceed $1.5 million. This clause implements 10 U.S.C. 4957 by requiring contractors to provide cooperative agreement holders, upon request, with a list of the contractor's employees or offices responsible for entering into subcontracts under DoD contracts. The contractor need not provide the listing to a particular cooperative agreement holder more frequently than once a year. Upon receipt of a contractor's list, the cooperative agreement holder utilizes the information to identify and pursue contracting opportunities with DoD and expand the number of businesses capable of participating in Government contracts.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026–10726 Filed 5–28–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

DEPARTMENT OF LABOR

Notice Announcing American History and Civics Education National Activities Program Competition

AGENCY: Department of Education, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL) is soliciting applications in support of the administration of the Fiscal Year (FY) 2026 American History and Civics Education National Activities (AHC–NA) program, Assistance Listing Number (ALN) 84.422B, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time, July 13, 2026.

FOR FURTHER INFORMATION CONTACT: Orman Feres. Phone: (202) 453–6921. Email: *Orman.Feres@ed.gov* or *AmericanHistoryandCvics@ed.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the AHC–NA program is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, or other school leaders. The FY 2026 competition includes one absolute priority, two competitive preference priorities, selection criteria, and requirements. The absolute priority is: Innovative Instruction or Professional Development in American History, Civics and Government, and Geography. The competitive preference priorities are: Promoting Patriotic Education and Returning Education to the States.

Maximum Award: We will not make an award exceeding $1,000,000 to any applicant per 12-month budget period.

Eligible Applicants: To receive funds under this program, an applicant must be an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches with the potential to improve the quality of American history, civics and government, or geography learning and teaching.

Program Authority: Section 2233 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6663.

To Apply: The complete funding opportunity announcement and all information needed to apply, including the priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-birth-grade-12/well-rounded-education-grants/american-history-and-civics-national-activities-grants,* on DOL's website at *www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362563.* The application notice and instructions on *Grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. Individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

Kirsten Baesler,

Assistant Secretary, Office of Elementary and Secondary Education, Department of Education.

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10719 Filed 5–28–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Fund for the Improvement of Postsecondary Education—Rural Postsecondary and Economic Development Grant Program Competition

AGENCY: Department of Education (ED), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL) is soliciting applications in support of the administration of the Fund for the Improvement of Postsecondary Education (FIPSE)—Rural

Postsecondary and Economic Development Grant Program (RPED), Assistance Listing Number (ALN) 84.116W, on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT: Jymece Seward, Telephone: (202) 453–6138. Email: *RPED@ed.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the RPED Grant Program (84.116W) is to improve rates of postsecondary enrollment, persistence, and completion among rural students through development of career pathways aligned to high-skill, high-wage, and in-demand industry sectors and occupations in the region.

The Fiscal Year 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Applicants Serving Rural Areas, Work-based Learning, Career Pathways and Workforce Readiness, Returning Education to the States, and Promoting Development of AI Literacy Skills.

Maximum Award: $2,500,000 for the entire 48-month project period.

Program Authority: 20 U.S.C. 1138–1138d; the Explanatory Statement accompanying Division B of the Consolidated Appropriations Act, 2026 (Pub. L. 119–75).

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/improvement-of-postsecondary-education/rural-postsecondary-economic-development-rped-program,* on DOL's website at *https://www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362518.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–10646 Filed 5–28–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–1915]

Agency Information Collection Activities; Comment Request; Public Service Loan Forgiveness Reconsideration Request

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 July 28, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2026–SCC–1915. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Carolyn Rose, U.S. Department of Education, Federal Student Aid, 400 Maryland Avenue SW, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, 202–453–5967.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Public Service Loan Forgiveness Reconsideration Request.

OMB Control Number: 1845–0164.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 36,000.

Total Estimated Number of Annual Burden Hours: 9,000.

Abstract: The Department of Education (Department) is requesting an extension without change of this information collection. This collection is used to obtain information from Federal student loan borrowers to determine eligibility for reconsideration of their Public Service Loan Forgiveness (PSLF) or Temporary Expanded Public Service Loan Forgiveness (TEPSLF) denial.

The Department is currently making several changes to the Direct Loan program resulting from the One Big Beautiful Bill Act (OBBBA) signed by President Trump on July 4, 2025. This form, the PSLF reconsideration form,

however, does not require any updates because of the OBBBA.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–10773 Filed 5–28–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA invites public comment on the proposed three-year extension, with change, to the *Coal Markets Reporting System* (CMRS), as required under the Paperwork Reduction Act of 1995. The CMRS consists of five surveys including, Form EIA–3 *Quarterly Survey of Non-Electric Sector Coal Data,* Form EIA–7A *Annual Survey of Coal Production and Preparation,* Form EIA–8A *Annual Survey of Coal Stocks and Coal Exports,* Form EIA–6 *Emergency Coal Supply Survey (Standby),* and Form EIA–20 *Emergency Weekly Coal Monitoring Survey for Coal Burning Power Producers (Standby.)* The CMRS collects data on U.S. coal production, quality, consumption, receipts, stocks, and prices. EIA requests the extension to Forms EIA–3, EIA–6, EIA–7A, EIA–8A, and EIA–20, as well as an addition of 100 pretesting interviews per year.

DATES: Comments regarding this proposed information collection must be received no later than June 29, 2026. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. The forms and instructions are available on EIA's website:

FORM EIA–3: *https://www.eia.gov/survey/#eia-3*

FORM EIA–6: *https://www.eia.gov/survey/#eia-6*

FORM EIA–7A: *https://www.eia.gov/survey/#eia-7a*

FORM EIA–8A: *https://www.eia.gov/survey/#eia-8a*

FORM EIA–20: *https://www.eia.gov/survey/#eia-20*

FOR FURTHER INFORMATION CONTACT: If you need additional information, contact Debra Coaxum, EIA Clearance Officer, at (202) 586–7876 or by email at EIA-*FRNcomments@eia.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB Control Number:* 1905–0167;

(2) *Information Collection Request Title:* Coal Markets Reporting System;

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The Coal Markets Reporting System (CMRS) program collects, evaluates, assembles, analyzes, and disseminates information on coal production, sales, technology, reserves, and related economic and statistical information. This information is used to assess the adequacy of coal and other energy resources to meet near and longer-term domestic demands and to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment.

Form EIA–3 collects quarterly data on the use of coal at U.S. manufacturing plants, coal transformation/processing plants, coke plants, and commercial and institutional users of coal.

Form EIA–7A collects coal production operations, characteristics of coalbeds mined, recoverable reserves, production capacity, coal sales and revenue, stocks held at mines, and the disposition of the coal mined. For coal preparation, information collected includes operations, locations, production capacity, disposition, and volume of coal prepared.

Form EIA–8A collects data on coal stocks by state location, exported coal by origin state, and export revenue of coal sold during the reporting year.

Form EIA–6 *Emergency Coal Supply Survey* and Form EIA–20 *Emergency Weekly Coal Monitoring Survey for Coal Burning Power Producers* are standby surveys used during periods of coal supply and transportation disruptions. In the event of a supply or transportation disruption, these two standby surveys activate and operate weekly over a ten-week period. Once activated, Form EIA–6 collects weekly coal production and stocks data from U.S. coal mining companies. Data are aggregated and reported at the state level. During disruptive events, Form EIA–20 collects available coal-fired capacity, generation, consumption, and stocks from coal-fired electric power generators.

The CMRS also collects coal market data. The data elements include production, consumption, receipts, stocks, sales, and prices. Information pertaining to the quality of the coal is also collected, including heat content, ash content, sulfur content and contents of mercury. Aggregates of this collection are used to support analysis on the effects of public policy on the coal industry, economic modeling, forecasting, coal supply and demand studies, and in guiding research and development programs. The data are included in EIA publications, such as the *Monthly Energy Review, Quarterly Coal Report, Quarterly Coal Distribution Report, Annual Coal Report,* and *Annual Coal Distribution Report.*

EIA also uses the data in short-term and long-term forecast models such as the Short-Term Integrated Forecasting System (STIFS) and the National Energy Modeling System (NEMS) Coal Market Module. The forecast data also appear in the *Short-Term Energy Outlook* and the *Annual Energy Outlook* publications.

(4a) *Proposed Changes to Information Collection:* EIA would like to conduct up to 100 pretesting interviews each year for testing purposes. These methodologies will test or evaluate new terminology, unclear questions in surveys, unclear instructions, or questions that may be added to the CMRS. This will help improve ongoing surveys and reduce errors due to respondent confusion.

(5) *Annual Estimated Number of Respondents:* 933.

- Form EIA–3 will consist of 290 respondents;
- Form EIA–7A will consist of 480 respondents;
- Form EIA–8A will consist of 44 respondents;
- Form EIA–6 (standby) will consist of 10 respondents;
- Form EIA–20 (standby) will consist of 9 respondents;
- Pretesting will consist of 100 respondents.

(6) *Annual Estimated Number of Total Responses:* 1,974

(7) *Annual Estimated Number of Burden Hours:* 3,249

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $308,622.51 (3,249 burden hours times $94.99 per hour). EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours since the information is maintained during normal course of business.

Comments are invited on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA's estimate of the burden of the proposed

collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on respondents, such as automated collection techniques or other forms of information technology.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on May 22, 2026.

Debra Coaxum,

Acting Director, Office of Statistical Methods and Research, U. S. Energy Information Administration.

[FR Doc. 2026–10737 Filed 5–28–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–521–000]

Texas-Kansas-Oklahoma Gas, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on May 13, 2026, Texas-Kansas-Oklahoma Gas, LLC (TKO) 1318 David Lane, Dalhart, TX 79022 filed an application under section 7(f) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Amended Service Area Determination (Project) and for the commission to determine that TKO is a local distribution company for the purposes of Section 311 of the NGA. The Project consists of an amendment of TKO's existing service area of approximately 235 square miles in Seward County, Kansas and Texas County, Oklahoma. The Project will amend TKO's existing service area to accommodate for its additional anticipated distribution operations, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions regarding the proposed project should be directed to Mike McEvers, President, 1318 David Lane, P.O. Box 1194, Dalhart, TX 79022 by phone at (806) 244–4210, or by email at *tko@tkogas.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on June 16, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

[1] 18 CFR 157.9.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on June 16, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–521–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–521–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 385.2001.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [7] and the regulations under the NGA [8] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on June 16, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC web site at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–521–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–521–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Mike McEvers, President, 1318 David Lane, P.O. Box 1194, Dalhart, TX 79022, or by email (with a link to the document) at *tko@tkogas.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[11] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on June 16, 2026.

(Authority: 18 CFR 2.1)

Dated: May 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10783 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file

[6] 18 CFR 385.102(d).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited		
NONE.		
Exempt		
1. P–1971–079	05–20–2026	FERC Staff.[1]
2. EL26–58–000	05–21–2026	FERC Staff.[2]
3. EL26–58–000	05–21–2026	FERC Staff.[3]
4. EL26–58–000	05–21–2026	U.S Senator Derek J. Harvey.
5. EL26–58–000	05–21–2026	U.S. Senator Daniel Zolnikov.
6. EL26–58–000	05–21–2026	FERC Staff.[4]
7. EL26–58–000	05–21–2026	FERC Staff.[5]

[1] Telephone memorandum of the 5/7/26 teleconference with the Confederated Tribes of the Umatilla Indian Reservation.
[2] Letter communication dated 5/5/26 from the State of Iowa Legislators.
[3] Letter communication dated 5/11/26 from the State of Kansa House of Representatives Daniel Hawkins and Leo Delperdang.
[4] Letter communication of U.S. Representatives Steve Bashore and Judd Strom.
[5] Letter communication dated 5/15/26 from the W. Eric Stafford, CEO of Kansas Chamber.

Dated: May 21, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10790 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–525–000]

Monroe Gas Storage Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 15, 2026, Monroe Gas Storage Company, LLC, (Monroe), Post Office Box 1396, Houston, Texas 77251–1396, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.213 of the Commission's regulations under the Natural Gas Act (NGA), and Monroe's blanket certificate issued in Docket No. CP07–406–000, for authorization to construct, install, modify, operate, and maintain the Wheeling Gas Optimization Project, (Project) consisting of two (2) temporary, rental compressor units and associated ancillary facilities, all of which will be located within the existing fenceline of Monroe's natural gas reservoir storage facility in Monroe County, Mississippi. The Project will allow Monroe to wheel incremental gas from Texas Eastern Transmission, LP (TETCO) to Tennessee Gas Pipeline Company, LLC (TGP), particularly during winter withdrawal periods when the facility's existing compression is utilized primarily for storage injection and withdrawal services. By adding approximately 2,070 horsepower (hp) of temporary compression, Monroe will be able to better serve elevated demand on TGP without adding any additional storage capacity or proposing any changes to the previously certificated parameters including total inventory, reservoir pressure, reservoir and buffer boundaries, and certificated capacity of the storage facility, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to Andre Pereira, Manager, Certificates and Modernization, Monroe Gas Storage Company, LLC, Post Office Box 1396, Houston, Texas 77251–1396, by phone at (713) 215–4362, or by email at *Andre.S.Pereira@williams.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on July 27, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on July 27, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on July 27, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on July 27, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–525–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–525–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Andre Pereira, Manager, Certificates and Modernization, Monroe Gas Storage Company, LLC, Post Office Box 1396, Houston, Texas 77251–1396, or by email (with a link to the document) at *Andre.S.Pereira@williams.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

(Authority: 18 CFR 2.1)

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Dated: May 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10789 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7887–019]

Ashuelot River Hydro, Inc.; Notice of Reasonable Period of Time for Water Quality Certification Application

On April 16, 2026, New Hampshire Department of Environmental Services (New Hampshire DES) submitted to the Federal Energy Regulatory Commission (Commission) a notice that New Hampshire DES received a complete request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Ashuelot River Hydro, Inc., in conjunction with the above captioned project, on March 18, 2026. Pursuant to the Commission's regulations, we hereby notify New Hampshire DES of the following:

Date of Receipt of the Certification Request: March 18, 2026.

Reasonable Period of Time to Act on the Certification Request: One year, March 18, 2027.

If New Hampshire DES 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).

Dated: May 22, 2026.

(Authority: 18 CFR 2.1)

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10656 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN79–6–000]

FERC Form 580; Interrogatories on Fuel and Energy Purchase Practices; Notice of Request for Partial Waiver

Take notice that on May 21, 2026, pursuant to Rule 207(a)(5) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,[1] Pacific Gas and Electric Company submitted a request for a partial waiver of the requirement to respond to the 2026 FERC Form 580 Interrogatory on Fuel and Energy Purchase Practices, as more fully explained in the request.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202)502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.*

Comment Date: 5:00 p.m. Eastern time on June 11, 2026.

Dated: May 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10788 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.207.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–241–000]

Northern Natural Gas Company; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Central Mainline Corridor Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Central Mainline Corridor Expansion Project (Project) involving construction and operation of facilities by Northern Natural Gas Company (Northern) in Wright, Guthrie, Dallas, Pottawattamie, Polk and Boone counties, Iowa and Otoe, Cass, Sarpy, Gage, and Lancaster counties, Nebraska. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure

that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on June 22, 2026. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on April 17, 2026, you will need to file those comments in Docket No. CP26–241–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Northern provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–241–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

Summary of the Proposed Project

Northern proposes to construct and operate:

- 9 miles of 20-inch-diameter Omaha 3rd branch pipeline line loop;
- 14.6 miles of 30-inch-diameter Nebraska Public Power District Princeton Road power station branch pipeline;
- a 2.5-mile-long extension of the 20-inch-diameter Des Moines C-line pipeline;
- 9.83 miles of 20-ich diameter Des Mones C-line south loop pipeline would be uprated;
- a new 20,500 horsepower gas-driven compressor station near Clarion, Iowa;
- a new Nebraska Public Power District Princeton Road power station meter station; and
- aboveground facilities including a launcher, receiver, tie-in valve settings and uprate ancillary equipment, with appurtenances.

Northern would also modify five existing compressor stations to allow bidirectional flow and uprate 9.8 miles of the 20-inch-diameter Des Moines C-line south loop pipeline.

All proposed facilities are located in various counties in Nebraska and Iowa. The Project would provide about 535,360 dekatherms per day (Dth/day) total winter volume and 525,026 Dth/day total summer volume to serve residential, commercial and industrial customer market growth in Northern's Market Area. According to Northern, the Project would optimize the placement of facilities to meet customer needs.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 529.8 acres of land for the above ground facilities and the pipelines. Following construction, Northern would maintain about 160.7 acres for permanent operation of the Project's facilities; the remaining acreage would be restored. About 32.1 percent of the proposed pipeline routes parallel existing pipeline, utility, or road rights-of-way.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary.'' For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the Project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; environmental and public interest groups; other interested parties; and local libraries and media outlets. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

[3] Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP26–241–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

or

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

(Authority: 18 CFR 2.1)

Dated: May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10663 Filed 5–28–26; 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: RP26–858–000.

Applicants: Southeast Supply Header, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—May 2026 to be effective 5/24/2026.

Filed Date: 5/22/26.
Accession Number: 20260522–5013.
Comment Date: 5 p.m. ET 6/3/26.
Docket Numbers: RP26–859–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Neg Rate Agreements—Dynegy 345978 & 346018, Eff. 5.23.26 to be effective 5/23/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5075.
Comment Date: 5 p.m. ET 6/3/26.
Docket Numbers: RP26–860–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—AES Indiana to be effective 6/1/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5093.
Comment Date: 5 p.m. ET 6/3/26.
Docket Numbers: RP26–861–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing: TETLP May 2026 Penalty Disbursement Report to be effective N/A.
Filed Date: 5/22/26.
Accession Number: 20260522–5111.
Comment Date: 5 p.m. ET 6/3/26.
Docket Numbers: RP26–862–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: New Non-Conforming Agreement—Range Resources-Appalachia, LLC to be effective 6/1/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5077.
Comment Date: 5 p.m. ET 6/8/26.
Docket Numbers: RP26–863–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Update Non-Conforming List to be effective 6/1/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5080.
Comment Date: 5 p.m. ET 6/8/26.
Docket Numbers: RP26–864–000.
Applicants: Calpine Energy Services, L.P., Calpine Bethlehem, LLC, First State Generation, LLC, Calpine Mid Merit, LLC, Pathfinder Power, LLC.
Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of Calpine Energy Services, L.P., et al.
Filed Date: 5/26/26.
Accession Number: 20260526–5081.
Comment Date: 5 p.m. ET 6/8/26.
Docket Numbers: RP26–865–000.
Applicants: Gas Transmission Northwest LLC.
Description: § 4(d) Rate Filing: GTN NR Agmt Castleton 19970 to be effective 6/1/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5105.
Comment Date: 5 p.m. ET 6/8/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: May 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10792 Filed 5–28–26; 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 electric corporate filings:

Docket Numbers: EC26–98–000.
Applicants: Westlands VI Project, LLC, CI IV Cherry DevCo LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Westlands VI Project, LLC, et al.
Filed Date: 5/21/26.
Accession Number: 20260521–5194.
Comment Date: 5 p.m. ET 6/11/26.
Docket Numbers: EC26–99–000.
Applicants: Horizon Merger Sub, Inc., The AES Corporation, EQT AB, Qatar Investment Authority.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Horizon Merger Sub, Inc., et al.
Filed Date: 5/21/26.
Accession Number: 20260521–5196.
Comment Date: 5 p.m. ET 6/11/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–225–010; EL26–50–000.
Applicants: New Brunswick Energy Marketing Corporation, New Brunswick Energy Marketing Corporation.
Description: Response to 04/03/2026, to Show Cause Order of New Brunswick Energy Marketing Corporation.
Filed Date: 5/19/26.
Accession Number: 20260519–5171.
Comment Date: 5 p.m. ET 6/9/26.
Docket Numbers: ER25–2680–002.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: NYISO Compliance: Order 676–K NAESB/WEQ Standards to be effective 2/27/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5142.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–1261–002.
Applicants: Prairie Wind Transmission LLC, Southwest Power Pool, Inc.
Description: Tariff Amendment: Prairie Wind Transmission LLC submits tariff filing per 35.17(b): Prairie Wind Seconded Amended Formula Rate Revisions to Comply with Order 898 to be effective 4/6/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5124.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–1559–001.
Applicants: Hashknife Energy Center II LLC.
Description: Tariff Amendment: Hashknife Energy Center II LLC Response to April 22, 2026 Request (ER26–1559) to be effective 4/29/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5235.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2623–000.
Applicants: Milltown Onsite Generation, LLC.
Description: § 205(d) Rate Filing: Application for MBR Authority with Expedited Treatment to be effective 6/26/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5236.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2624–000.
Applicants: Scioto Ridge Solar LLC.
Description: Initial Rate Filing: Scioto Ridge Solar LLC Market Based Rate to be effective 5/26/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5257.
Comment Date: 5 p.m. ET 6/12/26.

Docket Numbers: ER26–2626–000.
Applicants: American Transmission Systems, Incorporated.
Description: § 205(d) Rate Filing: ATSI submits an amended IA—SA No. 3994 to be effective 7/26/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5056.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2627–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4879 Ringer Grid Surplus Interconnection GIA to be effective 7/26/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5079.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2630–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4883 WFEC and ITC Great Plains E&P Agreement to be effective 5/14/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5096.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2631–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–05–26_SA 4767 METC-Starry Lane Energy Storage GIA (S1061) to be effective 5/15/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5101.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2632–000.
Applicants: Entergy Power, LLC.
Description: Tariff Amendment: Entergy Power, LLC, MBR Tariff Cancellation to be effective 5/27/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5112.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2633–000.
Applicants: Entergy Power, LLC.
Description: Tariff Amendment: Entergy Power, LLC RPRS Cancellation to be effective 5/27/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5113.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2634–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4884 Southwestern Public Service Company Replacement GIA to be effective 5/14/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5115.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2635–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 3278; Queue No. X2–083 (amend) to be effective 7/26/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5132.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2636–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: RS No. 265 Amendment No. 5 to be effective 7/26/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5138.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2637–000.
Applicants: 45MG 8me LLC.
Description: Initial rate filing: Certificate of Concurrence for Shared Facilities Agreement to be effective 5/27/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5154.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2638–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Adjust Reliability Unit Commitment Make Whole Payment Distribution to be effective 12/31/9998.
Filed Date: 5/26/26.
Accession Number: 20260526–5173.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2639–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–05–26_SA 4762 Ameren Illinois-Northwest Solar GIA (S1052) to be effective 5/12/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5176.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2640–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF—SEC RS No. 495 to be effective 7/26/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5185.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2641–000.
Applicants: Oak Leaf Solar 100 LLC.
Description: Tariff Amendment: Notice of Cancellation of MBR Tariff to be effective 5/27/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5188.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2642–000.
Applicants: Oak Leaf Solar XVIII LLC.
Description: Tariff Amendment: Notice of Cancellation of MBR Tariff to be effective 5/27/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5192.
Comment Date: 5 p.m. ET 6/16/26.
Docket Numbers: ER26–2643–000.
Applicants: DESRI Carne Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Filing of Amended and Restated Shared Facilities Agreement to be effective 5/27/2026.
Filed Date: 5/26/26.
Accession Number: 20260526–5194.
Comment Date: 5 p.m. ET 6/16/26.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH26–15–000.
Applicants: CMS Energy Corporation.
Description: CMS Energy Corporation submits FERC 65–B Notice of Change in Fact to Waiver Notification.
Filed Date: 5/20/26.
Accession Number: 20260520–5273.
Comment Date: 5 p.m. ET 6/10/26.

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 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10785 Filed 5–28–26; 8: 45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77–332]

Pacific Gas and Electric Company; Notice of Scoping Meetings and Request for Comments on Proposed Surrender, Decommissioning, and Non-Project Use of Project Lands

On July 25, 2025, Pacific Gas and Electric Company (applicant or PG&E) filed an application to surrender and decommission the Potter Valley Hydroelectric Project No. 77. The project is located on the Eel River and East Branch of the Russian River in Lake and Mendocino counties, California. The project occupies federal lands managed by the U.S. Forest Service.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare a document in accordance with the National Environmental Policy Act (NEPA) that will discuss the environmental impacts of the proposed surrender and decommissioning of the project, as well as PG&E's proposed non-project use of project lands. The Commission will use this NEPA document in its decision-making process to identify potential adverse and beneficial impacts of the proposed project surrender and reasonable alternatives.

This notice initiates the start of a scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the proposal. As part of the NEPA review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the NEPA document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process section of this notice.

By this notice, Commission staff requests public comments on the scope of issues to address in the NEPA document. Specifically, staff request comments on potential alternatives and impacts, as well as identification of any relevant information, studies, or analyses concerning effects on the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on Friday, July 24, 2026. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Public Participation

In addition to Commission staff's October 31, 2025 public notice of the application (soliciting comments, motions to intervene, and protests), additional opportunities to provide comments are described below. There are four methods you can use to submit scoping comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* The docket number P–77–332 should be included on the first page of any comment. Please carefully follow these instructions so that your comments are properly recorded. Comments filed in response to Commission staff's October 31, 2025 notice of application do not need to be submitted again as part of scoping.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–77–332.

(4) *Scoping Sessions:* Commission staff will hold two public scoping meetings to collect comments on the scope of the environmental issues that should be analyzed in the NEPA document. All interested individuals, resource agencies, Native American Tribes, and non-governmental organizations (NGOs) are invited to attend one or both of the meetings to provide comments for the public record. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: Tuesday, June 23, 2026.

Time: 6:30 p.m.–8:30 p.m. Pacific Time (PT).

Place: Ukiah Valley Conference Center, Chenin Blanc Room.

Address: 200 South School Street, Ukiah, CA 95482.

Daytime Scoping Meeting

Date: Wednesday, June 24, 2026.

Time: 10:00 a.m.–12:00 p.m. (PT).

Place: Ukiah Valley Conference Center, Chenin Blanc Room.

Address: 200 South School Street, Ukiah, CA 95482.

Comments will be recorded by a stenographer and become part of the formal record of the Commission proceeding on the project. Individuals, NGOs, Native American Tribes, and agencies with environmental expertise and concerns are encouraged to assist staff in defining and clarifying the issues to be addressed in the NEPA document.

Copies of the Scoping Document 1 (SD1) notice, outlining the subject areas to be addressed in the environmental document, were mailed to the individuals and entities on the Commission's mailing list and provided to PG&E's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Surrender

For the surrender, decommissioning of the project, and non-project use of project lands, PG&E proposes to:

- Decommission and remove Scott Dam and associated facilities and features;
- Remove certain project recreational facilities and restore associated lands;
- Decommission and remove Cape Horn Dam and associated facilities and features except those necessary for the New Eel-Russian Facility (NERF) to be operated by Eel-Russian Project Authority (ERPA);
- Once constructed, remove the NERF facility and associated lands from the existing license; and
- Restore the remnant inundation zone of Lake Pillsbury and Van Arsdale Reservoir, including adjacent riparian, wetlands, and upland areas affected by the decommissioning.

PG&E requests that the Commission include a condition in any surrender order to remove all lands and project works necessary for the NERF from the project boundary and jurisdiction immediately after completion of the following activities: (1) PG&E has completed decommissioning work at Cape Horn Dam and other works necessary for the NERF; (2) the NERF has been constructed; and (3) PG&E has filed a decommissioning report with the Commission on these actions. The construction of the NERF by the ERPA would occur while the existing license remains in effect. Following construction, the NERF would allow for diversion of water from the Eel River through the project's diversion system to the Russian River watershed.

The NEPA Process

The NEPA document issued by the Commission will discuss impacts that could occur as a result of the proposed surrender and decommissioning under the following general resource areas:

- geology and soils
- water use and hydrology
- water quality
- aquatic resources
- marine resources
- botanical resources
- wildlife resources
- threatened and endangered species
- recreation
- land use
- aesthetic resources
- socioeconomics
- cultural and historic resources
- Tribal resources
- air quality and noise
- traffic

A description of specific potential effects resulting from the proposed surrender is included in our Scoping Document. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the NEPA document.

The NEPA document will present Commission staff's independent analysis of the issues. Staff will prepare a draft NEPA document which will be issued for public comment. The comment period will be specified in the notice of availability of the NEPA document. Commission staff will consider all timely comments received during the comment period on the draft NEPA document and revise the document, as necessary, before issuing a final NEPA document. The draft and final NEPA document will be available in electronic format in the public record through eLibrary. If eSubscribed, you will receive email notification when environmental documents are issued.

Additional Information

Additional information about the project is available on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* P–77). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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.*

If you have further questions, you may also contact Diana Shannon at *diana.shannon@ferc.gov* or 202–502–6136.

(Authority: 18 CFR 2.1)

Dated: May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10658 Filed 5–28–26; 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: EG26–246–000.

Applicants: Show Me State Solar, LLC.

Description: Show Me State Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/22/26.

Accession Number: 20260522–5047.

Comment Date: 5 p.m. ET 6/12/26.

Docket Numbers: EG26–247–000.

Applicants: Milltown Onsite Generation, LLC.

Description: Milltown Onsite Generation, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/22/26.

Accession Number: 20260522–5073.

Comment Date: 5 p.m. ET 6/12/26.

Docket Numbers: EG26–248–000.

Applicants: Blossom Solar, LLC.

Description: Blossom Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/22/26.

Accession Number: 20260522–5097.

Comment Date: 5 p.m. ET 6/12/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER26–2599–000.

Applicants: Burgess Biopower LLC.

Description: Compliance filing: Burgess Biopower Change in Status to be effective 7/21/2026.

Filed Date: 5/22/26.

Accession Number: 20260522–5000.

Comment Date: 5 p.m. ET 6/12/26.

Docket Numbers: ER26–2600–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4618R1 Municipal Energy Agency of Nebraska NITSA and NOA to be effective 5/1/2026.

Filed Date: 5/22/26.

Accession Number: 20260522–5012.

Comment Date: 5 p.m. ET 6/12/26.

Docket Numbers: ER26–2601–000.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3351R7 Big Rivers NITSA NOA Cancellation to be effective 3/1/2026.

Filed Date: 5/22/26.

Accession Number: 20260522–5017.

Comment Date: 5 p.m. ET 6/12/26.

Docket Numbers: ER26–2602–000.

Applicants: Show Me State Solar, LLC.

Description: § 205(d) Rate Filing: Application for Market-Based Rate Authority to be effective 6/1/2026.

Filed Date: 5/22/26.

Accession Number: 20260522–5023.

Comment Date: 5 p.m. ET 6/12/26.

Docket Numbers: ER26–2603–000.

Applicants: FH Opco LLC.

Description: Initial Rate Filing: Market-Based Rate Tariff to be effective 7/6/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5051.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2604–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to TOSP recommended by the Order 1000 SRTF to be effective 7/22/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5060.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2605–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–05–22_SA 4770 SMMPA-Swift Energy Storage GIA (J1898) to be effective 7/22/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5067.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2606–000.
Applicants: Silver Run Electric, LLC.
Description: § 205(d) Rate Filing: Silver Run Electric submits revisions to H–27A and ATT 10 to be effective 7/22/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5078.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2607–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Initial Filing of Missouri Basin Power Project Agreements to be effective 7/16/2025.
Filed Date: 5/22/26.
Accession Number: 20260522–5082.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2608–000.
Applicants: Midcontinent Independent System Operator, Inc., Northern Indiana Public Service Company LLC, SYLVIA GAS DEPARTMENT.
Description: § 205(d) Rate Filing: Northern Indiana Public Service Company submits tariff filing per 35.13(a)(2)(iii: 2026–05–22_NIPSCO Request for Depreciation Rates to be effective 3/1/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5085.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2609–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2026–05–22 UPI—SISA—Parkway—925 to be effective 4/28/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5086.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2610–000.
Applicants: South Glens Falls Limited Partnership.
Description: § 205(d) Rate Filing: Application for MBR Authorization with Waivers and Expedited Treatment to be effective 7/6/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5090.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2611–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation to Rate Schedule Nos. 328, 329, and 330 to be effective 7/16/2025.
Filed Date: 5/22/26.
Accession Number: 20260522–5103.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2612–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2026–05–22 Cost-of-Service Study Deferral and Cost Cap Update Tariff Amendment to be effective 7/22/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5110.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2613–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 931 to be effective 4/24/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5114.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2614–000.
Applicants: Commonwealth Edison Company.
Description: § 205(d) Rate Filing: Filing of TSA betwen ComEd and Karis Critical to be effective 7/22/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5122.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2615–000.
Applicants: Commonwealth Edison Company.
Description: § 205(d) Rate Filing: Filing of TSA between ComEd and Golf Road to be effective 7/22/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5129.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2616–000.
Applicants: Tri-State Generation and Transmission Association, Inc., Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: Tri-State Generation and Transmission Association, Inc. Incentive Rates Filing to be effective 8/1/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5142.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2617–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule FERC No. 96 to be effective 7/22/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5146.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2618–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: TO SA 59: May 2026 WAPA Interconnection Agreement Biannual Filing to be effective 8/1/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5155.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2619–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: WDT SA 17: May 2026 WAPA Service Agreement Biannual Filing to be effective 8/1/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5160.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2620–000.
Applicants: Aron Energy Prepay 71 LLC.
Description: Initial Rate Filing: Baseline new to be effective 5/23/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5217.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2621–000.
Applicants: Aron Energy Prepay 72 LLC.
Description: Initial Rate Filing: Baseline new to be effective 5/23/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5219.
Comment Date: 5 p.m. ET 6/12/26.
Docket Numbers: ER26–2622–000.
Applicants: Aron Energy Prepay 78 LLC.
Description: Initial Rate Filing: Baseline new to be effective 5/23/2026.
Filed Date: 5/22/26.
Accession Number: 20260522–5221.
Comment Date: 5 p.m. ET 6/12/26.

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10652 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–24–000]

Commission Information Collection Activities (Ferc–725I) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725I—Mandatory Reliability Standards for the Northeast Power Coordinating Council (NPCC). The 60-day comment period ended on May 4, 2026, no comments were received.

DATES: Comments on the collection of information are due June 29, 2026.

ADDRESSES: Send written comments on FERC–725I to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202604-1902-008.* 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. (IC26–24–000) and the FERC Information Collection number (FERC–725I) 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–725I—Mandatory Reliability Standards for the Northeast Power Coordinating Council.

OMB Control No.: 1902–0258.

Type of Request: Three-year extension of the FERC–725I with no changes to the current recordkeeping requirements.

Abstract: The Regional Reliability standard PRC–006–NPCC–2 (Automatic Underfrequency Load Shedding (UFLS)) provides regional requirements for Automatic UFLS to applicable entities in NPCC. UFLS requirements were in place at a continent-wide level and within NPCC for many years prior to the implementation of federally mandated reliability standards in 2007. NPCC and its members think that a region-wide, fully coordinated single set of UFLS requirements is necessary to create an effective and efficient UFLS program, and their experience has supported that belief.

Information collection burden for Reliability Standard PRC–006–NPCC–2 is based on the time needed for planning coordinators and generator owners to incrementally gather data, run studies, and analyze study results to design or update the UFLS programs that are required in the regional Reliability Standard (in addition to the requirements of the NERC Reliability Standard PRC–006–5). There is also burden on the generator owners to maintain data such as identify, compile, and maintain a list of all of its existing non-nuclear generating units that were in service prior to the effective date of the regional Standard.

Type of Respondent: Generator Owners (GO) and Planning Coordinators (PC).

Estimate of Annual Burden: [1] The number of respondents is based on NERC's Registry as of February 9, 2026. The Commission estimates the annual public reporting burden and cost [2] for the information collection as:

FERC–725I

[Mandatory Reliability Standards for the Northeast Power Coordinating Council]

Information collection requirements	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost ($) per response	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Annual design review and document UFLS program database.	4 (PC)	1	4	24 hrs.; $1,524.48	96 hrs.; $6,097.92	$1,524.40
	122 (GO)	1	122	20 hrs.; 1,270.40	2,440 hrs.; 154,988.80	1,270.40

[1] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[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).

FERC–725I—Continued

[Mandatory Reliability Standards for the Northeast Power Coordinating Council]

Information collection requirements	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost ($) per response	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Total		126		2,536 hrs.; 161,086.72.		

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10659 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2610–012]

Northern States Power Company; Notice of Reasonable Period of Time for Water Quality Certification Application

On May 21, 2026, the Michigan Department of Environment, Great Lakes, and Energy (Michigan EGLE) 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 Northern States Power Company, in conjunction with the above captioned project on May 19, 2026. Pursuant to section 4.34(b)(5) of the Commission's regulations,[1] we hereby notify Michigan EGLE of the following dates.

Date of Receipt of the Certification Request: May 19, 2026.

Reasonable Period of Time to Act on the Certification Request: One year, May 19, 2027.

If Michigan EGLE 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 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10784 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No CP26–45–000]

Egan Hub Storage, LLC; Notice of Availability of the Environmental Assessment for the Proposed Egan Cavern Expansion Project

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on June 22, 2026. Instructions for filing comments are provided on page 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Egan Cavern Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA)[1] and the Commission's implementing regulations.[2] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The EA addresses the potential environmental effects of the construction and operation of the following project facilities: construction and modifications at the existing Egan Facility, including development of two new salt dome storage caverns, Cavern 6 and 7; construction of a new leaching and dewatering facility; installation of a 0.25-mile, 16-inch-diameter freshwater pipeline and a 0.25-mile, 16-inch-diameter brine pipeline to connect the new caverns to the new leaching and dewatering system; installation of two 0.25-mile 16-inch-diameter natural gas pipelines to tie-in the new caverns to the existing facility; construction of a new compressor building to house three new 5,500 horsepower reciprocating compressor units and six coolers; construction of one new dehydration facility; drilling of one new freshwater supply well; and installation of a new 0.75 mile 18-inch-diameter freshwater pipeline from the freshwater well to the leaching facility. Egan Hub would also drill one new saltwater disposal (SWD) well (SWD Well 7) 1.5 miles southwest of the Egan Facility, adjacent to facilities currently owned and operated by Egan Hub. Egan Hub would tie into the existing 16-inch-diameter brine disposal pipeline that connects the Egan Facility to the SWD wells via installation of 350 feet of 16-inch-diameter pipeline, 90 feet of 12-inch-diameter pipeline, and 45 feet of 8-inch diameter pipeline.

The Commission mailed a copy of the *Notice of Availability of the Environmental Assessment for the Egan Cavern Expansion Project* to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website

[1] 18 CFR 4.34(b)(5).

[1] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[2] 18 Code of Federal Regulations (CFR) 380.

(*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP26–45). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–45–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10650 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2587–066]

Northern States Power Company; Notice of Reasonable Period of Time for Water Quality Certification Application

On May 21, 2026, the Michigan Department of Environment, Great Lakes, and Energy (Michigan EGLE) 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 Northern States Power Company, in conjunction with the above captioned project on May 19, 2026. Pursuant to section 4.34(b)(5) of the Commission's regulations,[1] we hereby notify Michigan EGLE of the following dates.

Date of Receipt of the Certification Request: May 19, 2026.

Reasonable Period of Time to Act on the Certification Request: One year, May 19, 2027.

If Michigan EGLE 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 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10786 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–19–000]

Commission Information Collection Activities (FERC–725N) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting

[1] 18 CFR 4.34(b)(5).

public comment on the currently approved information collection FERC–725N (Mandatory Reliability Standards TPL–007–4, Transmission System Planned Performance for Geomagnetic Disturbance Events). The 60-day comment period ended on May 4, 2026, no comments were received.

DATES: Comments on the collection of information are due June 29, 2026.

ADDRESSES: Send written comments on FERC–725N to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202604-1902-007.* 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. (IC26–19–000) and the FERC Information Collection number (FERC–725N) 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,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725N, Mandatory Reliability Standards TPL–007–4, Transmission System Planned Performance for Geomagnetic Disturbance Events.

OMB Control No.: 1902–0264.

Type of Request: Extension of the currently approved collection without change.

Abstract: The Reliability Standard TPL–001–5.1 requires planning coordinators and transmission planners to establish Transmission system planning performance requirements within the planning horizon to develop a Bulk Electric System (BES) that will operate reliably over a broad spectrum of System conditions and following a wide range of probable Contingencies.

Reliability Standard TPL–007–4 requires owners and operators of the Bulk-Power System to conduct initial and on-going vulnerability assessments of the potential impact of defined geomagnetic disturbance events on Bulk- Power System equipment and the Bulk-Power System as a whole. Specifically, the Reliability Standard requires entities to develop corrective action plans for vulnerabilities identified through supplemental geomagnetic disturbance vulnerability assessments and requires entities to seek approval from the Electric Reliability Organization of any extensions of time for the completion of corrective action plan items.

The Reliability Standard TPL–008–1 requires planning coordinators and transmission planners to establish Transmission system planning performance requirements to develop a Bulk Power System (BPS) that will operate reliably during extreme heat and extreme cold temperature events.

On August 8, 2005, Congress enacted into law the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005).[1] EPAct 2005 added a new section 215 to the Federal Power Act (FPA), which required a

Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.[2]

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.[3] Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO.[4] The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

Type of Respondents: Generator Owner, Planning Coordinator, Transmission Planners and Transmission Owners. *Estimate of Annual Burden:*[5] Our estimates are based on the NERC Compliance Registry Summary of Entities as of February 9, 2026.

The individual burden estimates include the time needed to gather data, run studies, and analyze study results. These are consistent with estimates for similar tasks in other Commission-approved standards. Estimates for the additional average annual burden and cost[6] as follows:

ANNUAL COLLECTION TPL–001–5.1 FERC–725N

Reliability standard or process	Type and number of entities[7]	Annual number of responses per entity	Total number of responses	Average burden (hrs. & cost) ($) per response	Total annual burden hours & cost ($) (rounded)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Annual review and record retention	60 (PC)	1	60	148 hrs.; $9,400.96	8,880 hrs.; $564,057.

[1] Energy Policy Act of 2005, Public Law 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (codified at 16 U.S.C. 824*o*).

[2] 16 U.S.C. 824*o*(e)(3).

[3] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g,* Order No. 672–A, FERC Stats. & Regs. ¶ 31,212 (2006).

[4] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g and compliance,* 117 FERC ¶ 61,126 (2006), *order on compliance,* 118 FERC ¶ 61,190, *order on reh'g,* 119 FERC ¶ 61,046 (2007), *aff'd sub nom. Alcoa Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[5] 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.

[6] 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).

[7] The ''Number of Entity'' data is compiled from the February 9, 2026, edition of the NERC Compliance Registry. ''TP'' means transmission planner; ''PC'' means planning coordinator.''

ANNUAL COLLECTION TPL–001–5.1 FERC–725N—Continued

Reliability standard or process	Type and number of entities [7] (1)	Annual number of responses per entity (2)	Total number of responses (1) * (2) = (3)	Average burden (hrs. & cost) ($) per response (4)	Total annual burden hours & cost ($) (rounded) (3) * (4) = (5)
	210 (TP)	1	210	48 hrs.; $3,048.96	10,080 hrs.; $640,282.
Total for TPL–001–5.1			270		18,960 hrs.; $1,204,339.

ANNUAL COLLECTION TPL–007–4 FERC–725N

Reliability standard or process	Type and number of entities [8] (1)	Annual number of responses per entity (2)	Total number of responses (1) * (2) = (3)	Average burden (hrs. & cost) ($) per response (4)	Total annual burden hours & cost ($) (rounded) (3) * (4) = (5)
Annual review and record retention	1,354 (GO)	1	1,354	40 hrs.; $2,540.80	54,160 hrs.; $3,440,243.
60 (PC)	1	60	40 hrs.; $2,540.80	2,400 hrs.; $152,448..	
210 (TP)	1	210	40 hrs.; $2,540.80	8,400 hrs.; $533,568..	
341 (TO)	1	341	40 hrs.; $2,540.80	13,640 hrs.; $866,413..	
Total for TPL–007–4			1,965		78,600 hours; $4,992,672.

ANNUAL COLLECTION TPL–008–1 FERC–725N

Reliability standard or process	Type and number of entities [9] (1)	Annual number of responses per entity (2)	Total number of responses (1) * (2) = (3)	Average burden (hrs. & cost) ($) per response (4)	Total annual burden hours & cost ($) (rounded) (3) * (4) = (5)
Annual review and record retention	60 (PC)	1	60	88 hrs.; $5,589.76	5,280 hrs.; $335,386.
210 (TP)	1	210	56 hrs.; $3,557.12	11,760 hrs.; $764,995..	
Total for TPL–008–1			270		17,040 hrs.; $1,082,381.

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10662 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

[8] The ''Number of Entity'' data is compiled from the February 9, 2026, edition of the NERC Compliance Registry. ''TP'' means transmission planner; ''GO'' means generator owner; ''PC'' means planning coordinator; ''TO'' means transmission owner.''

[9] The ''Number of Entity'' data is compiled from the February 9, 2026, edition of the NERC Compliance Registry. ''PC'' means planning coordinator; ''TP'' means transmission planner.''

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15257–002]

Lock+™ Hydro Friends Fund X, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of LLP Pre-Filing Process and Scoping, Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for an Original License and Commencing Pre-filing Licensing Process.

b. *Project No.:* 15257–002.

c. *Dated Filed:* March 27, 2026.

d. *Submitted By:* Lock+™ Hydro Friends Fund X, LLC (Lock Hydro).

e. *Name of Project:* Melvin Price Locks and Dam Hydroelectric Project (Melvin Price or project).

f. *Location:* The proposed project would be located on the Mississippi River at the existing U.S. Army Corps of Engineers' (Corps) Melvin Price Locks and Dam on the Mississippi River in Madison County, Illinois, and St. Charles County, Missouri.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's regulations.

h. *Potential Applicant Contact:* Wayne F. Krouse, CEO, Lock+™ Hydro Friends Fund X, LLC, 2901 4th Avenue South, #B 253, Birmingham, AL 35233, telephone at (877) 556–6566, x709, email at *wayne@hgenergy.com.*

i. *FERC Contact:* David Graefe, telephone at (202) 502–6137; email at *david.graefe@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and (b) the State Historic Preservation Officers, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Lock Hydro as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Lock Hydro filed with the Commission a Pre-Application Document ((PAD), including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support. 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.*

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. The Commission strongly encourages electronic filing. Please file documents using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy via 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–15257–002.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by 5:00 p.m. Eastern Time, July 27, 2026.

p. *Scoping Process:* In accordance with the National Environmental Policy Act (NEPA), Commission staff will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the ''NEPA document''). The NEPA document will consider both site-specific and cumulative environmental effects, and reasonable alternatives to the proposed action. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or EIS.

Scoping Meetings

Commission staff will hold two scoping meetings for the project to receive input on the scope of the NEPA document. A daytime meeting will focus on concerns of resource agencies, Indian tribes, and non-governmental organizations (NGO), and an evening meeting will focus on receiving input from the public. We invite all interested agencies, Indian tribes, NGOs, and the public to attend one or both meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Tuesday, June 23, 2026.

Time: 9:00 a.m. to 11:00 a.m. Central Daylight Time (CDT).

Location: National Great Rivers Museum, 1 Locks and Dam Way, Alton, IL 62002.

Evening Scoping Meeting

Date: Tuesday, June 23, 2026.

Time: 5:00 p.m. to 7:00 p.m. CDT.

Location: National Great Rivers Museum, 1 Locks and Dam Way, Alton, IL 62002.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

Lock Hydro and Commission staff will conduct an environmental site review of the project on Tuesday, June 23, 2026, starting at 1:00 p.m. CDT. All

participants should meet on the Mississippi River Shoreline in the boat launch parking lot on the Missouri side of the river, immediately downstream of the Melvin Price Locks and Dam, located at Riverlands Drive, West Alton, Missouri 63386. All participants are responsible for their own transportation, must remain in publicly accessible spaces, and must wear closed-toe shoes/boots for walking in uneven/sloped terrain around the proposed project area. Participants should not bring children or pets. Anyone with questions about the site visit should contact Wayne Krouse at *wayne@hgenergy.com* (preferably), or by phone at (877) 556–6566 ext. 709 on or before June 16, 2026.

Meeting Procedures

Agencies, Tribes, NGOs, and individuals with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the NEPA document. At the start of each meeting, Commission staff will provide a brief overview of the meeting format and objectives. Individual oral comments will be taken on a one-on-one basis with a court reporter (with Commission staff present). This format is designed to receive the maximum number of oral comments in a convenient way during the timeframe allotted. If you wish to speak, Commission staff will hand out numbers in the order of your arrival. If all individuals who wish to provide comments have had an opportunity to do so, Commission staff may conclude the meeting a half hour earlier than the scheduled time. Please see Appendix A of the SD1 for additional information on the session format and conduct.[1]

Scoping comments will be recorded by the court reporter and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system. If a significant number of people are interested in providing oral comments in the one-on-one settings, a time limit may be implemented for each commentor. It is important to note that the Commission provides equal consideration to all comments received, whether filed in writing or provided orally at a scoping session. Although there will not be a formal presentation, Commission staff will be available throughout the scoping meeting(s) to answer your questions about the environmental review process.

(Authority: 18 CFR 2.1)

Dated: May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10655 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

[1] The appendix referenced in this notice will not appear in the **Federal Register**. Copies of the appendix were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the ''eLibrary'' link. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov*, or (866) 208–3676 (toll free) or (202) 502–8659 (TTY).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–21–000]

Commission Information Collection Activities (Ferc–714) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–714, (Annual Electric Balancing Authority Area and Planning Area Report). The 60-day notice was published on March 3, 20206 with no comments received.

DATES: Comments on the collection of information are due June 29, 2026.

ADDRESSES: Send written comments on FERC–714 to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202604-1902-010.* 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. (IC26–21–000) and the FERC Information Collection number (FERC–714) 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 *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–714, Annual Electric Balancing Authority Area and Planning Area Report.

OMB Control No.: 1902–0140.

Type of Request: Three-year extension of the FERC–714 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the FERC–714 data to analyze power system operations. These analyses estimate the effect of changes in power system operations resulting from the installation of a new generating unit or plant, transmission facilities, energy transfers between systems, and/or new points of interconnections. The FERC–714 data assists in providing a broad picture of interconnected balancing authority area operations including: comprehensive information of balancing authority area generation, actual and scheduled inter-balancing authority area power transfers, and net energy for load, summer and winter generation peaks and system lambda. The Commission also uses the data to prepare status reports on the electric utility industry including a review of inter-balancing authority area bulk power trade information. The Commission uses the collected data from planning areas to monitor forecasted demands by electric utilities with fundamental demand responsibilities and to develop hourly demand characteristics.

Type of Respondent: Electric utility balancing authorities and planning areas in the United States.

Estimate of Annual Burden:[1] The Commission estimates the annual public reporting burden and cost[2] (rounded)

[1] 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. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[2] The hourly cost (for salary plus benefits) uses the figures from the Bureau of Labor Statistics, May 2025, for the listed reporting requirements. These figures include salary (*https://www.bls.gov/oes/current/naics2_22.htm*) and benefits *http://www.bls.gov/news.release/ecec.nr0.htm*) and are:

Management (Code 11–0000), $83.41/hr.

Computer and mathematical (Code 15–0000), $68.74/hr.

Continued

for the information collection as follows:

FERC–714

[Annual Electric Balancing Authority Area and Planning Area Report]

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
103	1	103	93.33 hrs.; $7,186.41	9,612.99 hrs.; $740,200.23	$7,186.41

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10661 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–526–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 15, 2026, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Route 56, Owensboro, Kentucky 42301, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and Southern Star's blanket certificate issued in Docket No. CP82–479–000, for authorization to relocate approximately 2 miles of 16-inch-diameter pipeline on its Line ES, and to upgrade and relocate the Clinton Town Border (Clinton TB) Meter Setting. All of the above facilities are located in Douglas County, Kansas (Clinton Town Border & Pipeline ES Relocation Project). The project will allow Southern Star to accommodate the Kansas Department of Transportation's South Lawrence Trafficway improvements by relocating co-located facilities. The estimated cost for the project is approximately $19 million, all as more fully set forth in the request, which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

Any questions concerning this request should be directed to Jennifer Matthews, Manager, Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by phone at (270) 316–2972, or by email at *Jennifer.Matthews@southernstar.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on July 27, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on July 27, 2026. A protest may also serve as a motion to intervene

Electrical Engineers (Code 17–2071), $71.19/hr.

Economist (Code 19–3011), $77.04/hr.

Computer and Information Systems Managers (Code 11–3021), $110.62/hr.

Accountants and Auditors (Code 13–2011), $55.03/hr.

Transportation, Storage, and Distribution Managers (Code 11–3071), $84.39/hr.

Power Distributors and Dispatchers (Code 51–8012), $66.80/hr.

The average hourly cost (wages plus benefits) for the above wages is $77.15/hour (rounded to $77.00/hour).

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on July 27, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on July 27, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–526–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–526–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: State Route 56, Owensboro, Kentucky 42301, or by email (with a link to the document) at *Jennifer.Matthews@southernstar.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

(Authority: 18 CFR 2.1)

Dated: May 26, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10791 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–22–000]

Commission Information Collection Activities (FERC–725T); 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, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725T, Mandatory Reliability Standards for the Bulk-Power System: Texas Reliability Entity (TRE) Reliability Standards. The 60-day comment period ended on May 4, 2026, no comments were received.

DATES: Comments on the collection of information are due June 29, 2026.

ADDRESSES: Send written comments on FERC–725T to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202604-1902-009.* 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. (IC26–22–000) and the FERC Information Collection number (FERC–725T) 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,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725T, Mandatory Reliability Standards for the Bulk-Power System: TRE Reliability Standards BAL–001–TRE–2 (Primary Frequency Response in the ERCOT Region).

OMB Control No.: 1902–0273.

Type of Request: Three-year extension of the FERC–725T information collection requirements with no changes to the current reporting requirements.

Abstract: TRE Reliability Standards apply to entities registered as Generator Owners (GOs), Generator Operators (GOPs), and Balancing Authorities (BAs) within the Texas Reliability Entity region.

The information collection requirements entail the setting or configuration of the Control System software, identification and recording of events, data retention, and submitting frequency measurable events to the compliance enforcement authority (Regional Entity or NERC).

Submitting frequency measurable events—The BA is required to identify and post information regarding Frequency Measurable Events (FME). Further, the BA must calculate and report to the Compliance Enforcement Authority data related to Primary Frequency Response (PFR) performance of each generating unit/generating facility.

Data retention—The BA, GO, and GOP shall keep data or evidence to show compliance, as identified below, unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation. Compliance audits are generally about three years apart.

- The BA shall retain a list of identified Frequency Measurable Events and shall retain FME information since its last compliance audit.
- The BA shall retain all monthly PFR performance reports since its last compliance audit.
- The BA shall retain all annual Interconnection minimum Frequency Response calculations, and related methodology and criteria documents, relating to time periods since its last compliance audit.
- The BA shall retain all data and calculations relating to the Interconnection's Frequency Response, and all evidence of actions taken to increase the Interconnection's Frequency Response, since its last compliance audit.
- Each GOP and GO shall retain evidence since its last compliance audit.

Type of Respondents: NERC Registered entities: Balancing Authorities (BA), Generator Owners (GO), Generator Operators (GOP).

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–725T

[Mandatory Reliability Standards for the Bulk-Power System: TRE Reliability Standards]

	Number of respondents [2]	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [3]	Total annual burden hours & total annual cost	Cost per respondent ($) rounded
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Annual Review and Evidence Retention.	1 (BA)	1	1	18 hrs.; $1,143.36	18 hrs.; $1,143.36	$1,143
	309 (GO)	1	309	2 hrs.; $127.04	618 hrs.; $39,255.36	127
	220 (GOP)	1	220	2 hrs.; $127.04	440 hrs.; $27,948.80	127
Total	.....	.....	530	.....	1,076 hrs.; $68.347.52 ...	.....

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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10660 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD26–2–000]

Joshua Klein; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On May 18, 2026, Joshua Klein filed a notice of intent to construct a

[1] 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. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] BA (balancing authority), GO (generator owner), GOP (generator operator). The entity counts were taken from the NERC Compliance Registration document as of February 9, 2026.

[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:* 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).

qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA). The proposed Cape Horn Mill Project would have an installed capacity of up to 40 kilowatts (kW) and would be located along the Boardman Canal, near Colfax, Placer County, California.

Applicant Contact: Joshua Klein, 26855 Cape Horn Road, Colfax, California 95713, 858–652–9569, *mrjoshuaklein@gmail.com.*

FERC Contact: Christopher Chaney, 202–502–6778, *christopher.chaney@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The project would consist of: (1) one turbine generating unit with a capacity of up to 40 kW, (2) a 10-inch pipeline transporting water from Boardman Canal to the unit and returning it to Boardman Canal, and (3) and appurtenant facilities. The proposed project would have an estimated annual generation of approximately 280 megawatt-hours

A qualifying conduit hydropower facility is one that is determined or deemed to meet all the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	*Description*	*Satisfies (Y/N)*
FPA 30(a)(3)(A)	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i)	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii)	The facility has an installed capacity that does not exceed 40 megawatts	Y
FPA 30(a)(3)(C)(iii)	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed Cape Horn Mill Project will not alter the primary purpose of the conduit, which is for agricultural, municipal, and industrial consumption. Therefore, based upon the above criteria, Commission staff preliminarily determines that the operation of the project described above satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments, comments contesting whether the facility meets the qualifying criteria, and motions to intervene: June 22, 2026, 5:00 p.m. Eastern Time.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS,'' ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY,'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

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.*

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Locations of Notice of Intent: 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 website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (*i.e.,* CD26–2) in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. Copies of the notice of intent can be obtained directly from the applicant. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

(Authority: 18 CFR 2.1)

Dated: May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10653 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2025).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP25–539–001, CP25–539–000]

Rockies Express Pipeline LLC; Notice of Amendment and Establishing Intervention Deadline

Take notice that on May 15, 2026, Rockies Express Pipeline LLC (REX), 11550 Ash Street, Suite 220, Leawood, Kansas 66211, filed supplemental information in Docket No. CP25–539–000. The Commission is treating this filing as an amendment to REX's application in Docket No. CP25–539–000 pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, and hereby gives notice of the proposed amendment. Specifically, REX is amending its Critical Energy Reliability Link Project (Project) by adding: (1) the Williams Creek Spur, a 1.6-mile-long, 24-inch-diameter pipeline, extending from Milepost 148.4 of its proposed Lateral to an interconnection with the future Williams Creek Generation Station, (2) the Williams Creek Meter Station at the terminus of the Willams Creek Spur, and (3) associated appurtenant facilities, all located in El Paso County, Colorado. Additionally, REX reroutes various segments of its proposed Lateral in Colorado, increasing the overall length by 1.1 miles, and restates the proposed horsepower at the proposed LaSalle Compressor Station in Weld County, Colorado as 6,300 horsepower.[1] REX states that the proposed modifications will not result in any change to the Project capacity, all as more fully set forth in the amendment to application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions regarding the proposed Project should be directed to Eryn Pullin, Manager, Regulatory Affairs, Tallgrass Energy, LP, 9 Greenway Plaza, Suite 1100, Houston, Texas 77046, by phone at (713) 997–3932, or by email at *eryn.pullin@tallgrass.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on June 12, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[3] and 385.211[4] of the Commission's regulations under the NGA, any person[5] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[6] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on June 12, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket numbers CP25–539–001 and CP25–539–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket numbers (CP25–539–001 and CP25–539–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy

[1] Horsepower is based on International Organization for Standardization rating.

[2] 18 CFR 157.9.

[3] 18 CFR 157.10(a)(4).

[4] 18 CFR 385.211.

[5] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[6] 18 CFR 385.2001.

Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[7] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [8] and the regulations under the NGA [9] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on June 12, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket numbers CP25–539–001 and CP25–539–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket numbers CP25–539–001 and CP25–539–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Eryn Pullin, Manager, Regulatory Affairs, Tallgrass Energy, LP, 9 Greenway Plaza, Suite 1100, Houston, Texas 77046 or by email (with a link to the document) at *eryn.pullin@tallgrass.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [10] motions to intervene are automatically granted by operation of Rule 214(c)(1).[11] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[12] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents.

For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on June 12, 2026.

(Authority: 18 CFR 2.1.)

Dated: May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10651 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4679–050]

New York Power Authority; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the

[7] 18 CFR 385.102(d).

[8] 18 CFR 385.214.

[9] 18 CFR 157.10.

[10] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[11] 18 CFR 385.214(c)(1).

[12] 18 CFR 385.214(b)(3) and (d).

Vischer Ferry Hydroelectric Project No. 4679 (project). The project is located on the Mohawk River in Saratoga and Schenectady counties, New York. 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. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

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. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–4679–050.

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1750060302.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202)502–6595 or *OPP@ferc.gov.*

For further information, contact Jody Callihan at (202) 502–8278 or by email at *jody.callihan@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: May 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–10657 Filed 5–28–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM–FAD–224]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–993–3272 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed May 18, 2026 10 a.m. EST

Through May 22, 2026 10 a.m. EST

Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20260062, Draft, USFS, NH, Waterville Valley Resort Proposed Expansion, Comment Period Ends: 08/27/2026, Contact: Matthew Loscalzo 720–908–1213.

EIS No. 20260063, Final, USFS, NM, Lincoln National Forest Integrated Non-Native Invasive Plant Management Project, Contact: Tanner Nygren 575–630–3008.

EIS No. 20260064, Final, USFS, WY, Grand Targhee Master Development Plan Projects, Review Period Ends: 06/29/2026, Contact: Jay Pence 208–354–2312.

EIS No. 20260065, Draft, TVA, TN, Johnsonville Fossil Plant Ash Impoundment Closure, Comment Period Ends: 07/13/2026, Contact: Brittany Kunkle 865–307–6736.

EIS No. 20260066, Final, NNSA, NM, Site-Wide Environmental Impact Statement for Continued Operation of Sandia National Laboratories/New Mexico, Contact: Adria Bodour 505–845–6092.

Dated: May 26, 2026.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2026–10740 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2026–1849; FRL–13203–03–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings—March 2026

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from March 1, 2026, to March 31, 2026.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2026–1849, is available online at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/*dockets.

FOR FURTHER INFORMATION CONTACT:

For technical information: Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: *edelstein.rebecca@epa.gov.*

For general information: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the applicable period.

C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA Section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA identifies the PMNs, MCANs and SNUNs for which EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. For the findings made during this period, the following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as confidential).

- P–25–0085–0088, Arylcarboxylic acid, polymer with alkanol, ester with substituted polyalkylene glycol (P–25–0085) (Generic Name); polymer of arylcarboxylic acid, glycol, polyalkylene glycol ether (P–25–0086) (Generic Name); polymer of arylcarboxylic acid, alkanediol and alcohols, alkoxylated (P–25–0087) (Generic Name); and polymer of arylcarboxylic acid, glycols and polyalkylene glycol ether (P–25–0088) (Generic Name).
- P–25–0089, Polymer of arylcarboxylic acid, sulfoarylcarboxylic acid, alkyl ester salt, glycols and oligoethylene glycol ether (Generic Name).
- P–25–0104, Alkyl alkenoic acid, substituted heteropolycyclic substituted alkyl ester, polymer with substituted carbopolycyclic, alkyl alkenoate, alkyl carbopolycyclic alkyl alkenoate and heteromonocyclic alkyl alkenoate (Generic Name).
- P–25–0142, Propenoic acid, methyl-, [bis[dimethyl[-trimethyl-bis[trimethylsilyl)oxy]- disiloxanyl] ethyl] silyl] oxy]—dimethyl-[[trimethyl-bis[trimethylsilyl)oxy]-disiloxanyl] ethyl]-disiloxanyl] propyl ester (Generic Name).

To access EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C), lookup the specific case number at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/determined-not-likely.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: May 21, 2026.

Shari Z. Barash,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2026–10708 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2026–3532; FRL–13370–01–OCSPP]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request (March 2026)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application 100506–EUP–R from the State University of New York College of Environmental Science and Forestry (SUNY ESF) requesting an experimental use permit (EUP) for OxO American Chestnut (oxalate oxidase OxO) and the genetic material necessary for its expression in American chestnut (*Castanea dentata*). The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before June 29, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2026–3532, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting on and visiting the docket, along with more information about dockets generally, are available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- BPPD (Biopesticides and Pollution Prevention Division) (Mail Code 7511M); Shannon Borges; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those people who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then

identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What Action is the Agency Taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Experimental Use Permit Number: 100506–EUP–R. *Docket ID Number:* EPA–HQ–OPP–2026–3532. *Submitter:* State University of New York College of Environmental Science and Forestry (SUNY ESF), 1 Forestry Drive, Syracuse, NY 13210. *Pesticide Chemical:* OxO American Chestnut (oxalate oxidase OxO) and the genetic material necessary for its expression in American chestnut (*Castanea dentata*). *Summary of Request:* The State University of New York College of Environmental Science and Forestry is requesting an experimental use permit for the active ingredient OxO American Chestnut (oxalate oxidase OxO) and the genetic material necessary for its expression in American chestnut (*Castanea dentata*) for three years in Alabama, Arkansas, Connecticut, Delaware, District of Columbia (Washington, DC), Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, with a total area of up to 280 acres across all states. The OxO gene enables the American chestnut trees to detoxify oxalic acid produced by the fungal pathogen *Cryphonectria parasitica,* thereby allowing coexistence with the pathogen. The purpose of this EUP is to evaluate survival, early growth, and establishment success of transgenic OxO American chestnuts, compared with wild-type American chestnuts and/or other control trees, across a wide range of environmental conditions and planting scenarios. This testing will inform restoration management strategies across the native American chestnut range. *Date of Receipt:* February 27, 2026. *Contact:* BPPD.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Authority: 21 U.S.C. 346a.

Dated: May 26, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026–10714 Filed 5–28–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0249; FR ID 348748]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written comments should be submitted on or before July 28, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0249.

Title: Sections 74.781, 74.1281 and 78.69, Station Records.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; not-for-profit institutions; State, Federal or Tribal governments.

Number of Respondents and Responses: 14,052 respondents; 19,077 responses.

Estimated Time per Response: 0.375 hour-1 hour.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 12,751 hours.
Total Annual Cost: $6,030,000.
Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.
Needs and Uses: The information collection requirements contained in this collection are as follows: 47 CFR 74.781 information collection requirements include the following: (a) The licensee of a low power TV, TV translator, or TV booster station shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, contracts, permission for rebroadcasts, and other pertinent documents.
(b) Entries required by § 17.49 of this Chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light: (1) The nature of such extinguishment or improper functioning. (2) The date and time the extinguishment or improper operation was observed or otherwise noted. (3) The date, time and nature of adjustments, repairs or replacements made.
(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.765(c) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.
(d) Station logs and records shall be retained for a period of two years.
47 CFR 74.1281 information collection requirements include the following: (a) The licensee of a station authorized under this Subpart shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, maintenance records, contracts, permission for rebroadcasts, and other pertinent documents.
(b) Entries required by § 17.49 of this chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light:
(1) The nature of such extinguishment or improper functioning.
(2) The date and time the extinguishment of improper operation was observed or otherwise noted.
(3) The date, time and nature of adjustments, repairs or replacements made.
(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.1265(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.
(d) Station logs and records shall be retained for a period of two years.
47 CFR 78.69 requires each licensee of a CARS station shall maintain records showing the following: (a) For all attended or remotely controlled stations, the date and time of the beginning and end of each period of transmission of each channel;
(b) For all stations, the date and time of any unscheduled interruptions to the transmissions of the station, the duration of such interruptions, and the causes thereof;
(c) For all stations, the results and dates of the frequency measurements made pursuant to § 78.113 and the name of the person or persons making the measurements;
(d) For all stations, when service or maintenance duties are performed, which may affect a station's proper operation, the responsible operator shall sign and date an entry in the station's records, giving:
(1) Pertinent details of all transmitter adjustments performed by the operator or under the operator's supervision.
(e) When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:
(1) The time the tower lights are turned on and off each day, if manually controlled.
(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not employed.
(3) In the event of any observed or otherwise known failure of a tower light:
(i) Nature of such failure.
(ii) Date and time the failure was observed or otherwise noted.
(iii) Date, time, and nature of the adjustments, repairs, or replacements made.
(iv) Identification of Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.
(v) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.
(4) Upon completion of the 3-month periodic inspection required by § 78.63(c):
(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.
(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.
(f) For all stations, station record entries shall be made in an orderly and legible manner by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the station record when starting duty and again when going off duty.
(g) For all stations, no station record or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention required by rule. Any necessary correction may be made only by the person who made the original entry who shall strike out the erroneous portion, initial the correction made, and show the date the correction was made.
(h) For all stations, station records shall be retained for a period of not less than 2 years. The Commission reserves the right to order retention of station records for a longer period of time. In cases where the licensee or permittee has notice of any claim or complaint, the station record shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–10793 Filed 5–28–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 26–07]

Down Quark Systems, LLC and SunnySide Digital, Inc., *Complainants* v. Zim American Integrated Shipping Services Co., LLC; Zim Integrated Shipping Services, Ltd.; and Port of Houston Authority of Harris County, Texas, *Respondents*; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (the ''Commission'') by Down Quark Systems, LLC and SunnySide Digital, Inc. (collectively, the ''Complainants'') against Zim American Integrated Shipping Services Co., LLC; Zim Integrated Shipping Services, Ltd.; and Port of Houston Authority of Harris County, Texas (collectively, the ''Respondents''). Complainants state that the Commission has subject-matter jurisdiction over this Complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 40101 *et seq.*

Complainant Down Quark Systems, LLC is a limited liability company organized and existing under the laws of the state of Delaware with its principal place of business in Delaware.

Complainant SunnySide Digital, Inc. is a corporation organized and existing under the laws of the province of Ontario, Canada, with its principal place of business in Ontario, Canada.

Complainants identify respondent Zim Integrated Shipping Services, Ltd. as a global ocean carrier with its principal place of business located in Haifa, Israel, whose agent in the United States is respondent Zim American Integrated Shipping Services Co., an entity with its principal place of business located in Norfolk, Virginia. Complainants state that the Commission has personal jurisdiction over the ''Zim Respondents'' as, collectively, a ''vessel operating 'ocean common carrier''' as that term is defined by 46 U.S.C. 40102(7) and (18).

Complainants identify respondent Port of Houston Authority of Harris County, Texas (''Houston Bayport'') as a governmental entity organized and existing under the laws of the state of Texas with its executive offices in Houston, Texas. Complainants state that the Commission has personal jurisdiction over Houston Bayport as a marine terminal operator as that term is defined by 46 U.S.C. 40102(16) and 46 CFR 525.1(c)(13).

Complainants allege that Respondents violated, *inter alia,* 46 U.S.C. 41102(c); 41104(a)(2)(A), (a)(14)–(15)(B), (c); 41106(2); and 46 CFR 541.1–541.8 and 545.5. Complainants allege these violations arose from the assessment of demurrage and ''dwell'' charges during periods of time in which Complainants' ability to move its containers was constrained due to circumstances beyond its control, the charging of fees without issuance of proper invoices, the failure to publish separate demurrage rates for unique container types, the filing of two retaliatory lawsuits in United States District Court, and other acts or omissions by Respondents.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/26-07/.* This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by May 26, 2027, and the final decision of the Commission shall be issued by December 10, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c))

Served: May 26, 2026.

David Eng,

Secretary.

[FR Doc. 2026–10670 Filed 5–28–26; 8:45 am]

BILLING CODE 6730–02–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Information Collection Renewal; Comment Request for Legal Expense Fund Information Collection

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After publication of this second-round notice, the U.S. Office of Government Ethics (OGE) plans to submit a proposed modified OGE Legal Expense Fund Information Collection for review and approval of a three-year extension under the Paperwork Reduction Act of 1995. The information collection relates to OGE's Legal Expense Fund regulation at 5 CFR part 2635, subpart J.

DATES: Written comments by the public and agencies on this proposed extension are invited and must be received by June 29, 2026.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find and comment on this particular information collection by using the ''Select Agency'' drop-down menu under the ''Currently Under Review'' section to locate ''Office of Government Ethics,'' click the ''Submit'' button, and then click the ''Comment'' button. Alternatively, click the ''Currently under Review—Open for Public Comments'' link, locate the information on the page related to OMB Control Number 3209–0012, and click the ''Comment'' button to the right of such information.

FOR FURTHER INFORMATION CONTACT: McEvan Baum at the U.S. Office of Government Ethics; telephone: 202–482–9287; TTY: 800–877–8339; Email: *usoge@oge.gov.*

SUPPLEMENTARY INFORMATION:

Title: OGE Legal Expense Fund Information Collection.

Type of Information Collection: Extension with modifications of a currently approved collection.

Type of Review Request: Regular.

Respondents: Current executive branch employees (and/or their representatives) seeking to accept payments for legal expenses from a legal expense fund or the provision of pro bono legal services for matters arising in connection with the employee's past or current official position, the employee's prior position on a campaign of a candidate for President or Vice President, or the employee's prior position on a Presidential Transition Team; legal expense fund trustees.

Estimated Average Annual Number of Responses: 133.

Total Estimated Time per Response: 5 minutes to 20 hours (see table below for detailed explanation).

Estimated Average Total Annual Burden: 109.2 hours.

OMB Control Number: 3209–0012.

Abstract: On May 25, 2023, OGE published a final rule establishing a framework to govern an executive branch employee's acceptance of payments for legal expenses through a Legal Expense Fund (LEF) for matters arising in connection with the employee's official position, the employee's prior position on a campaign of a candidate for President or Vice President, or the employee's prior position on a Presidential Transition Team. The requirements for establishing and maintaining an LEF are found in 5 CFR part 2635, subpart J (LEF regulation).

The LEF regulation requires that employees who wish to establish a legal expense fund do so through a trust with a single, named employee beneficiary and a trustee. It also requires an employee beneficiary to file quarterly

reports that include information (1) regarding members of the public who make financial donations to help pay for the employee beneficiary's legal expenses (donors) and (2) members of the public who receive payments from a legal expense fund (payees). The employee beneficiary must also file a termination report upon the termination of the trust and/or executive branch employment. The trust documents, quarterly reports, and termination reports will be posted directly on OGE's website in accordance with 5 CFR 2635.1007(g).

To ensure that all applicable requirements regarding the information collection are met, OGE developed three instruments. First, OGE created the document titled, ''Model Legal Expense Fund Trust Provisions,'' to assist with the drafting of the trust document (instrument 1). Second, OGE created the Executive Branch Legal Expense Fund Quarterly Report (OGE Form 601) to be used for quarterly and termination reports (instrument 2). Third, OGE created a guidance document titled ''Legal Expense Fund Trustee's Guide for Information Collection Compliance,'' which sets forth the requirements for collecting information related to donors and payees (instrument 3). Together, this information collection (IC) is titled ''OGE Legal Expense Fund Information Collection.''

The IC was approved by OMB and assigned OMB Control Number 3209–0012 on July 21, 2023.

The following table estimates the total annual burden resulting from the OGE Legal Expense Fund Information Collection.

Instrument	Time per response	Number of annual responses	Total burden (hours)
Trust Document	20 hours	3	60
Quarterly and Termination Reports (beneficiary burden)	2 hours	20	40
Quarterly and Termination Reports (donor and payee burden)	5 minutes	110	9.2
Total			109.2

OGE estimates that there will be approximately three new legal expense funds filed each year. It is anticipated that there may be an average of five legal expense fund trusts in existence each year. Each trust is anticipated to have approximately 20 donors, whose reporting requirements are tied to the frequency with which they donate, and approximately two payees, who will submit information each time they receive a distribution. The burden for collecting this information from donors and payees is on the trustees. These estimates are based in part on OGE's knowledge of several legal expense funds that have been established for executive branch employees, as well as OGE's consultation with the U.S. House of Representatives and the U.S. Senate regarding the legal expense funds that they oversee.

Based on the above, OGE estimates an average annual time burden during the next three years of 109.2 hours. Using an estimated rate of $340 per hour for the services of a professional trustee or private representative, the estimated annual cost burden is $37,128.

Under OMB's implementing regulations for the Paperwork Reduction Act, any recordkeeping, reporting, or disclosure requirement contained in a rule of general applicability is deemed to involve ten or more persons. See 5 CFR 1320.3(c)(4)(i).

OGE plans to submit the instruments described above to OMB for a three-year extension of approval with modifications, pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

A **Federal Register** Notice with a 60-day comment period soliciting comments on this information collection was published on December 18, 2025 (90 FR 59122). OGE received one set of comments containing several recommendations. OGE appreciates the feedback and considered each recommendation. OGE accepted recommendations that it believes will increase clarity and visibility of the reporting requirements. OGE declined to adopt other recommendations because it reached a different conclusion than the commenter regarding the sufficiency of the existing language and its location on the Executive Branch Legal Expense Fund Quarterly Report (OGE Form 601), the recommendations could create confusion, or because OGE opted to use alternative language to maintain consistency both within the OGE Form 601 and with the LEF Regulation.

Proposed Changes to the OGE Form 601

- Adding bolded text to the ''Instructions for Completing Part 2 of the OGE Form 601: Distributions'' section on page two, stating ''[d]o not report information protected by attorney-client privilege.''
- Correcting minor typographical errors.

To view a draft of the OGE Form 601 with proposed changes, visit the download link at *https://www.oge.gov/web/OGE.nsf/0/8E30F3AD5633656585258DDB006946FA/$FILE/OGE%20Form%20601%20-%20LEF%20Quarterly%20Report%20Form%20-%20Version%20for%20renewal%20DRAFT.pdf*

To view the currently approved instruments, visit the download links below.

- Model Legal Expense Fund Trust Provisions—*https://www.oge.gov/web/OGE.nsf/0/584EB3EA9341202185258A0E0060F950/$FILE/FINAL%20APPROVED%20MODEL%20LEGAL%20EXPENSE%20FUND%20TRUST%20PROVISIONS.docx*
- OGE Form 601—*https://www.oge.gov/web/OGE.nsf/0/36A4A23FFADB37E685258A0E0060C896/$FILE/FINAL%20APPROVED%20LEF%20Quarterly%20Report%20Form%20For%20Posting.pdf*
- Legal Expense Fund Trustee's Guide for Information Collection Compliance (at numbered pages 15–18)—*https://www.oge.gov/web/OGE.nsf/0/FD48C4B7CB5C9A3F85258A160078D0B4/$FILE/Handbook%20for%20Legal%20Expense%20Fund%20Trustees%20(2023).pdf*

Agency and public comments are invited specifically on the need for and practical utility of this information collection, on the accuracy of OGE's burden estimate, on the enhancement of quality, utility, and clarity of the information collected, and on minimizing the burden to the public. Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB approval. The

comments will also become a matter of public record.

Specifically, OGE seeks public comment on the following:

1. What problems do you have using the OGE Form 601?

2. Are any sections of the OGE Form 601 or its instructions unclear?

3. Is there information provided that is confusing?

4. What additional information would be helpful?

5. Is it clear from the OGE Form 601 that the filing requirement begins once a Legal Expense Fund is approved under Subpart J of 5 CFR part 2635, regardless of whether a reportable contribution or distribution is made during a reporting period?

Authority: 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1); 5 CFR part 2635, subpart J.

Approved: May 26, 2026.

James Cooper,

Chief Information Officer, Office of Government Ethics.

[FR Doc. 2026–10772 Filed 5–28–26; 8:45 am]

BILLING CODE 6345–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2026–0892]

Notice of an Amended Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists

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), a component of the Department of Health and Human Services (HHS), announces the issuance of an Amended Order under Section 362 and 365 of the Public Health Service Act that suspends the introduction of certain persons from countries where an outbreak of a communicable disease exists for a period of 30 days. The Amended Order was issued on May 22, 2026.

DATES: This action took effect May 22, 2026.

Written comments must be received on or before June 22.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2026–0892 by either of the methods listed below. Do not submit comments by email. CDC does not accept comments by email.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Division of Global Migration Health, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, GA 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant 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.*

FOR FURTHER INFORMATION CONTACT: Matthew J. Buzzelli, Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329. Phone: 404–639–7000. Email: *cdcregulations@cdc.gov.*

SUPPLEMENTARY INFORMATION: On May 22, 2026, the Assistant Secretary for Health issued the following Amended Order prohibiting the introduction of certain persons who have departed from, or were otherwise present within, specified countries during the last 21 days. This Amended Order reflects recent updates to 42 CFR 71.40(f), which no longer provides an exemption for lawful permanent residents under the foreign quarantine regulations. The Amended Order is effective for a period of 30 days. CDC will accept comments for this Amended Order using the same docket (CDC–2026–0892).

A copy of the Amended Order is provided below and a copy of the signed Amended Order can be found at *https://www.cdc.gov/port-health/media/pdfs/Ebola522.pdf*

U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC)

Amended Order Under Sections 362 & 365 of the Public Health Service Act

(42 U.S.C. 265, 268) and 42 CFR 71.40

Order Suspending the Right to Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists

I. Executive Summary

The Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS), issues this Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265, 268, and their implementing regulations. This Amended Order suspends the right to introduce ''covered alien, as defined herein, into the United States for a period of thirty days, subject to the outcome of an ongoing comprehensive public health risk assessment. This Amended Order is necessary to protect the health of the United States from the serious risk posed by the introduction of Ebola disease into the United States by covered aliens based on the emergent outbreak of Ebola disease caused by the Bundibugyo virus confirmed present in Democratic Republic of the Congo (DRC) and Uganda.

This Amended Order applies to covered aliens who have departed from, or were otherwise present within, DRC, Uganda, or South Sudan during the last 21 days (regardless of their country of origin). This Amended Order is based on an assessment of the most recently available data and current conditions regarding the Ebola disease outbreak.

This Amended Order is time-limited and shall be in effect for 30 days from the date of issuance. This Amended Order is intended to address the serious risk of introduction of Ebola disease into the United States, while allowing the U.S. Government the time necessary to conduct a full assessment of the unique public health risks posed by Ebola disease, assist with implementing surveillance, diagnostic capabilities and contact tracing, and develop a comprehensive mitigation and containment strategy in consultation with other stakeholders.

This Amended Order is severable from previously issued Orders under Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265, 268, and their implementing regulations under 42 CFR part 71. Any provision of this Amended Order held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the Order issued previously to this Amendment shall remain in effect.

II. Authority, Scope, and Purpose

I issue this Amended Order pursuant to Sections 362 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 265, 268, and their implementing regulations under 42 CFR part 71,[1] which authorize the CDC Director to suspend the right to introduce [2] persons into the United States when the Director determines that the existence of a quarantinable communicable disease in a foreign country or place creates a serious danger of the introduction of such disease into the United States and the danger is so increased by the introduction of persons from

[1] Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right to Introduce and Prohibition of Introduction of Persons into United States from Designated Foreign Countries or Places for Public Health Purposes, 85 FR 56424 (Sept. 11, 2020); 42 CFR 71.40.

[2] *Suspension of the right to introduce* means to cause the temporary cessation of the effect of any law, rule, decree, order, or settlement agreement pursuant to which a person might otherwise have the right to be introduced or seek introduction into the United States. 42 CFR 71.40(b)(5).

the foreign country or place that a temporary suspension of the right of such introduction is necessary to protect public health.

This Amended Order applies to persons who have departed from, or were otherwise present within, Democratic Republic of Congo, Uganda, and South Sudan during the last 21 days (regardless of their country of origin), including lawful permanent residents, subject to the exceptions detailed below. For purposes of this Order, I refer to persons covered by the Amended Order as ''covered aliens.''

This Order does *not* apply to the following:

- U.S. citizens and U.S. nationals; [3]
- Members of the armed forces of the United States and associated personnel, U.S. government personnel serving overseas, associated personnel, and their spouses and children, subject to required assurances; [4]
- Persons whom customs officers determine, with approval from a supervisor, should be excepted from this Amended Order based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests. The U.S. Department of Homeland Security (DHS) will consult with CDC regarding the standards for such exceptions to help ensure consistency with current CDC guidance and public health recommendations; and
- Noncitizens who would otherwise be subject to this Amended Order, who are permitted to enter the United States as part of a DHS-approved process, where the process approved by DHS has been documented and shared with CDC, and includes appropriate mitigation protocols, per CDC guidance.

The purpose of this Amended Order is two-fold. First, this Amended Order aims to immediately minimize the number of covered aliens entering the United States who have been within countries experiencing a known or suspected outbreak of Ebola disease and thereby reduce the risk of introduction of Ebola disease into the United States. Second, this Amended Order is intended to facilitate a thorough assessment and complete understanding of the full public health risk profile associated with the Ebola disease outbreak. Thirty days is the minimum amount of time necessary for CDC to conduct the assessment, which will enable the acting CDC Director to make an informed determination regarding what restrictions are necessary going forward and provide the opportunity for the development of a comprehensive mitigation and containment plan in consultation with other stakeholders.

III. Factual Basis

A. Ebola Disease

Viral hemorrhagic fever refers to a group of severe illnesses caused by certain viruses that damage the body's blood vessels and affect the ability of the blood to clot properly. Viral hemorrhagic fevers include diseases such as Ebola, Marburg, Lassa fever, and dengue hemorrhagic fever.

Ebola virus disease (EVD) 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. Ebola disease caused by 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 virus 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 aliens do not spread the virus until symptoms begin.

Screening for Bundibugyo virus disease focuses on identifying symptoms and possible exposure history, such as recent travel to affected areas or contact with infected aliens. 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 strain of 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.

B. Ongoing Bundibugyo Virus Disease Outbreak

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 aliens 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 aliens 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 aliens 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

[3] 42 CFR 71.40(f).

[4] 42 CFR 71.40(e)(1) and (3).

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, including regional migrants, 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.

Restricting entry of covered aliens, including lawful permanent residents, 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 and U.S. nationals. Such an approach would reduce operational strain on airport screening systems, CDC quarantine stations, public health laboratories, and healthcare facilities 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 aliens, 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.

IV. Legal Basis for This Amended Order Under Sections 362 and 365 of the Public Health Service Act and 42 CFR 71.40

CDC is issuing this Amended Order pursuant to sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268) and the implementing regulation at 42 CFR 71.40. In accordance with these authorities, the CDC Director is permitted to prohibit, in whole or in part, the introduction into the United States of persons from designated foreign countries (or one or more political subdivisions or regions thereof) or places, only for such period of time that the Director deems necessary to avert the serious danger of the introduction of a quarantinable communicable disease, by issuing an Order in which the Director determines that:

(1) By reason of the existence of any quarantinable communicable disease in a foreign country (or one or more political subdivisions or regions thereof) or place there is serious danger of the introduction of such quarantinable communicable disease into the United States; and

(2) This danger is so increased by the introduction of persons from such country (or one or more political subdivisions or regions thereof) or place that a suspension of the right to introduce such persons into the United States is required in the interest of public health.[5]

Section 362 and the implementing regulation provide the Director with a public health tool to suspend introduction of persons not only to prevent the introduction of a quarantinable communicable disease, but also to aide in continued efforts to mitigate spread of that disease.[6]

The term ''introduction into the United States'' is defined in 42 CFR 71.40 as ''the movement of a person from a foreign country (or one or more political subdivisions or regions thereof) or place, or series of foreign countries or places, into the United States so as to bring the person into contact with persons or property in the United States, in a manner that the Director determines to present a risk of transmission of a quarantinable communicable disease to persons, or a risk of contamination of property with a quarantinable communicable disease.'' 42 CFR 71.40(b)(1). Similarly, the term ''serious danger of the introduction of such quarantinable communicable disease into the United States'' is defined as, ''the probable introduction of one or more persons capable of transmitting the quarantinable communicable disease into the United States, even if persons or property in the United States are already infected or contaminated with the quarantinable communicable disease.'' 42 CFR 71.40(b)(3).

Section 71.40(b)(2) defines ''[p]rohibit, in whole or in part, the introduction into the United States of persons'' in Section 362 to mean ''to prevent the introduction of persons into the United States by suspending any right to introduce into the United States, physically stopping or restricting movement into the United States.'' *See also* 42 U.S.C. 265 (authorizing the prohibition when the danger posed by the communicable disease ''is so increased by the introduction of persons from such country . . . or place that a suspension of the right to introduce such persons into the United States is required in the interest of public health Pursuant to that provision'').[7]

As stated in the Final Rule for 42 CFR 71.40, CDC ''may, in its discretion, consider a wide array of facts and circumstances when determining what is required in the interest of public health in a particular situation . . . includ[ing]: the overall number of cases of disease; any large increase in the number of cases over a short period of time; the geographic distribution of cases; any sustained (generational) transmission; the method of disease transmission; morbidity and mortality associated with the disease; the effectiveness of contact tracing; the adequacy of state and local health care systems; and the effectiveness of state and local public health systems and control measures.'' [8]

As stated in 42 CFR 71.40, this Amended Order does not apply to U.S. citizens, U.S. nationals, members of the armed forces of the United States and associated personnel if the Secretary of War provides assurance to the Director that the Secretary of War has taken or will take measures such as quarantine or isolation, or other measures maintaining control over such aliens, to prevent the risk of transmission of the quarantinable communicable disease into the United States, and United States government employees or contractors on orders abroad, or their accompanying family members who are on their orders or are members of their household, if the Director receives assurances from the relevant head of agency and determines that the head of the agency or department has taken or will take measures such as quarantine or isolation, to prevent the risk of transmission of a quarantinable communicable disease into the United States.[9]

In addition, this Amended Order does not apply to additional classes of persons excepted by the CDC Director. Creating exceptions in the Amended Order is consistent with Section 362 and 42 CFR 71.40. Section 362 explicitly states that the prohibition of introduction into the United States may be ''in whole or in part.'' This phrase is also included in section 71.40(a) and, as explained in the Final Rule, is intended to allow the Director to narrowly tailor the use of the authority to what is required in the interest of public health.[10] Pursuant to this capability, CDC is therefore excepting certain categories of persons, as described herein.

This Amended Order will be in effect for 30 days to avert the serious danger of the introduction, transmission, and spread of Ebola disease into the United States. Finally, as directed by 42 CFR 71.40(c), the Amended Order sets out the following:

(1) The foreign countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons is being prohibited;

(2) The period of time or circumstances under which the introduction of any persons

[5] 42 U.S.C. 265; 42 CFR 71.40.

[6] 85 FR 56424 at 56425–26.

[7] Viral hemorrhagic fevers, which include Ebola, were added to the U.S. federal list of quarantinable communicable diseases by Executive Order 13295 on April 4, 2003.

[8] *Id.* at 56444.

[9] 42 CFR 71.40(e) and (f).

[10] 85 FR 56424 at 56444.

or class of persons into the United States is being prohibited;

(3) The conditions under which that prohibition on introduction will be effective, in whole or in part, including any relevant exceptions that the Director determines are appropriate;

(4) The means by which the prohibition will be implemented; and

(5) The serious danger posed by the introduction of the quarantinable communicable disease in the foreign country or countries (or one or more political subdivisions or regions thereof) or places from which the introduction of persons is being prohibited.

V. Determination and Implementation

Based on the foregoing, I hereby determine that Ebola disease, a highly transmissible quarantinable communicable disease, is confirmed present in the DRC and Uganda. There is a material risk that the outbreak will spread to South Sudan. I also determine that the prevalence of Ebola disease in these foreign countries constitutes a serious danger of the introduction of this disease into the United States due to the limited screening and testing and mitigation measures currently available. Finally, I determine that a temporary 30-day suspension of the right to introduce covered aliens is necessary to protect the public health from the serious danger of the introduction of Ebola disease into the United States, pending completion of a thorough public health assessment of the unique public health risk profile posed by Ebola disease and the development of a comprehensive mitigation and containment strategy in consultation with other stakeholders.

I consulted with the Department of State, DHS, and other federal departments as needed before I issued this Amended Order and requested that DHS aid in the enforcement of this Amended Order because CDC does not have the capability, resources, or personnel needed to do so.[11] As part of the consultation, DHS developed operational plans for implementing this Amended Order. These plans are consistent with the language of this Amended Order.

Although this Amended Order is not a rule subject to notice and comment under the Administrative Procedure Act (APA) and is issued with immediate effect, in order to ensure that the forthcoming public health risk assessment is informed by public input, the Order is being issued with a simultaneous 30-day comment period.

* * * * *

In testimony whereof, the Assistant Secretary for Health, U.S. Department of Health and Human Services, has hereunto set his hand at Birmingham, AL this 22nd day of May, 2026.

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data so that the public can provide input that may inform the forthcoming public health risk assessment and whether any subsequent exercise of this authority is necessary.

Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. Do not submit comments by email. CDC does not accept comment by email.

Authority

The authority for these orders is Sections 362 and 365 of the Public Health Service Act (42 U.S.C. 265, 268), as amended.

Brian Christine,

Assistant Secretary for Health (ASH) and Head of the United States Public Health Service (USPHS) Commissioned Corps, Department of Health and Human Services.

[FR Doc. 2026–10701 Filed 5–27–26; 8:45 am]

BILLING CODE 4163–18–P

[11] 42 U.S.C. 268; 42 CFR 71.40(d).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–1957]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by June 29, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Social Security Office (SSO) Report of State Buy-in Problems; *Use:* A State may enter into an agreement to provide Medicare protection to individuals who are members of a Buy-in coverage group, as specified in the State's Buy-in agreement. When problems arise that cannot be resolved through the normal data exchange process, clerical actions are required. This collection is intended to help identify and resolve beneficiary complaints and inquiries regarding State Buy-in eligibility. *Form Number:* CMS–1957 (OMB control number: 0938–0035); *Frequency:* On occasion; *Affected Public:* Individuals and households; *Number of Respondents:* 1,400; *Total Annual Responses:* 1,400; *Total Annual Hours:* 467. (For policy questions regarding this collection contact Keith Johnson at 410–786–1148.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–10777 Filed 5–28–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2001–D–0197]

Statistical Approaches To Establishing Bioequivalence; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Statistical Approaches to Establishing Bioequivalence.'' This guidance provides recommendations to sponsors and applicants planning to use equivalence criteria in analyzing bioequivalence (BE) studies for investigational new drug applications (INDs), new drug applications (NDAs), abbreviated new drug applications (ANDAs), and amendments and supplements to these applications. The guidance discusses statistical approaches for BE comparisons and focuses on how to use these approaches both generally and in specific situations. This guidance finalizes the draft guidance of the same title issued on December 5, 2022, and replaces the guidance of the same title issued on February 2, 2001.

DATES: The announcement of the guidance is published in the **Federal Register** on May 29, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2001–D–0197 for ''Statistical Approaches to Establishing Bioequivalence.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: David Coppersmith, Center for Drug Evaluation and Research, Food and

Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1666, Silver Spring, MD 20993–0002, 301–796–9193, *David.Coppersmith@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Statistical Approaches to Establishing Bioequivalence.'' This guidance provides recommendations to sponsors and applicants planning to use equivalence criteria in analyzing in vivo or in vitro BE studies for INDs, NDAs, ANDAs, and amendments and supplements to these applications. The guidance discusses statistical approaches for BE comparisons and focuses on how to use these approaches both generally and in specific situations.

These specific situations include statistical methods for narrow therapeutic index drugs and highly variable drugs; recommendations for missing data and outlier detection; and a discussion of statistical methods regarding assessment of in vitro BE, including population BE and statistical approaches for in vitro release tests, in vitro permeation tests, and in vitro abuse-deterrent formulation comparative studies.

This guidance finalizes the draft guidance entitled ''Statistical Approaches to Establishing Bioequivalence'' issued on December 5, 2022 (87 FR 74426) and replaces the guidance entitled ''Statistical Approaches to Establishing Bioequivalence'' issued on February 2, 2001 (66 FR 8805). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include updates to provide clarifying information on estimands and intercurrent events, sample size determinations, and outlier data. The final guidance incorporates additional information on statistical analysis using population BE and statistical analysis using modified population BE, which was previously included in product-specific guidances. The final guidance also incorporates additional information on the statistical analysis for the reference scaled average BE for narrow therapeutic index drugs and highly variable drugs, which was previously included in the draft guidance for industry entitled ''Bioequivalence Studies With Pharmacokinetic Endpoints for Drugs Submitted Under an ANDA'' issued on August 23, 2021 (FDA issued a final guidance for industry of the same title concurrently with this guidance). In addition, editorial changes were made to improve clarity.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Statistical Approaches to Establishing Bioequivalence.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

FDA considered the applicability of Executive Order 14192, per OMB guidance in M–25–20, and finds this action to be neither regulatory nor deregulatory.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 relating to the submission of INDs and bioavailability/BE (BA/BE) studies or pharmacogenomic data and the collections of information in part 320 for ''Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans'' have been approved under OMB control numbers 0910–0014 and 0910–0291. The collections of information in 21 CFR part 314 relating to the submission of NDAs, ANDAs, and supplemental applications and applicable BA/BE requirements have been approved under OMB control number 0910–0001. The collections of information that support Good Laboratory Practice for Non-Clinical Laboratory Studies have been approved under OMB control number 0910–0119. The recordkeeping requirement for current good manufacturing practices sample retention in 21 CFR 211.170 has been approved under OMB control number 0910–0139. The collections of information under the administrative practices and procedures for petitions, hearings, and other administrative proceedings and activities conducted by the FDA under 21 CFR part 10 and 12 are approved under OMB control number 0910–0191. The collections of information for the submission of controlled correspondence, and for meetings pertaining to ANDA approval are approved under OMB control number 0910–0727. The collections of information relating to good clinical practice have been approved under OMB control number 0910–0014.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10705 Filed 5–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1464]

Bioequivalence Studies With Pharmacokinetic Endpoints for Drugs Submitted Under an Abbreviated New Drug Application; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Bioequivalence Studies With Pharmacokinetic Endpoints for Drugs Submitted Under an ANDA.'' This guidance provides recommendations to applicants planning to include bioequivalence (BE) information in abbreviated new drug applications (ANDAs), ANDA amendments, and ANDA supplements. In addition, this guidance describes how to meet the BE requirements set forth in the Federal Food, Drug, and Cosmetic Act (FD&C Act) and FDA regulations. This guidance finalizes the draft guidance for industry of the same title issued on August 23, 2021.

DATES: The announcement of the guidance is published in the **Federal Register** on May 29, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2013–D–1464 for ''Bioequivalence Studies With Pharmacokinetic Endpoints for Drugs Submitted Under an ANDA.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: David Coppersmith, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1666, Silver Spring, MD 20903, 301–796–9193, *David.Coppersmith@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Bioequivalence Studies With Pharmacokinetic Endpoints for Drugs Submitted Under an ANDA.'' This guidance provides recommendations to applicants planning to include BE information in ANDAs, ANDA amendments, and ANDA supplements. In addition, this guidance describes how to meet the BE requirements set forth in the FD&C Act and FDA regulations. This guidance is applicable to immediate-release and modified-release oral dosage forms. It is also applicable to non-orally administered drug products in which reliance on systemic exposure measures is suitable for establishing BE (*e.g.,* transdermal delivery systems and certain rectal and nasal drug products). This guidance will also be useful to applicants planning BE studies intended to be conducted during the postapproval period for changes to a drug product approved under an ANDA.

This guidance finalizes the draft guidance for industry of the same title issued on August 23, 2021 (86 FR 47117). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include: (1) updates to align the recommendations in the guidance with the recommendations in the guidance for industry entitled ''M13A Bioequivalence for Immediate-Release Solid Oral Dosage Forms'' issued on October 31, 2024, (2) clarifications about study population and study design, (3) updates to in vitro dissolution testing information, and (4) removal of the appendices on the statistical analysis for the reference scaled average BE for narrow therapeutic index drugs and highly variable drugs, which were incorporated into the guidance for industry entitled ''Statistical Approaches to Establishing Bioequivalence'' issued concurrently with this guidance. In addition, editorial changes were made to improve clarity.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Bioequivalence Studies With Pharmacokinetic Endpoints for Drugs Submitted Under an ANDA.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

FDA considered the applicability of Executive Order 14192, per OMB guidance in M–25–20, and finds this action to be neither regulatory nor deregulatory.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR parts 50 and 56 relating to the protection of human subjects and investigational review boards have been approved under OMB control number 0910–0130. The collections of information in 21 CFR 201.56 and 201.57 for the Requirements on Content and Format of Labeling for Human Prescription Drug and Biological Products have been approved under OMB control number 0910–0572. The collections of information in 21 CFR part 312 relating to the submission of investigational new drug applications and bioavailability/BE (BA/BE) studies or pharmacogenomic data and the collections of information in part 320 for drug safety reporting have been approved under OMB control numbers 0910–0014 and 0910–0291. The collections of information under 21 CFR part 312.145 pertaining to good clinical practice have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 relating to the submission of new drug applications, ANDAs, and supplemental applications and applicable BA/BE requirements have been approved under OMB control number 0910–0001. The collections of information under the administrative practices and procedures for petitions, hearings, and other administrative proceedings and activities conducted by the FDA under *21 CFR part 10 and 12* are approved under OMB control number 0910–0191. The collections of information for the submission of controlled correspondence, and for meetings pertaining to ANDA approval are approved under OMB control number 0910–0727. The collections of information pertaining to Good Laboratory Practice Regulations have been approved under OMB control number 0910–0119.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10703 Filed 5–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–5057]

Patient-Focused Drug Development for Nonhealing Chronic Wounds; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public meeting entitled ''Patient-Focused Drug Development for Nonhealing Chronic Wounds.'' The purpose of the public meeting is to obtain patient perspectives about the impact of nonhealing chronic wounds on daily life, patient views on treatment approaches, factors to consider when selecting a treatment, and what they consider when determining whether to participate in a clinical trial.

DATES: The hybrid public meeting will be held on August 25, 2026, from 10:00 a.m. to 4:30 p.m., Eastern Time and will take place in person and virtually. Either electronic or written comments on this public meeting must be submitted by October 26, 2026. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The hybrid public meeting will be held in person at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room, Silver Spring, MD 20993–0002, and virtually via a live webcast. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/about-fda/visitor-information.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m., Eastern Time at the end of October 26, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–N–5057 for ''Patient-Focused Drug Development for Nonhealing Chronic Wounds; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential

information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Ethan Gabbour, Center for Drug Evaluation and Research, Food and Drug Administration, 301–796–8112, *Ethan.Gabbour@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This meeting will provide FDA and other key stakeholders, including medical product developers, health care providers, and federal partners, the opportunity to hear directly from patients, patient representatives, and care partners about their experiences with nonhealing chronic wounds, including how the wounds and associated wound care affect their daily lives, what matters most to them, their current approaches to managing or treating their nonhealing chronic wounds, and what they consider when determining whether to participate in a clinical trial. Chronic wounds are defined as wounds that have failed to proceed through an orderly and timely series of events to produce a functional, durable, and cosmetic closure. When standard of care has been applied to a wound with failure to progress towards healing within 4 weeks, that wound is generally considered chronic. These wounds most commonly occur on the feet and lower legs. They are more prevalent in individuals with underlying conditions such as diabetes, malnutrition, connective tissue diseases, poor circulation, or compromised immune systems. They can cause lasting pain, sleep difficulties, limited movement, and depression. Existing management of wounds primarily consists of wound dressings and medical devices that target the body's natural healing process. However, the exact management or treatment protocol is based on the type of wound and its underlying cause.

For each topic, a brief discussion by a patient panel will begin the dialogue. This discussion will be followed by a facilitated discussion inviting comments from patients, patient representatives, and care partners.

In addition to input generated through this public meeting, FDA is interested in receiving patient and patient representative input through written comments, which can be submitted to the public docket (see **ADDRESSES**). When submitting comments, if you are commenting on behalf of a patient, please indicate that you are doing so, and answer the questions as much as possible from the patient perspective.

FDA will post the agenda and other meeting materials approximately 5 days before the meeting at: *https://www.fda.gov/drugs/news-events-human-drugs/fda-public-meeting-fda-led-patient-focused-drug-development-meeting-nonhealing-chronic-wounds.*

II. Topics for Discussion at the Public Meeting

On August 25, 2026, FDA will conduct a public meeting entitled ''Patient-Focused Drug Development for Nonhealing Chronic Wounds.'' FDA is interested in obtaining patient and care partner perspectives on the impact of nonhealing chronic wounds on daily life, on approaches to treat such wounds, and on considerations for clinical trial participation.

III. Participating in the Public Meeting

Registration: To register for the public meeting, please visit the following website: *https://www.fda.gov/drugs/news-events-human-drugs/fda-public-meeting-fda-led-patient-focused-drug-development-meeting-nonhealing-chronic-wounds.* Please indicate either in-person or virtual attendance, and provide complete contact information for each attendee, including name, affiliation, and email.

Registration is free for both in-person and virtual attendance. In-person attendance is based on space availability, with priority given to early registrants. Persons interested in attending this public meeting in person must register by August 23, 2026, 11:59 p.m., Eastern Time. Virtual attendees can register and join at any time through the conclusion of the meeting. Early registration for in-person attendance is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted. If time and space permit, onsite registration on the day of the public meeting will be provided beginning at 10:00 a.m. We will let registrants know if registration closes before the day of the public meeting.

If you need special accommodations due to a disability, please contact *Ethan.Gabbour@fda.hhs.gov* no later than August 18, 2026. Please note that closed captioning will be available for online attendees.

Streaming Webcast of the Public Meeting: This public meeting will also be webcast. Please register for the webcast by visiting *https://www.fda.gov/drugs/news-events-human-drugs/fda-public-meeting-fda-led-patient-focused-drug-development-meeting-nonhealing-chronic-wounds.* This webcast can also be accessed via: *https://www.zoomgov.com/j/1657415115?pwd=9aZFuJFfpDVCQ99WWLjoByKzYDwBRS.1.*

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/drugs/news-events-human-drugs/fda-public-meeting-fda-led-patient-focused-drug-development-meeting-nonhealing-chronic-wounds.*

Notice of this meeting is given pursuant to 21 CFR 10.65.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10752 Filed 5–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–4599]

Content of Human Factors Information in Medical Device Marketing Submissions; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance titled ''Content of Human Factors Information in Medical Device Marketing Submissions.'' This guidance provides a risk-based framework to guide manufacturers and FDA staff on the human factors information that should be included in a marketing submission to the Center for Devices and Radiological Health (CDRH) to facilitate the efficiency of the FDA review process.

DATES: The announcement of the guidance is published in the **Federal Register** on May 29, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2015–D–4599 for ''Content of Human Factors Information in Medical Device Marketing Submissions.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document titled ''Content of Human Factors Information in Medical Device Marketing Submissions'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Erica Takai, Center for Devices and Radiological Health, Food and Drug Administration, 301–796–6353.

SUPPLEMENTARY INFORMATION:

I. Background

An important consideration for medical devices is the critical impact the device user interface design has on the safe and effective use of the device. Manufacturers routinely perform human factors assessments of the device user interface during device development. The purpose of this guidance is to provide a risk-based framework to guide manufacturers and FDA staff on the human factors information that should be included in a marketing submission to CDRH to facilitate the efficiency of the FDA review process.

On February 3, 2016, FDA announced in the **Federal Register** a draft guidance titled ''List of Highest Priority Devices for Human Factors Review'' (81 FR 5756). FDA issued a revised draft guidance on December 9, 2022, titled ''Content of Human Factors Information in Medical Device Marketing Submissions,'' after considering stakeholder feedback on the draft guidance that issued February 3, 2016. Accordingly, the ''Content of Human Factors Information in Medical Device Marketing Submissions'' draft guidance replaced the ''List of Highest Priority Devices for Human Factors Review'' draft guidance. The revised draft guidance provided FDA's risk-based draft policy regarding submission of human factors information for the

purposes of premarket review in response to stakeholder feedback.

This final guidance is intended to be used to complement the FDA guidance ''Applying Human Factors and Usability Engineering to Medical Devices'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/applying-human-factors-and-usability-engineering-medical-devices*).

FDA recognizes and anticipates that the Agency and industry may need a minimum of 60 days to perform activities to operationalize the policies within this guidance. For regulatory submissions that are currently pending with FDA after publication of the guidance, as well as those submissions received before August 1, 2026, FDA generally does not anticipate that manufacturers will be ready to include the newly recommended information outlined in the guidance in their submission. FDA, however, intends to review any such information if submitted at any time.

A notice of availability of the draft guidance appeared in the **Federal Register** of December 9, 2022 (87 FR 75635). FDA considered comments received and revised the guidance as appropriate in response to the comments, including additional risk-based factors to consider when determining the Human Factors Submission Category, new illustrative examples and Appendices, and clarifications to the scope of the guidance.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on Content of Human Factors Information in Medical Device Marketing Submissions. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all CDRH guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov, https://www.fda.gov/regulatory-information/search-fda-guidance-documents.* Persons unable to download an electronic copy of ''Content of Human Factors Information in Medical Device Marketing Submissions'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number GUI01500052 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Use Devices; Humanitarian Device Exemption	0910–0332
860, subpart D	De Novo classification process	0910–0844
''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program''.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices	0910–0756
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality Management System Regulation (QMSR).	0910–0073

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10734 Filed 5–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–0008]

Advisory Committee; Psychopharmacologic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Psychopharmacologic Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Psychopharmacologic Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the June 4, 2028, expiration date.

DATES: Authority for the Psychopharmacologic Drugs Advisory Committee will expire on June 4, 2026, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Advisory Committee Oversight & Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002, 301–796–8220, email: *ACOMSSubmissions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Psychopharmacologic Drugs Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates data concerning the safety and

effectiveness of marketed and investigational human drug products for use in the practice of psychiatry and related specialties and makes appropriate recommendations to the Commissioner of Food and Drugs.

The Committee shall consist of a core of at least 6 voting members including the Chair. Subject to legal and regulatory requirements, members and the Chair are selected by and serve at the discretion of the Commissioner or designee. Each member, including the Chair, will be selected from among authorities knowledgeable in psychopharmacology, psychiatry, epidemiology, statistics, and related specialties.

Members will be invited to serve for terms of up to four years, or for less time at the discretion of the Commissioner or designee. Non-Federal members of this committee will serve either as Special Government Employees or representatives. Federal members will serve as Regular Government Employees or Ex-Officios.

In addition to the voting members, the Commissioner or designee may identify consumer and/or industry representatives to join the Committee (or serve as alternate representatives) as non-voting representative member(s), via a process consistent with legal and regulatory requirements. Individuals currently employed at FDA-regulated companies, such as pharmaceutical and medical device manufacturers, shall not be selected to serve as members of the Committee unless this Committee is expected to address issues for which inclusion of an industry representative is required by statute. If this Committee includes an industry representative, the Commissioner or designee will determine whether to invite them to participate in meetings on a case-by-case basis, according to applicable legal and regulatory requirements.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees to serve temporarily as voting members and to designate consultants to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking.

A quorum for the Committee is a majority of the current voting members present at the time, provided that FDA may specify a quorum that is less than a majority of the current voting members because of the size of the Committee and the variety in the types of issues that it will consider, or other reason determined appropriate in accordance with legal and regulatory requirements. 21 CFR 14.22(d).

If functioning as a medical device panel, an additional non-voting representative member of consumer interests and an additional non-voting representative member of industry interests will be included in addition to the voting members.

Members appointed to an advisory committee serve for the duration of the committee, or until their terms expire, they resign, or they are removed from membership by the Commissioner or designee. Committee members' terms may be ended prior to their date of expiration, for reasons determined to be good cause. Good cause includes excessive absenteeism from committee meetings, a demonstrated bias that interferes with the ability to render objective advice, failure to abide by established procedures, or violation of other applicable rules and regulations.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/human-drug-advisory-committees/psychopharmacologic-drugs-advisory-committee* or by contacting the Advisory Committee Oversight and Management Staff (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

Renewal Requirements and Justification: The Commissioner has determined that renewal of the Psychopharmacologic Drugs Advisory Committee is in the public interest. This determination is based on the Committee's essential role in providing independent expert advice on drug products for psychiatric indications for which the Food and Drug Administration has regulatory responsibility, the continued need for specialized expertise in this therapeutic area, and the Committee's demonstrated value in supporting FDA's regulatory mission. The following information supports this determination in accordance with applicable legal and regulatory requirements.

Public Interest Determination

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget.

The overall budget for this committee is $89,984.

a. Federal personnel on a full-time equivalent (FTE) basis:

The estimated person years of Federal staff support required is 0.25, at an estimated annual cost of $51,384.

b. Other Federal internal costs:

The anticipated total value in dollars of other internal costs, such as costs associated with IT and supplies for meetings, is $20,396.

c. Proposed payments to members:

The estimated annual payment to members is $4,466.

d. Proposed number of members:

The anticipated number of members is six.

e. Reimbursable cost:

The estimated annual reimbursable costs, including travel and related expenses for members, is $6,456.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year N/A.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

Ensuring Necessary Expertise: Members must have background, education, and experience commensurate with the committee's function of advising FDA on the existing and relevant evidence of benefits and risks of marketed and investigational human drug products for use in the practice of psychiatry and related specialties. Scientific and technical competence is critical. Nominees should be acknowledged experts with demonstrated skills in critical evaluation of data and effective communication. As outlined in the committee charter, the membership should include authorities knowledgeable in the fields of

psychopharmacology, psychiatry, epidemiology, statistics, and related specialties, as well as needed consumer and industry representation. FDA also follows the requirements in section 505(n)(3) regarding membership of drug product advisory committees. (21 U.S.C. 355(n)(3)).

Ensuring Fair Balance: Appointments are made without discrimination. The committee is reviewed in totality for balance, characterized by inclusion of necessary knowledge, insight, and scientific perspective from the relevant community or expertise area. Nominations are sought from all geographic locations within the United States and its territories, and from diverse sources including professional and scientific societies, academia, government agencies, industry and trade associations, consumer and patient organizations, and current Agency staff.

4. List of all other Federal advisory committees of the agency:

FDA maintains the following Federal advisory committees:

- Anesthetic and Analgesic Drug Products Advisory Committee
- Antimicrobial Drugs Advisory Committee
- Blood Products Advisory Committee
- Cardiovascular and Renal Drugs Advisory Committee
- Cellular Tissue and Gene Therapies Advisory Committee
- Dermatologic and Ophthalmic Drugs Advisory Committee
- Device Good Manufacturing Practice Advisory Committee
- Digital Health Advisory Committee
- Drug Safety and Risk Management Advisory Committee
- Endocrinologic and Metabolic Drugs Advisory Committee
- Gastrointestinal Drugs Advisory Committee
- Genetic and Metabolic Disease Advisory Committee
- Medical Devices Advisory Committee
- National Mammography Quality Assurance Advisory Committee (Administratively Inactive)
- Nonprescription Drugs Advisory Committee
- Obstetrics Reproductive and Urologic Drugs Advisory Committee
- Oncologic Drugs Advisory Committee
- Patient Engagement Advisory Committee
- Pediatrics Advisory Committee
- Peripheral and Central Nervous System Advisory Committee
- Pharmacy Compounding Advisory Committee
- Pulmonary-Allergy Drugs Advisory Committee
- Risk Communication Advisory Committee (Administratively Inactive)
- Science Board to the Food and Drug Administration
- Technical Electronic Product Radiation Safety Standards Committee
- Tobacco Products Scientific Advisory Committee

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source:

The Committee advises and informs the Commissioner or designee(s) about the existing and relevant evidence of benefits and risks of marketed and investigational human drug products for use in the practice of psychiatry and related specialties.

The topics considered by the Psychopharmacologic Drugs Advisory Committee require specialized expertise in the practice of psychiatry and related specialties that is not within the primary scope of other FDA advisory committees. As such, these issues cannot be appropriately addressed by another standing committee without diminishing the depth and relevance of the expert input provided to the Agency.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:

Summary of Previous Accomplishments: The Psychopharmacologic Drugs Advisory Committee serves the public interest by ensuring that patients with psychiatric conditions have access to safe and effective treatments through informed regulatory decision-making.

In 2024, the committee met jointly with the Drug Safety and Risk Management Advisory Committee and discussed the reevaluation of the Clozapine Risk Evaluation and Mitigation Strategy (REMS) and possible changes to minimize burden on patients, pharmacies, and prescribers while maintaining safe use of clozapine. The issues the Committees discussed included whether clozapine healthcare providers have sufficient knowledge and access to resources about the risk of neutropenia and need for absolute neutrophil count (ANC) monitoring, and whether ANC monitoring would be performed without the requirements of the REMS.

Impact: The committee's recommendations informed the FDA's decision to no longer expect prescribers, pharmacies, and patients to participate in the REMS program for clozapine or to report results of absolute neutrophil count (ANC) blood tests before pharmacies dispense clozapine.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business:

The Committee plays a critical role in enabling FDA to meet the requirements of section 505(n)(1) and (s)(1) of the Federal Food, Drug, and Cosmetic Act by providing expert scientific advice and recommendations. The Psychopharmacologic Drugs Advisory Committee is the only FDA advisory committee that provides specialized expertise in the practice of psychiatry and related fields. Without the Psychopharmacologic Drugs Advisory Committee, FDA's ability to obtain external input on issues related to the approval and regulation of drug products for psychiatric indications would be significantly limited.

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

This notice is issued under the Federal Advisory Committee Act as amended (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–10674 Filed 5–28–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Mental Health Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Mental Health Council.

Date: June 22, 2026.

Closed: 9:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Open: 11:00 a.m. to 1:45 p.m.

Agenda: Presentation of the NIMH Director's report, discussion of NIMH programs, and concept clearances.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Closed: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Address: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: Virtual Meeting.

Contact Person: Elizabeth S Church, Ph.D., Acting Director, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Boulevard, Bethesda, MD 20892. (301) 496–4000 *elizabeth.church@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nimh.nih.gov/about/advisory-boards-and-groups/namhc/index.shtml.,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 26, 2026,

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–10679 Filed 5–28–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–0361.

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Extension to the Currently Approved 0930–0395 0930–0395 Generic Clearance for Grant Program Monitoring Activities

The Substance Abuse and Mental Health Services Administration (SAMHSA) is requesting approval from the Office of Management and Budget (OMB) for an extension of the generic information collection request (ICR) entitled Generic Clearance for Grant Program Monitoring Activities currently approved under the OMB number 0930–0395. This generic ICR allows SAMHSA to collect standardized information from its grant recipients necessary to perform agency program oversight activities such as monitoring progress on recipient activities and determining and responding to recipient's training and technical assistance (T/TA) needs. SAMHSA currently manages grant programs that provide prevention, treatment, recovery support services, and T/TA for substance use treatment and mental health providers along the continuum of care including prevention, harm reduction, treatment, and recovery. To carry out OMB Circular A–102 [1] and 2 CFR part 215.51,[2] SAMHSA must collect grant program information necessary to ensure compliance with federal and programmatic requirements.

SAMHSA's grant recipients are currently required to submit various types of performance reports in accordance with their individual program requirements. For example, recipients often submit bi-annual progress reports as one form of information collection.

When required, performance reports shall generally contain, for each award, brief information on each of the following:

—Update on the status of key personnel required by the grant and staffing levels proposed by the recipient.
—Annual number of clients served, or individuals trained compared to the proposed/planned and the actual clients served/individuals trained.
—Comparison of actual progress and accomplishments with the goals and objectives established for the period.
—Obstacles and next steps for achieving established goals that were not met, if appropriate.
—Success stories of positive outcomes of clients served or impact of the program on the community.
—Other pertinent information including, when appropriate, program specific questions that reflect statutory requirements, the agency's strategic priorities, and/or program's policy goals.
—Information previously requested in a grant Notice of Funding Opportunities (NOFO).

SAMHSA program offices have ever-evolving monitoring needs, dependent on both internal and external factors, such as, but not limited to current grant recipient activities and needs; uses of federal funds; changes to aspects of programs based on statutory authority, federal regulations or policy, and/or Congressional appropriations; availability of program office funds for site visits (desk monitoring); matters of importance related to national health and safety needs of the public, or other events that lead to program changes. There are times when standardized collections of quantitative and qualitative information allows for program offices the ability to monitor recipient activities and needs.

A generic clearance would provide SAMHSA's program offices the

[1] Circular A–102: Grants and Cooperative Agreements with State and Local Governments.

[2] 2 CFR part 215.51: *https://www.govinfo.gov/content/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-subtitleA.pdf.*

flexibility to create and use tailored information collection templates based on current program reporting requirements. This is important to allow for SAMHSA's:

—Monitoring of compliance with federal practice, guidelines, and requirements,

—Oversight of the implementation of the scope of the grant activities with the grant recipients' proposed project,

—Assessment of the efficiency and efficacy of recipient activities,

—Quick understanding of and remediation to national, regional, and/or site-specific issues,

—Provision of additional support and technical assistance, as needed,

—Documentation of promising practices, innovative services, and program strengths, and

—Flexible and responsive oversight of federal funds.

Type of respondent	Number of respondents	Responses per respondent	Total responses	Hours per response	Total annual burden hours	Hourly wage cost	Total hour cost
Progress Report Template (Annual)	4,000	1	4,000	8	32,000	[3] $30	$960,000
Progress Report (Interim)	2,500	2	5,000	6	30,000	30	900,000
Grant Closeouts	1,000	1	1,000	10	10,000	30	300,000
Site Visit Report Template	4,000	1	4,000	6	24,000	30	720,000
Other	4,000	1	4,000	6	24,000	30	720,000
Total	20,000		28,000		180,000		3,600,000

Send comments to SAMHSA Reports Clearance Officer, 5600 Fisher Lane, Room 15E57A, Rockville, MD 20852 *OR* email a copy at *samhsapra@samhsa.hhs.gov.* Written comments should be received by July 28, 2026.

Alicia Broadus,

Public Health Advisor.

[FR Doc. 2026–10723 Filed 5–28–26; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2026–0048]

Availability of Report ''Monetizing the Benefits of Avoided Oil Spills in the Maritime Environment''

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of a report titled ''Monetizing the Benefits of Avoided Oil Spills in the Maritime Environment''. This report was written to update the value of avoided oil spills used by the Coast Guard in regulatory analyses. The Coast Guard requests public comments on the report.

DATES: Comments must be submitted to the online docket via *https://www.regulations.gov* on or before July 28, 2026.

ADDRESSES: You may submit comments identified by docket number USCG–2026–0048 at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document contact Chris Lauer, Coast Guard; email: *Christopher.j.lauer@uscg.mil;* phone: (206) 827–4319.

SUPPLEMENTARY INFORMATION:

Public Participation and Comments

We encourage you to submit comments or related material on the data, methods and values presented in the report. We will consider all submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice, 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 *http://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2026–0048 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 your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in docket. To view documents mentioned in this notice as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions 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 in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Discussion

The Coast Guard is making available a report titled ''Monetizing the Benefits of Avoided Oil Spills in the Maritime Environment'' prepared by Industrial Economics Inc. This report was written to update the value of avoided oil spills used by the Coast Guard in regulatory analysis. Coast Guard has been using an avoided cost approach to value prevented oil spills in its regulatory analyses. The estimated cost which had been in use since 2008 was based on an average cost per gallon spilled and was developed using data about payments from the Oil Spill Liability Trust Fund that occurred from 2002–2007. Coast Guard has updated our methods for

[3] The hourly wage estimate is $30 based on the Occupational Employment and Wages, Mean Hourly Wage Rate for 21–0000 Community and Social Service Occupations = $30.31/hr. as of May 2024. (*https://www.bls.gov/oes/current/oes210000.htm*).

valuing avoided oil spills using newer, more current data and revised methods. In this report, we describe our review of available literature and datasets, our selection of a valuation method based on current best practices, and the development of recommended values. We request your comments on the data, methodology, models, and findings presented in this report. A copy of the report is available in the docket.

This notice is issued under authority of 5 U.S.C. 552.

Timothy M. Brown,

Chief, Office of Standards Evaluation and Development.

[FR Doc. 2026–10765 Filed 5–28–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2023–0928]

Shipping Safety Fairways and Associated Vessel Routing Measures Along the Atlantic Coast

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notification of public meeting.

SUMMARY: The Coast Guard will host public meetings regarding the draft Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement (draft PEIS/OEIS) for Establishing Shipping Safety Fairways and Associated Vessel Routing Measures Along the Atlantic Coast. In person meetings will be held in Bangor, Maine, Groton, Connecticut, and Salisbury, Maryland, along with two virtual meetings. We are also accepting written comments on the draft PEIS/OEIS.

DATES: Comments must be postmarked or received on or before June 22, 2026. The meetings will be held on June 9, 2026 at 5:30 p.m.; June 10, 2026 at 6 p.m.; June 11, 2026 at 5:30 p.m.; June 15, 2026 at 1 p.m.; and June 17, 2026 at 6 p.m.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0928 at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. See the ''Public Meetings'' portion of the **SUPPLEMENTARY INFORMATION** section for the addresses for each meeting. Registration is encouraged for all meetings and may be completed by visiting *https://www.zoomgov.com/meeting/register/RWmJNggKRIC_FHnOSYAxyQ.*

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Brian Mottel, Coast Guard; telephone 206–815–4657, email *David.B.Mottel2@uscg.mil.* or Maureen Kallgren, Coast Guard; telephone 571–608–5384, email *Maureen.R.Kallgren2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Comments

We encourage you to submit comments or related material on the National Environmental Policy Act (NEPA) process. We will consider all relevant submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice, indicate the specific section of the draft Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement (draft PEIS/OEIS) to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at *www.regulations.gov.* To do so, go to *www.regulations.gov,* type USCG–2023–0928 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 your material cannot be submitted using *www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Viewing material in docket. To view documents mentioned in this notice as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the Frequently Asked Questions web page, available at *www.regulations.gov/faq.* The draft PEIS/OEIS is also available for viewing at the Coast Guard Office of Environmental Management web page at *https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/Environmental-Planning-and-Historic-Preservation/.*

Personal information. We accept anonymous comments. Comments we post to *www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public Meetings

We plan to hold 5 public meetings. Registration is encouraged for all meetings and may be completed by visiting *https://www.zoomgov.com/meeting/register/RWmJNggKRIC_FHnOSYAxyQ.* The meeting information is as follows:

Tuesday, June 9, 2026

5:30 p.m. to 7:30 p.m. EDT

Bangor Public Library, Crofutt Community Room, 145 Harlow Street, Bangor, Maine 04401. The Laurence E. Crofutt Community Room is located on the first floor of the library, at the far end of the Atrium, next to the café.

Wednesday, June 10, 2026

6 p.m. to 8 p.m. EDT

Meeting Link: https://www.zoomgov.com/j/1657244954.
Meeting ID: 165 724 4954.
Phone-in: (833) 435–1820 US Toll-free; (833) 568–8864 US Toll-free.

Thursday, June 11, 2026

5:30 p.m. to 7:30 p.m. EDT

Thrive 55+ Active Living Center, 45 Fort Hill Road, Groton, Connecticut 06340.

Monday, June 15, 2026

1 p.m. to 3 p.m.

Meeting Link: *https://www.zoomgov.com/j/1659398086.*
Meeting ID: 165 939 8086.
Phone-in: (833) 435–1820 US Toll-free; (833) 568–8864 US Toll-free.

Wednesday, June 17, 2026

6 p.m. to 8 p.m. EDT

Salisbury University, Conway Hall Room 153, Route 13 (S. Salisbury Boulevard) and West College Avenue, Salisbury, Maryland 21801, Conway

Hall is also known as the Teacher Education Technical Center.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact the person named in the **FOR FURTHER INFORMATION CONTACT** section, above.

Discussion

At the meetings, the Coast Guard will provide a short presentation that summarizes the Proposed Action evaluated in the draft PEIS/OEIS. The Coast Guard will then receive oral comments from those in attendance. Attendees and those unable to attend may also submit written comments to the online docket.

Under the Proposed Action, the Coast Guard would establish vessel routing measures along the Atlantic Coast from the U.S.-Canada maritime border in the Gulf of Maine to Miami, FL, including one fairway anchorage near Delaware Bay. This Proposed Action encompasses three areas: (1) the fairways and other vessel routing measures from Long Island, New York to St. Lucie, Florida and one fairway anchorage near Delaware Bay, as proposed in the January 19, 2024 notice of proposed rulemaking (NPRM) titled ''Shipping Safety Fairways Along the Atlantic Coast'' (89 FR 3587); (2) potential fairways and other vessel routing measures in the Gulf of Maine described in the November 19, 2024 advance notice of proposed rulemaking (ANPRM) titled ''Shipping Safety Fairways in the Gulf of Maine'' (89 FR 91296); and (3) a zone that the Coast Guard may, in the future, consider establishing additional routing measures off the coasts of South Carolina, Georgia, and Florida (the ''Southeast Zone'').

The draft PEIS/OEIS also evaluates the purpose and need for the Proposed Action, potential impacts, and a reasonable range of alternatives. The draft PEIS/OEIS will inform the Coast Guard's decision-making, including any related future rulemaking actions arising from the NPRM and ANPRM referenced in the analysis (89 FR 3587; 89 FR 91296).

This notice is issued pursuant to 42 U.S.C. 4332.

Dated: May 27, 2026.

Michael D. Emerson,

Director, Marine Transportation Systems.

[FR Doc. 2026–10780 Filed 5–28–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0038]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition To Remove the Conditions on Residence

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until July 28, 2026.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0038 in the body of the letter, the agency name and Docket ID USCIS–2009–0008. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2009–0008.

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 *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2009–0008 in the search box. Comments must be submitted in English, or an English translation must be provided. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://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 *https://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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition to Remove the Conditions on Residence.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–751; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief*

abstract: Primary: Individuals or households. This petition is used by a conditional permanent resident who obtained status through marriage to a U.S. citizen or lawful permanent resident (or through his or her parent's marriage to a U.S. citizen or lawful permanent resident), to request that USCIS remove the conditions on his or her residence.

(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–751 (paper) is 78,976 and the estimated hour burden per response is 4.387 hours; the estimated total number of annual respondents for the information collection I–751 (PDFi) is 74,024 and the estimated hour burden per response is 4.387 hours; and the estimated total number of annual respondents for the information collection of Biometric processing is 306,000 and the estimated hour burden per response is 1.17 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 1,029,231 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 $19,698,750.

Dated: May 27, 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. 2026–10716 Filed 5–28–26; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2866–26; DHS Docket No. USCIS–2024–0015]

RIN 1615–ZC11

Extension of Lebanon Designation for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of extension of Temporary Protected Status (TPS) designation.

SUMMARY: The designation of Lebanon for Temporary Protected Status (TPS), which was set to expire on May 27, 2026, is automatically extended to November 27, 2026. Under the TPS statute, if the Secretary does not determine whether a foreign state continues to meet the conditions for designation for TPS at least 60 days before the expiration of the country's current TPS designation, the period of designation is automatically extended for six months. Rapidly unfolding events in Lebanon in March 2026 impacted the Department's ability to conduct a thorough review of prevailing country conditions for the Secretary's timely consideration and determination.

DATES: The six-month extension of Lebanon for TPS is effective May 28, 2026, and will remain in effect through November 27, 2026.

FOR FURTHER INFORMATION CONTACT:

- Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, (240) 721–3000.
- For more information on TPS, please visit the USCIS TPS web page at *https://www.uscis.gov/tps.*
- You can find specific information about Lebanon's TPS designation by selecting ''Lebanon'' from the menu on the left side of the TPS web page.
- If you have additional questions about TPS, please visit *https://uscis.gov/tools.*
- Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you cannot find your answers there, you may also call our USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at *https://www.uscis.gov/contactcenter.*
- You can also find more information at local USCIS offices after this notice is published.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DoS—U.S. Department of State
EAD—Employment Authorization Document
FNC—Final Non-Confirmation
Form I–131—Application for Travel Documents, Parole Documents, and Arrival/Departure Records
Form I–765—Application for Employment Authorization
Form I–797—Notice of Action (Approval Notice)
Form I–797C—Notice of Action (Receipt Notice)
Form I–821—Application for Temporary Protected Status
Form I–9—Employment Eligibility Verification
Form I–912—Request for Fee Waiver
Form I–94—Arrival/Departure Record
FR—Federal Register
Government—U.S. Government
IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section
IJ—Immigration Judge
INA—Immigration and Nationality Act
PDF—Portable Document Format
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services
U.S.C.—United States Code

Registration Information

Automatic Six-Month Extension of TPS Designation of Lebanon: Registration is not required for the automatic six-month extension of the designation of Lebanon for TPS. The automatic extension begins on May 28, 2026, and will end on November 27, 2026. The extension allows existing TPS beneficiaries to retain TPS through November 27, 2026, if they otherwise continue to meet the eligibility requirements for TPS.[1] This extension automatically extends the validity of Employment Authorization Documents (EADs) previously issued under the TPS designation of Lebanon for six months, from May 28, 2026, through November 27, 2026. Existing TPS beneficiaries who wish to apply for an EAD for the first time, or who already have an EAD and would like to obtain an updated EAD with an expiration date of November 27, 2026 on the face of the card, may submit Form I–765, Application for Employment Authorization, and the appropriate fee(s).[2] TPS remains available to otherwise qualified nationals of Lebanon (or in the case of an alien with no nationality, an alien who last habitually resided in Lebanon) who have been continuously residing in the United States since October 16, 2024, have been continuously physically present in the United States since

[1] Eligibility requirements are available on the USCIS website ''Temporary Protected Status Designated Country: Lebanon'' (*https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-lebanon*).

[2] For further details on related USCIS filing fees, including fees required under Pub. Law 119–21, Title X (July 4, 2025), see G–1055, Fee Schedule found at *https://www.uscis.gov/g-1055?form=i-765.*

November 27, 2024, and meet other eligibility criteria.[3]

Purpose of This Action

The automatic extension allows TPS beneficiaries from Lebanon to maintain TPS through November 27, 2026, so long as they continue to meet the eligibility requirements for TPS. Current TPS beneficiaries are reminded that, no later than sixty days prior to November 27, 2026, the Secretary intends to review the conditions in Lebanon and decide whether extension or termination is warranted in accordance with the TPS statute. During this period, beneficiaries are encouraged to prepare for their return to Lebanon, including requesting updated travel documents from the government of Lebanon, in the event Lebanon's TPS designation is not extended again and if they have no other lawful basis for remaining in the United States.

Through this **Federal Register** notice, DHS automatically extends the validity of EADs previously issued under the TPS designation of Lebanon for six months, from May 28, 2026, through November 27, 2026. As proof of continued employment authorization through November 27, 2026, TPS beneficiaries can show their EAD with a Category of A12 or C19 and a ''Card Expires'' date of May 27, 2026. This notice explains how TPS beneficiaries and their employers may determine if an EAD is automatically extended and how this affects the Form I–9, Employment Eligibility Verification; E-Verify; and USCIS Systematic Alien Verification for Entitlements (SAVE) processes.

Aliens who have an Application for Temporary Protected Status (Form I–821) for Lebanon or a Lebanon TPS-related Application for Employment Authorization (Form I–765) that was still pending as of May 28, 2026, do not need to file either application again. If USCIS approves an alien's pending Form I–821, USCIS will grant the alien TPS through November 27, 2026. Similarly, if USCIS approves a pending Lebanon TPS-related Form I–765, USCIS will issue the alien a new EAD that will be valid through the same date, November 27, 2026.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a foreign state designated for TPS under the Immigration and Nationality Act (INA), or to eligible aliens without nationality who last habitually resided in the designated foreign state, regardless of their country of birth.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, generally may not be removed, are authorized to work, and may obtain EADs if they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of DHS discretion.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a foreign state's TPS designation, beneficiaries return to one of the following:
  - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or terminated); or
  - Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid beyond the date TPS terminates.

When was Lebanon designated for TPS?

Lebanon was designated for Temporary Protected Status on November 27, 2024, based on a determination that Lebanon was experiencing ongoing armed conflict and extraordinary and temporary conditions that prevented the safe return of Lebanese nationals and that it was not contrary to the national interest of the United States to permit such Lebanese nationals to remain in the United States temporarily.[4]

Why is the TPS designation for Lebanon being automatically extended through November 27, 2026?

The designation of Lebanon for TPS is set to expire on May 27, 2026. At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met.[5] If the Secretary does not make a determination that a foreign state no longer meets the conditions for designation of TPS at least 60 days before the expiration of the country's current designation, the period of designation is automatically extended for six additional months (or, in the Secretary's discretion, 12 or 18 months).[6] The dynamic and quickly unfolding events in Lebanon in March 2026 impacted the Department's ability to provide a thorough review of prevailing country conditions in time for the Secretary's timely consideration. As such, neither former Secretary Noem nor Secretary Mullin, who was sworn in on March 24, 2026, made a determination on Lebanon's TPS designation by the March 28, 2026 statutory deadline.

Following U.S.-Israeli strikes in Iran, Hezbollah, reportedly under the guidance of the Islamic Revolutionary Guard, launched rockets and drones towards Israel on March 2, 2026, signaling its entry into the broader regional escalation linked to the conflict with Iran.[7] Subsequent cross-border attacks have continued.[8] On March 3, 2026, the U.S. Embassy in Beirut stated it would close indefinitely because of ongoing regional tensions.[9] On March 16, 2026, Israel's Defense Minister announced that the Israeli Defense Forces had initiated a ground operation.[10] On March 24, 2026, Israel's Defense Minister announced that Israeli forces would assume control over a significant portion of southern Lebanon as part of their ongoing campaign against Hezbollah.[11]

Concurrently with these dynamic and rapidly evolving events, a transition in DHS leadership occurred, with Secretary Noem departing and Secretary Mullin being sworn in as the new Secretary of Homeland Security on March 24, 2026. This leadership change further limited the time available for former Secretary Noem or Secretary Mullin to thoroughly review the country conditions and make an informed decision by March 28, 2026, the statutory deadline. Therefore, because

[3] *See* Designation of Lebanon for Temporary Protected Status, 89 FR 93641 (Nov. 27, 2024).

[4] *See* Designation of Lebanon for Temporary Protected Status, 89 FR 93641, 93645 (Nov. 27, 2024).

[5] INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

[6] INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

[7] Council on Foreign Relations, ''Conflict With Hezbollah in Lebanon'' (last updated Mar. 26, 2026), *https://www.cfr.org/global-conflict-tracker/conflict/political-instability-lebanon.*

[8] *Id.; see also* Reuters, ''Hezbollah, Israel trade blows as Lebanon pulled deeper into war'' (Mar. 4, 2026), *https://www.reuters.com/pictures/hezbollah-israel-trade-blows-lebanon-pulled-deeper-into-war-2026-03-04/YBYOJTUO3BJAFPYRHY7OZSU73U/.*

[9] U.S. Embassy in Lebanon, ''News and Events: U.S. Embassy Beirut will be closed'' (Mar. 3, 2026), *https://lb.usembassy.gov/u-s-embassy-beirut-will-be-closed/.*

[10] British Broadcasting Company, ''Israel says 'limited' ground operations under way in Lebanon'' (Mar. 17, 2026), *https://www.bbc.com/news/articles/clyz78kgp22o.*

[11] British Broadcasting Company, ''Israel says it will take control of large buffer zone in southern Lebanon'' (Mar. 24, 2026), *https://www.bbc.com/news/articles/cy91j9qwp4do.*

the Secretary did not make a determination, the TPS designation of Lebanon is automatically extended for six months, ending on November 27, 2026, by operation of the TPS statute.[12] *See* INA 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

The statute affords the Secretary discretion to further extend the designation for 12 months or 18 months. *Id.* The Secretary elected to extend the designation for a period of six months in alignment with Executive Order 14159, *Protecting the American People Against Invasion,* which states that ''designations of Temporary Protected Status are consistent with the provisions of section 244 of the INA (8 U.S.C. 1254a), and that such designations are appropriately limited in scope and made for only so long as may be necessary to fulfill the textual requirements of that statue.'' 90 FR 8443, 8446. During this period, DHS will review, in consultation with appropriate agencies, updated country conditions in Lebanon and evaluate whether permitting Lebanese nationals ''to remain temporarily in the United States is contrary to the national interest of the United States.'' In doing so, the Secretary will be able to make a determination by the next statutory deadline of September 28, 2026. INA 244(b)(1)(A), (C), (b)(3); 8 U.S.C. 1254a(b)(1)(A), (C), (b)(3).

Notice of the Extension of Designation of Lebanon for TPS

Pursuant to INA sec. 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C), the TPS designation for Lebanon is automatically extended for six months, from May 28, 2026, through November 27, 2026.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

Eligibility for Temporary Protected Status

DHS designated Lebanon for TPS based on ongoing armed conflict and extraordinary and temporary conditions, from November 27, 2024, to May 27, 2026.[13] Beneficiaries of TPS for Lebanon under this designation will continue to retain TPS from May 28, 2026, to November 27, 2026, through a six-month automatic extension. TPS remains available to otherwise qualified nationals of Lebanon (or in the case of an alien with no nationality, an alien who last habitually resided therein) who have been continuously residing in the United States since October 16, 2024. Assuming they continue to meet the eligibility requirements for TPS, current beneficiaries do not need to take additional action in order for their TPS to be extended.

Aliens who have a Lebanon TPS application (Form I–821) that was still pending as of May 28, 2026, do not need to file the Form I–821 application again. If USCIS approves an alien's Form I–821, USCIS will grant the alien TPS through November 27, 2026.

Eligibility for Employment Authorization

Everyone must provide their employer with documentation showing that they have the legal right to work in the United States. TPS beneficiaries are eligible to obtain an EAD, which proves their legal right to work while the EAD is valid.

If you already have an EAD with an expiration date of May 27, 2026, this **Federal Register** notice automatically extends your EAD through November 27, 2026, without any further action on your part. You may present this **Federal Register** notice or any other additional documentation other than your EAD to use this automatic extension but are not required to. This extension automatically extends the validity of certain EADs previously issued under the TPS designation of Lebanon for six months, from May 28, 2026, through November 27, 2026.

Beneficiaries with a Lebanon TPS-related Form I–765 that is still pending as of May 28, 2026, do not need to file the application again. If USCIS approves a pending Lebanon TPS-related Form I–765, USCIS will issue the alien a new EAD that will be valid through November 27, 2026.

Existing TPS beneficiaries who wish to apply for an EAD for the first time, or who already have an EAD and would like to obtain an updated EAD with an expiration date of November 27, 2026 on the face of the card, may submit Form I–765, Application for Employment Authorization, and pay the Form I–765 fee (or request a fee waiver, which you may submit on Form I–912).[14]

You are not required to submit Form I–765 or have an EAD to be granted or to maintain TPS.

Can my TPS-related EAD be automatically extended?

Yes. If you already have an EAD with an expiration date of May 27, 2026, this **Federal Register** notice automatically extends your EAD through November 27, 2026, without any further action on your part. You do not need to present this **Federal Register** notice or any other additional documentation other than your EAD to use this automatic extension.

Filing Information

Filing a new application for an EAD based on the six-month automatic extension of TPS for Lebanon is unnecessary. As mentioned throughout, this **Federal Register** notice automatically extends your EAD through November 27, 2026, without any further action on your part. Indeed, USCIS acknowledges that given the six-month automatic extension of TPS designation for Lebanon, there may not be sufficient time for the agency to receive, review, adjudicate and issue new EADs on the basis of the automatic extension of TPS for Lebanon. However, USCIS offers the option to applicants for TPS under Lebanon's designation to file requests for EADs online, by mail, or, under certain circumstances, by uploading a completed Form I–765 with a fee or fee waiver request in Portable Document Format (PDF) through your USCIS online account.[15] More information about filing your Form I–765 and fee waiver request through a PDF upload is available at *https://www.uscis.gov/file-online/forms-available-to-file-online.* If you request a fee waiver, you must submit your application by mail or PDF upload.

Online filing: Form I–765 is available for filing online.[16] To file online, you must first create a USCIS online account.[17]

There have been previous instances in which a TPS designation has been automatically extended. *See, e.g.,* Extension of South Sudan Designation for Temporary Protected Status, 90 FR 19217 (May 6, 2025). Extension of Designation of Honduras for Temporary Protected States, 82 FR 59630 (Dec. 15, 2017). Six-Month Extension and Termination of Designation of Guinea-Bissau Under the Temporary Protected Status Program, 65 FR 15016 (Mar. 20, 2000).

[13] *See* Designation of Lebanon for Temporary Protected Status, 89 FR 93641, 93645 (Nov. 27, 2024).

[14] Please visit the USCIS Form I–765, Application for Employment Authorization, web page at *https://www.uscis.gov/i-765/* for information about filing instructions. Fees for the Form I–765 are described in 8 CFR 106.2 and the fee waiver-related regulations are described in 8 CFR 106.3. In addition, USCIS Form G–1055, Fee Schedule, provides the current fees required for the Form I–765, which includes fees required under Public Law 119–21. You are not required to submit Form I–765 or have an EAD to be granted or to maintain TPS. Aliens should be aware that these requests may not be processed before November 27, 2026.

[15] For further details on related USCIS filing fees, including fees required under Public Law 119–21, see G–1055, Fee Schedule found at *https://www.uscis.gov/g-1055?form=i-765.*

[16] Find information about online filing at ''Forms Available to File Online,'' *https://www.uscis.gov/file-online/forms-available-to-file-online.*

[17] *https://myaccount.uscis.gov/users/sign_up.*

PDF upload: Form I–765, if applicable, and Form I–912, if applicable, are available for PDF upload. To upload these documents, you must first create a USCIS online account.[18]

Mail filing: Mail your completed Form I–765 and Form I–912, if applicable; and supporting documentation to the proper address in Table 1—Mailing Addresses.

TABLE 1—MAILING ADDRESSES

If you send your paper application via:	*Then, mail your application to*
U.S. Postal Service USPS:	USCIS, Attn: TPS Lebanon, P.O. Box 6943, Chicago, IL 60680–6943.
FedEx, UPS, and DHL deliveries:	USCIS, Attn: TPS Lebanon (Box 6943), 131 S. Dearborn Street 3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD, you may file Form I–765 online, mail your Form I–765 to the appropriate address in Table 1, or submit a PDF upload. If you file online, you will be prompted to include the fee.[19] If you file by mail, you must include the fee or fee waiver request. If you file by PDF upload, you must include the fee or a fee waiver request. When you request an EAD based on an IJ or BIA grant of TPS, include with your application a copy of the order from the IJ or BIA granting you TPS. This will help us verify your grant of TPS and process your application.

Travel

TPS beneficiaries and TPS applicants with pending Form I–821 applications who wish to travel outside of the United States should consult the USCIS website for guidance.

General Employment-Related Information for TPS Applicants and Their Employers

How can I obtain information on the status of my TPS application and EAD request?

To get case status information about your TPS application, as well as the status of your TPS-based EAD request, you can check Case Status Online at *https://uscis.gov* or visit the USCIS Contact Center at *https://www.uscis.gov/contactcenter.* If you still need assistance, you may ask a question about your case online at *https://egov.uscis.gov/e-request/Intro.do* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

Am I eligible to receive an automatic extension of my current EAD through November 27, 2026, through this Federal Register notice?

Yes. Regardless of your country of birth, if you currently have a Lebanon TPS-based EAD with a Category of A12 or C19 and a ''Card Expires'' date of May 27, 2026, this **Federal Register** notice automatically extends your EAD through November 27, 2026.

If hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I–9?

You can find the Lists of Acceptable Documents on Form I–9, Employment Eligibility Verification, as well as the Acceptable Documents web page at *https://www.uscis.gov/i-9-central/acceptable-documents.* Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three business days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present one selection from List A (which provides evidence of both identity and employment authorization) or one selection from List B (which provides evidence of your identity) together with one selection from List C (which provides evidence of employment authorization), or you may present an acceptable receipt as described in these lists. Employers may not reject a document based on a future expiration date. You can find additional information about Form I–9 on the I–9 Central web page at *https://www.uscis.gov/I-9Central.* An EAD is an acceptable document under List A. See the section ''How do my employer and I complete Form I–9 using my automatically extended EAD for a new job?'' of this **Federal Register** notice for more information.

If your EAD states A12 or C19 under Category and has a ''Card Expires'' date of May 27, 2026, this **Federal Register** notice extends it automatically, and you may choose to present your EAD to your employer as proof of identity and employment eligibility for Form I–9 through November 27, 2026. Your country of birth noted on the EAD does not have to reflect the TPS-designated country of Lebanon for you to be eligible for this extension. You may, but are not required to, show this **Federal Register** notice to your employer to explain what to do for Form I–9 and to show that USCIS has automatically extended your EAD through November 27, 2026.

What documentation may I present to my employer for Form I–9 if I am already employed but my current TPS-related EAD is set to expire?

Your employer is required by law to ask you about your continued employment authorization. Your employer may need to reexamine your automatically extended EAD to check the ''Card Expires'' date and Category code if your employer did not keep a copy of your EAD when you initially presented it. Once your employer has reviewed the ''Card Expires'' date and Category code, they should update the EAD expiration date in Section 2 of Form I–9. See the section ''What updates should my current employer make to Form I–9 if my EAD has been automatically extended?'' of this **Federal Register** notice for more information.

You may show this **Federal Register** notice to your employer to explain what to do for Form I–9 and to show that USCIS has automatically extended your EAD through November 27, 2026; however, you are not required to do so. The last day of this automatic EAD extension is November 27, 2026. Before you start work on November 28, 2026, your employer is required by law to reverify your employment authorization on Form I–9.

By the end date of your automatic EAD extension, you must present any document from List A or any document from List C on Form I–9 Lists of Acceptable Documents, or an acceptable

[18] *https://www.uscis.gov/file-online/forms-available-to-file-online.* Sign up to create a new USCIS online account at *https://myaccount.uscis.gov/users/sign_up.*

[19] For further details on related USCIS filing fees, including fees required under Public Law 119–21, see G–1055, Fee Schedule found at *https://www.uscis.gov/g-1055?form=i-765.*

List A or List C receipt described in these lists to reverify employment authorization.

Your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

If I have an EAD based on another immigration status, can I obtain a new TPS-based EAD?

Yes, if you are eligible for TPS, you can obtain a new TPS-based EAD, even if you already have an EAD or work authorization based on another immigration status. If you want to obtain a new TPS-based EAD with an expiration date on the face of the card of November 27, 2026, you must file Form I–765 and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation to complete Form I–9, such as evidence of my status, proof of my Lebanese citizenship, or a Form I–797 showing that I registered for TPS?

No. When completing Form I–9, employers must accept any documentation you choose to present from the Form I–9 Lists of Acceptable Documents, or an acceptable List A, List B, or List C receipt, that reasonably appears to be genuine and that relates to you. Employers may not request other documentation, such as proof of Lebanese citizenship or proof of registration for TPS, when completing Form I–9 for new hires or reverifying the employment authorization of current employees. If you present an EAD that USCIS has automatically extended, employers should accept it as a valid List A document if the EAD reasonably appears to be genuine and to relate to you. Refer to the ''Note to Employees'' section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status or your national origin.

How do my employer and I complete Form I–9 using my automatically extended EAD for a new job?

When using an automatically extended EAD to complete Form I–9 for a new job before November 28, 2026:

1. For Section 1, you should:

a. Check ''An alien authorized to work until'' and enter November 27, 2026, as the ''expiration date''; and

b. Enter your USCIS number or A-Number where indicated. (Your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix.)

2. For Section 2, employers should:

a. Determine whether the EAD is auto-extended by ensuring it is in category A12 or C19 and has a ''Card Expires'' date of May 27, 2026;

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Write November 27, 2026, as the expiration date.

Before the start of work on November 28, 2026, employers must reverify the employee's employment authorization on Form I–9.

What updates should my current employer make to Form I–9 if my EAD has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and USCIS has now automatically extended your EAD, your employer may need to re-examine your current EAD if they do not have a copy of the EAD on file. Your employer should determine whether your EAD is automatically extended by ensuring that it contains Category A12 or C19.

Your employer should examine your EAD to see if it has a ''Card Expires'' date of May 27, 2026. Your employer may not rely on the country of birth listed on the card to determine whether you are eligible for this extension.

If your employer determines that USCIS has automatically extended your EAD, they should update Section 2 of your previously completed Form I–9 as follows:

1. Write EAD EXT and November 27, 2026, as the last day of the automatic extension in the Additional Information field; and

2. Initial and date the correction.

Note: This is not considered a reverification. Employers do not reverify the employee until either the automatic extension has ended, or the employee presents a new document to show continued employment authorization, whichever is sooner. By November 28, 2026, when the employee's automatically extended EAD has expired, employers are required by law to reverify the employee's employment authorization on Form I–9.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for a new employee by entering the EAD document number and expiration date from Section 2 of Form I–9 into the corresponding fields in E-Verify.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiring'' alert for an automatically extended EAD?

If you have an employee who provided a TPS-related EAD when they first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when the auto-extension period for this EAD is about to expire. You must reverify your employee's employment authorization on Form I–9 by the date their automatic EAD extension ends. Employers may not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I-9Central@uscis.dhs.gov.* For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800–255–8155 (TTY 800–237–2515). Employers may also email IER at *IER@usdoj.gov* or get more information online at *https://www.justice.gov/ier.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I-9Central@uscis.dhs.gov.* Employees or job applicants may also call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to Form I–9 and E-Verify.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in these lists. Employers may not require extra or additional documentation other than what is required to complete Form I–9. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Non-confirmation'' (mismatch) must promptly inform employees of the mismatch and give these employees an opportunity to resolve the mismatch. A mismatch means that the information entered into E-Verify from Form I–9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a mismatch while the case is still pending with E-Verify. A Final Non-confirmation (FNC) case result occurs if E-Verify cannot confirm an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at *https://www.justice.gov/ier* and the USCIS and E-Verify websites at *https://www.uscis.gov/i-9-central* and *https://www.e-verify.gov.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

For Federal purposes, if you present an EAD that has been automatically extended by this **Federal Register** notice, you do not need to show any other document, such as this **Federal Register** notice, to prove that you qualify for this extension. While Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary or applicant or show you are authorized to work based on TPS or other status, or that may be used by DHS to determine if you have TPS or another immigration status. Examples of such documents are:

- Your current EAD with a TPS category code of A12 or C19, even if your country of birth noted on the EAD does not reflect the TPS-designated country of Lebanon;
- Your Form I–94, Arrival/Departure Record;
- Your Form I–797, Notice of Action, reflecting approval of your Form I–765; or
- Form I–797 or Form I–797C, Notice of Action, reflecting approval or receipt of a past or current Form I–821, if you received one from USCIS.

Check with the government agency requesting documentation about which document(s) the agency will accept.

Some State and local government agencies use SAVE, *https://www.uscis.gov/save,* to confirm the current immigration status of applicants for public benefits. While SAVE can verify that an alien has TPS or a pending TPS application, each agency's procedures govern whether they will accept an unexpired EAD, Form I–797, Form I–797C, or Form I–94. If an agency accepts the type of TPS-related document you present, such as an EAD, the agency should accept your automatically extended EAD, regardless of the country of birth listed on the EAD. It may assist the agency if you:

a. Give the agency a copy of the relevant **Federal Register** notice showing the extension of TPS-related documentation in addition to your recent TPS-related document with your A-Number, USCIS number, or Form I–94 number;

b. Explain that SAVE will be able to verify the continuation of your TPS using this information; and

c. Ask the agency to initiate a SAVE query with your information and follow through with additional verification steps, if necessary, to get a final SAVE response verifying your TPS.

You can also ask the agency to look for SAVE notices or contact SAVE if they have any questions about your immigration status or automatic extension of TPS-related documentation. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed.

You can check the status of your SAVE verification by using Case-Check at *https://www.uscis.gov/save/save-casecheck.* Case-Check is a free service that lets you follow the progress of your SAVE verification case using your date of birth and one immigration identifier number (such as your A-Number, USCIS number, or Form I–94 number) or Verification Case Number. If an agency has denied your application based solely or in part on a SAVE response, the agency must allow you to appeal the decision in accordance with the agency's procedures. If the agency has received and acted on or will act on a SAVE verification and you do not believe the SAVE response is correct, the SAVE website, *https://www.uscis.gov/save/for-benefit-applicants,* has detailed information on how to correct or update your immigration record, make an appointment, or submit a written request to correct records.

[FR Doc. 2026–10704 Filed 5–27–26; 11:15 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0167]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Immigrant Petition for the Gold Card Program

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 29, 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–2025–0502. All submissions received must include the

OMB Control Number 1615–0167 in the body of the letter, the agency name and Docket ID USCIS–2025–0502.

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 March 10, 2026, at 91 FR 11559, allowing for a 60-day public comment period. USCIS received five 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–2025–0502 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:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Immigrant Petition for the Gold Card Program.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–140G; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; Business or other for-profit. Form I–140G is used by an individual (self-petitioner) or corporation or similar entity (corporate petitioner) to request an employment-based immigrant visa under the Gold Card program established by Executive Order 14351, The Gold Card (Sep. 19, 2025).

(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–140G (self-petitioners) is 1,520 and the estimated hour burden per response is 5 hours; the estimated total number of annual respondents for the information collection I–140G (corporate petitioners) is 72 and the estimated hour burden per response is 5 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 7,960 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 $819,880.

Dated: May 26, 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. 2026–10664 Filed 5–28–26; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7106–N–24]

Privacy Act of 1974; System of Records

AGENCY: Office of the Chief Financial Officer, HUD.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Housing and Urban Development (HUD), Office of the Chief Financial Officer (OCFO) Accounting Operations Center, is issuing a public notice of its intent to create a modified system of records titled, ''HUD Remittance and Debt Collection (HRDC).'' The HUD Remittance and Debt Collection (HRDC) system provides OCFO with the ability to track debts and remittances. This system of records is being revised to make changes within: Authority of Maintenance in the System, Categories of Records in the System, Routine Uses of Records Maintained in the System, and Administrative, Technical, and Physical Safeguards. All SORN modifications are outlined in the ''Supplementary Information'' section below.

DATES: Comments will be accepted on or before June 29, 2026. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by the docket number or by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: privacy@hud.gov.

Mail: Attention: Privacy Office; Kimberly Morton, Acting Chief Privacy Officer; The Office of Executive Secretariat; 451 7th Street SW, Room 10139; Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and

docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kimberly Morton, Acting Chief Privacy Officer, 451 7th Street SW, Room 10139, Washington, DC 20410–0001; telephone (804) 822–4801 (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.*

SUPPLEMENTARY INFORMATION: HUD updates the system of records notice (SORN) for the HUD Remittance and Debt Collection (HRDC) to include the following updates:

- *Authority for Maintenance of the System:* Updated to include additional authorities relevant to OCFO and to reflect HUD's authority to detect, prevent, and recover improper payments related to fraud, waste, and abuse.
- *Categories of Records in the System:* Added ''Assigned Account Number'' as a category of record.
- *Routine Uses of Records Maintained in the System:*
  - Minor formatting changes were made.
  - Routine use (6) was updated with two additional words to align with HUD's standard litigation related disclosure language.
  - Two new routine uses were added:
    - Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a and Executive Order 14243 *Stopping Waste, Fraud, and Abuse by Eliminating Information Silos,* new routine use (10) was added that relates to improper payments, fraud, waste, and abuse.
    - New routine use (11) was added that relates to the Freedom of Information Act (FOIA) mediation.
- *Administrative, Technical, and Physical Safeguards:* Made minor changes for clarity.

SYSTEM NAME AND NUMBER:

HUD Remittance and Debt Collection (HRDC), HUD/CFO–05.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the HUD OCFO, Accounting Operations Center, 307 W. 7th St., Suite 1000, Fort Worth, TX 76102–5100.

SYSTEM MANAGER(S):

Mary L. Dominguez, Director, Office of the Chief Financial Officer, Accounting Operations Center, 307 W. 7th St., Suite 1000, Fort Worth, TX 76102–5100; Phone (817) 978–5669.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Debt Collection Act of 1982, Pub. L. 97–365, 96 Stat. 1749 (1982), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701–3720E (original version at Pub. L. 104–134, 110 Stat. 132 (1996)); the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. 3001–3308 (original version at Pub. L. 101–647, 104 Stat. 4789 (1990)); the Chief Financial Officers Act of 1990, 31 U.S.C. 901–903 (original version at Pub. L. 101–576, 104 Stat. 2838 (1990)); the Federal Funding Accountability and Transparency Act of 2006, 31 U.S.C. 6101 note (original version at Pub. L. 109–282, 120 Stat. 1186 (2006)); the Payment Integrity Information Act of 2019, 31 U.S.C. 3351—3358 (original version at Pub. L. 116–117, 134 STAT. 113 (2020); Executive Order 14243, *Stopping Waste, Fraud, and Abuse by Eliminating Information Silos;* and HUD Debt Collection Handbook, 1900.25 Rev-5.

PURPOSE(S) OF THE SYSTEM:

The HRDC database allows HUD OCFO to track remittances and debts. OCFO Accounting Operations Centers collects and maintains debtors' information to locate and correspond with them to collect/resolve their debts. The information is used to perform legal, financial, and administrative services associated with the collection of debts due to the United States, ultimately posting to debtor accounts (general ledger) and for financial reporting.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or grantees that have been adjudicated to owe a debt or criminal restitution to the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Debtor's Full Name, Social Security Number (SSN), Taxpayer ID Number, Home Address, Telephone Number and Assigned Account Number.

RECORD SOURCE CATEGORIES:

The Debt Tracking sources are Program Office Action Officials (Repayment Agreements), Office of the Inspector General (Form 15–G), District Courts (Judgment in a Criminal Case), and the Public Access to Court Electronic Records (PACER) System.

The Remittance Management sources are Treasury's Collection Information Repository (CIR) which includes Fedwire—Federal Reserve Bank of New York, Electronic Check Processing (ECP)—Lockboxes, and Pay.gov; and Treasury's Intra-governmental Payments and Collections (IPAC) System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) To the Department of Treasury, Bureau of Fiscal Service, who provides debt and cash collection services for HUD as follows: (a) Administrative Offset (Debt Collection): offsets Federal tax refund payments and non-tax payments certified for disbursement to the debtor to recover a delinquent debt. (b) Cross-servicing (Debt Collection): pursues recovery of delinquent debts on behalf of Federal agencies using debt collection tools authorized by statute, such as private collection agencies, administrative wage garnishment, or public dissemination of an individual's delinquent indebtedness; or any other legitimate debt collection purpose.

(2) To the Department of Treasury, Internal Revenue Services (IRS) for the purposes of reporting canceled debt on form IRS 1099–C.

(3) To appropriate agencies, entities, and persons when (1) HUD suspects or has confirmed that there has been a breach of the system of records,· (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(4) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(5) To appropriate Federal, State, local, tribal, or other governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws, when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

(6) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses or jurors in the course of civil discovery, litigation, mediation, or settlement negotiations; or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(7) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(8) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.

(9) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(10) To Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom HUD has a contract, service agreement, grant, cooperative agreement, computer matching agreement, or other agreement for the purpose of: (1) Detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in major Federal programs administered by a Federal agency or non-Federal entity; (3) for the purpose of establishing or verifying the eligibility of, or continuing compliance with statutory and regulatory requirements by, applicants for, recipients or beneficiaries of, participants in, or providers of services with respect to, cash or in-kind assistance or payments under Federal benefits programs or recouping payments or delinquent debts under such Federal benefits programs; (4) detection of fraud, waste, and abuse by individuals in their operations and programs. Records under this routine use may be disclosed only to the extent that the information shared is necessary and relevant to verify pre-award and prepayment requirements prior to the release of Federal funds or to prevent and recover improper payments for services rendered under programs of HUD or of those Federal agencies and non-Federal entities to which HUD provides information under this routine use.

(11) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

Pursuant to 31 U.S.C. 3711(e) that information contained in this system of records may also be disclosed to a consumer reporting agency when trying to collect a claim owed on behalf of the government.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in electronic form. Electronic records are maintained within HUD-authorized systems using encryption and restricted-access directories.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Debtor's Full Name, SSN, Home Address, Telephone number, Taxpayer ID number, and Assigned Account Number.

POLICIES AND PRACTICIES FOR RETENTION AND DISPOSAL OF RECORDS:

Record retention is in conformance with National Archives and Records Administration (NARA) General Records Schedule (GRS) 1.1: Financial Management and Reporting Records; DAA–GRS–2013–0003. Financial transaction records related to procuring goods and services, paying bills, collecting debts and accounting records. Destroy 6 years after final payment or cancellation, but longer if required for business use.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Only authorized users in the OCFO Accounting Operations Center will have access to system data. Entities outside of the Accounting Operations Center do not have direct access to the database. All OCFO employees are required to complete information systems security training annually and are reminded periodically about policies and procedures in this area.

Other safeguards are implemented.

Administrative Safeguards: Paper records are stored in locked file cabinets.

Technical Safeguards: Comprehensive electronic records are maintained and stored on a shared drive in an electronic encryption database system. These records can only be accessed based on the user's rights and privileges to the system. Electronic records are stored in the Shared Drive environment, which runs on the Department's network (HUD). This environment complies with the security and privacy controls and procedures as described in the Federal Information Security Management Act (FISMA), National Institute of Standards and Technology (NIST) Special Publications, and Federal Information Processing Standards (FIPS). A valid Homeland Security Presidential Directive (HSPD)-12 ID Credential, access to HUD's LAN, a valid User ID and Password and a Personalized Identification Number (PIN) is required to access the records. Access to the database and records is restricted to only certain staff members of the Office of the Chief Financial Officer (OCFO) Accounting Operations Center Records who have a need-to-know.

For Electronic Records (cloud based): Comprehensive electronic records are secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Management Act (FISMA) Moderate dedicated hosting environment. All data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with HUD encryption standards.

RECORD ACCESS PROCEDURES:

Individuals requesting records of themselves should address written inquiries to the Department of Housing Urban and Development 451 7th Street SW, Washington, DC 20410–0001. For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

CONTESTING RECORD PROCEDURES:

The HUD rule for contesting the content of any record pertaining to the individual by the individual concerned is published in 24 CFR 16.8 or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing Urban Development, 451 7th Street SW, Washington, DC 20410–0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Docket No. FR–7106–N–05, 90 FR 21057, May 16, 2025; Docket No. FR–7092–N–07, 89 FR 1587, January 10, 2024.

Kimberly Morton,

Acting, Chief Privacy Officer, Office of Administration.

[FR Doc. 2026–10753 Filed 5–28–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6609–N–01]

Request for Information Regarding Single Family Minimum Property Requirements (MPR)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner and the Department of Housing and Urban Development, HUD.

ACTION: Request for information.

SUMMARY: The Department of Housing and Urban Development (HUD, through the Federal Housing Administration (FHA)) is seeking public comments regarding Minimum Property Requirements (MPR) as it applies to FHA's Single Family mortgage insurance programs. This Request for Information (RFI) aims to gather market feedback to inform subsequent policy modernization that supports sustainable homeownership opportunities.

DATES: Comments are requested on or before June 29, 2026. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Interested persons are invited to submit comments responsive to this RFI. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov*. To receive consideration as public comments, comments must be submitted through one of the two methods specified below. All submissions must refer to the above docket number and title. Commenters are encouraged to identify the number of the specific question or questions to which they are responding. Responses should include the name(s) of the person(s) or organization(s) filing the comment; however, because any responses received by HUD will be publicly available, responses should not include any personally identifiable information or confidential commercial information.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov*.

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

FOR FURTHER INFORMATION CONTACT: C. Brian Faux, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW, Room 9007, Washington, DC 20410–0500; telephone number 202–402–4317. 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.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 203 of the National Housing Act (12 U.S.C. 1709(a)) authorizes the Secretary to insure single family mortgages upon such terms as the Secretary may prescribe. Since the Single Family Mortgage Insurance Program's inception, the Federal Housing Administration (FHA) has required, as a condition of eligibility, that all residential properties securing insured mortgages satisfy certain Minimum Property Requirements (MPRs). These MPRs are designed to ensure that FHA-insured mortgages are collateralized by properties that are safe, sound, and secure, thereby protecting borrowers and the fiscal integrity of the Mutual Mortgage Insurance Fund (MMIF). FHA's MPRs are detailed throughout FHA's Single Family Policy Handbook 4000.1.

Separately, section 526 of the National Housing Act (12 U.S.C. 1735f–4) requires the Secretary to establish minimum property standards for newly constructed residential housing other than manufactured housing. Unlike the administratively developed MPRs, FHA's Minimum Property Standards (MPS) are expressly mandated by statute and apply to new construction. They are intended to ensure that newly constructed homes securing FHA-insured mortgages are safe, sound, and secure, and that they comply with applicable minimum energy efficiency requirements. FHA's MPS are codified at 24 CFR part 200, subpart S. The Single Family Policy Handbook 4000.1 provides additional guidance regarding these requirements. FHA's MPS are not the subject of this RFI.

The FHA-approved Mortgagee is responsible for determining whether the property securing the FHA-insured mortgage satisfies FHA's MPRs. When an appraisal report or inspection by a qualified entity identifies conditions that prevent the property from meeting FHA's property acceptability criteria, the Mortgagee must ensure that the necessary repairs are completed before the mortgage is eligible for FHA insurance. Through this process,

Mortgagees serve as the primary mechanism by which FHA's property standards are applied at the loan level, ensuring that properties securing FHA-insured mortgages meet the agency's baseline requirements for safety, soundness, and security.

FHA's MPRs have adapted to changes in the housing industry numerous times over the years but the last major update to the MPRs and the associated repair requirements was over 20 years ago. In that reform, first published in Mortgagee Letter 2005–48, FHA shifted away from the historical repair emphasis on minor cosmetic property deficiencies and normal wear and tear. However, FHA recognizes the benefit of modernizing and streamlining MPRs to better align the program with current industry practices. FHA recognizes that a considerable number of FHA appraisals require a condition for property repair or inspection. While the Government Sponsored Enterprises (GSEs) also maintain property safety, soundness and structural integrity requirements,[1] some stakeholders indicate the resulting repair and reinspection rates are significantly lower than those of FHA. While repairs or additional inspections may be prudent in some cases, they create real costs that may not always yield a commensurate benefit in terms of home quality and/or safety. Moreover, this perception of excessive costs may result in the reluctance by some property sellers to accept offers from borrowers seeking FHA-insured financing.

President Trump's housing agenda has emphasized the removal of regulatory barriers that elevate the cost of housing, restrict access to mortgage credit, and undermine the American Dream of quality, affordable homeownership. Accordingly, FHA is contemplating a reassessment of its MPR policies to support a modern approach to collateral risk management practices. FHA is seeking input on this topic to ensure that all stakeholder perspectives are considered.

II. Purpose of this Request for Information

The purpose of this RFI is to solicit information on both specific MPRs and general approaches to modernizing MPRs in ways that balance the benefits of these requirements with the burdens that they may impose.

[1] Selling Guide—Fannie Mae Single Family, p. 567, published February 4, 2026 (*https://selling-guide.fanniemae.com/sel/b4-1.3-06/property-condition-and-quality-construction-improvements#P3836*).

III. Specific Information Requested

FHA welcomes all comments relevant to MPRs but is particularly interested in receiving feedback on the specific questions below.

1. What are the advantages and/or disadvantages of MPRs compared with the property safety and soundness requirements of other governmental and non-governmental financing programs/options?

2. Do the current MPRs adequately protect borrowers utilizing FHA programs to purchase or refinance a home? Do the current MPRs adequately protect FHA's Mutual Mortgage Insurance Fund (MMIF) through reduced collateral risk?

3. What specific MPRs are no longer applicable or necessary to ensure properties are habitable, safe and sound for FHA borrowers?

4. Are there opportunities to expand post-closing repair flexibility while still protecting borrowers and the MMI Fund?

5. Are there important factors FHA should consider generally when modernizing policies to balance the safeguarding function of MPRs relative to any additional burdens that MPRs may impose?

6. Are the MPRs communicated clearly enough in FHA policies for borrowers, Mortgagees, and appraisers to understand the requirements? For example, is there a clear distinction between safety and habitability concerns that necessitate pre-closing repairs versus cosmetic repairs?

7. How could FHA streamline and/or simplify MPR policies for Mortgagees and appraisers to better interpret and apply MPR policies consistently?

8. Is the FHA Appraiser's scope of work to identify MPR deficiencies aligned with modern appraisal practice or are there other more appropriate approaches?

9. Please provide any general suggestions for improvement or comments on modernizing FHA's approach to MPRs.

Joseph M. Gormley,

President of the Government National Mortgage Association performing the delegable duties of the Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2026–10766 Filed 5–28–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2026–1024; FXES11140400000–267–FF04E00000]

Endangered Species; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of permit applications and request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct scientific research to promote conservation or other activities intended to enhance the propagation or survival of endangered and threatened species under the Endangered Species Act (Act). We invite the public and local, State, Tribal, and Federal agencies to provide written data, views, or arguments with respect to any application noticed within 30 days following the publication of this notice. Before issuing any of the requested permits, we will take into consideration all information that we receive during the public comment period.

DATES: Comments will be accepted on or before June 29, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Reviewing Documents: Submit requests for copies of applications and supporting materials to *permitsr4es@fws.gov* (see **FOR FURTHER INFORMATION CONTACT**). All requests for application information and comments should specify the applicant's name and application number accordingly to facilitate the request.

Comment submission: All submissions must include the docket number [FWS–R4–ES–2026–1024] for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov*. In the Search box, enter FWS–R4–ES–2026–1024, which is the docket number for this action. Then

click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct docket before submitting your comments.

• *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2026–1024, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions.

We will post all comments at *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Public Availability of Comments for more information.

FOR FURTHER INFORMATION CONTACT: Kaye London via telephone at 404–679–7097 or via email at *permitsr4es@fws.gov.* Individuals in the U.S. 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: We, the U.S. Fish and Wildlife Service (Service), invite review and comment from the public and local, State, Tribal, and Federal agencies on applications we have received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act of 1974, as amended (5 U.S.C. 552a), and the Freedom of Information Act (5 U.S.C. 552).

Background

With some exceptions, the Act prohibits take of listed species unless a Federal permit is issued that authorizes such take. As defined in Section 3 of the Act, ''the term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

A recovery permit issued under section 10(a)(1)(A) of the Act authorizes the permittee to take endangered or threatened species while engaging in activities that are conducted for scientific purposes that promote recovery of species or for enhancement of propagation or survival of species. These activities often include the capture and collection of species, which would result in prohibited take if a permit were not issued. The regulations implementing section 10(a)(1)(A) of the Act for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

The Act requires that we invite public comments on permit applications before issuing respective permits. Accordingly, we also invite the public and local, State, Tribal, and Federal agencies to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those with substantive content supported by quantitative information or published research results. Proposed activities in the following applications for permits are for scientific purposes or enhancement of propagation or survival of the species in the wild.

Permit application No.	Applicant	Species	Location(s)	Activity(ies)	Type of Take	Permit action
ES136808–4	Loggerhead Marinelife Center; Juno Beach, FL.	Add Endangered species: loggerhead sea turtle (*Caretta caretta*) and green sea turtle (*Chelonia mydas*).	Florida	Collection of blood and tissues, and transport.	Handling	Renewal & Amendment.
ES35594A–6	Alabama Power Company; Calera, AL.	Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and tricolored bat (*Perimyotis subflavus*).	Alabama	Presence/absence surveys.	Capture and handle	Amendment.
ES48582B–3	Kim Chase; Woodstock, GA.	Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and tricolored bat (*Perimyotis subflavus*).	North Carolina	Presence/absence surveys.	Capture and handle	Renewal & Amendment.
ES59340D	Ashley Long; Baton Rouge, LA.	Northern long-eared bat (*Myotis septentrionalis*).	Louisiana	Mist-netting	Capture and handle	Renewal.
ES66039A–2	Arkansas Game and Fish Commission; Little Rock, AR.	Add the following endangered mussels: Pink mucket (*Lampsilis abrupta*), scaleshell mussel (*Leptodea leptodon*), and spectaclecase (*Cumberlandia monodonta*).	Arkansas	Captive propagation and release for population augmentation and reintroduction activities.	Handling	Renewal & Amendment.
ES68453D–1	Andrew Edelman; Carrolton, GA.	Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and tricolored bat (*Perimyotis subflavus*).	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.	Presence/absence surveys, mist-netting, banding, and tagging.	Capture and handle	Renewal & Amendment.

Permit application No.	Applicant	Species	Location(s)	Activity(ies)	Type of Take	Permit action
ES75914D–1	North Carolina State Parks; Durham, NC.	Spruce-fir moss spider (*Microhexura montivaga*).	North Carolina, Tennessee, and Virginia.	Presence surveys, and population monitoring.	Capture and handling	Renewal & Amendment.
ES83157D–2	Matthew Miller; Festus, MO.	*Sarracenia oreophila* (green pitcher plant), *Sarracenia rubra* ssp. *alabamensis* (Alabama canebrake pitcher plant), and *Sarracenia rubra* ssp. *jonesii* (mountain sweet pitcher plant).	Multiple states ..	Interstate Commerce with propagated plants.	N/A	Renewal.
PER0013669–1	Alyssa Jones; Huntington, WV.	Add Endangered species: James spinymussel (*Parvaspina collina*), and purple cat's paw (*Epioblasma obliquata*).	Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.	Presence/absence surveys.	Handling	Amendment.
PER0018443–2	U.S. Army Engineer Research and Development Center; Vicksburg, MS.	Add Endangered species: Balcones spike (*Fusconaia iheringi*), false spike (*Fusconaia mitchelli*), fanshell (*Cyprogenia stegaria*), fat pocketbook (*Potamilus capax*), Guadalupe fatmucket (*Lampsilis bergmanni*), Guadalupe orb (*Cyclonaias necki*), Texas fawnsfoot (*Truncilla macrodon*), Texas fatmucket (*Lampsilis bracteata*), and Texas pimpleback (*Cyclonaias petrina*).	Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Tennessee, Texas, and West Virginia.	Capture, handle, identify, transport, hold in captivity, and release.	Capture and handling	Amendment.
PER22396505–0	Paula Marcinek; Athens, GA.	Amber darter (*Percina antesella*), Conasauga logperch (*Percina jenkinsi*), and Etowah darter (*Etheostoma etowahae*).	Alabama, Georgia, and Tennessee.	Presence/absence surveys, and fin clipping.	Capture and handling	New.
PER24430188–0	Luke Sparreo; Bronz, NY.	Alabama canebrake pitcher plant (*Sarracenia rubra* ssp. *alabamensis*), mountain sweet pitcher plant (*Sarracenia rubra* ssp. *jonesii*), and green pitcher plant (*Sarracenia oreophila*).	Alabama, Georgia, North Carolina, and South Carolina.	Collection of leaves/pitchers.	N/A	New.

Permit application No.	Applicant	Species	Location(s)	Activity(ies)	Type of Take	Permit action
PER24808879–0	Crystal Birdsall; Lancaster, KY.	Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), and tricolored bat (*Perimyotis subflavus*).	Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys, mist-netting/harp trapping, radio transmitter application, and guano swabbing/collection.	Capture and handling	New.
PER25382284–0	Mackenzie Milner; Winchester, TN.	Gray bat (*Myotis grisescens*) ...	Tennessee	Population monitoring.	Possible disturbance	New.
PER25652385–0	National Park Service, Gulf Islands National Seashore; Ocean Springs, MS.	Green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), and loggerhead sea turtle (*Caretta caretta*).	Mississippi	Inventory sea turtle nests from land and air.	Possible disturbance	New.
PER26279328–0	Ecological Resource Consultants, Inc.; Panama City, FL.	Choctaw bean (*Obovaria choctawensis*), fat threeridge (*Amblema neisleri*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), shinyrayed pocketbook (*Hamiota subangulata*), and southern kidneyshell (*Ptychobranchus jonesi*).	Florida	Presence/absence surveys.	Handling	New.

Permit application No.	Applicant	Species	Location(s)	Activity(ies)	Type of Take	Permit action
PER26929349–0	Atlanta Botanical Garden; Atlanta, GA.	*Aristida chaseae* (no common name), pelos del diablo (*Aristida portoricensis*), Vahl's boxwood (*Buxus vahlii*), capá rosa (*Callicarpa ampla*), *Calyptranthes thomasiana* (no common name), *Catesbaea melanocarpa* (no common name), *Cordia bellonis* (no common name), palo de nigua (*Cornutia obovate*), *Cranichis ricartii* (no common name), higuero de Sierra (*Crescentia portoricensis*), uvillo (*Eugenia haematocarpa*), beautiful goetzea (*Goetzea elegans*), Cook's holly (*Ilex cookie*), *Ilex sintenisii* (no common name), West Indian walnut (*Juglans jamaicensis*), *Lyonia truncata* var. *proctorii* (no common name) , marron bacora (*Solanum conocarpum*), palo de jazmin (*Styrax portoricensis*), palo colorado (*Ternstroemia luquillensis*), *Ternstroemia subsessilis* (no common name), *Vernonia proctorii* (no common name), St. Thomas prickly-ash (*Zanthoxylum thomasianum*), eugenia (*Eugenia woodburyana*), *Gesneria pauciflora* (no common name), *Stahlia monospermal* (cóbana negra), and *Varronia rupicola* (no common name).	Puerto Rico, and U.S. Virgin Islands (St. Croix and St. John).	Collection of seed, leaf, pollen, root, and cuttings.	N/A	New.
PER27158305–0	Jonathan Lopez; Oxford, MS.	Black clubshell (*Pleurobema curtum*), heavy pigtoe (*Pleurobema taitianum*), Neosho mucket (*Lampsilis rafinesqueana*), *Obovaria* spp., Ouachita rock pocketbook (*Arcidens wheeleri*), ovate clubshell (*Pleurobema perovatum*), *Pleurobema* spp., scaleshell mussel (*Leptodea leptodon*), sheepnose mussel (*Plethobasus cyphyus*), southern clubshell (*Pleurobema decisum*), southern combshell (*Epioblasma penita*), and triangular kidneyshell (*Ptychobranchus greenii*).	Alabama, Mississippi, and Oklahoma.	Surveys to determine population trends, assemblage health, and community structure. Listed species are not the target of the study, however, may be encountered within the study area.	Handling	New.
PER30017987	Archie Carr Center for Sea Turtle Research; Gainesville, FL.	Leatherback sea turtle (*Dermochelys coriacea*).	Florida	Genetic sample collection from eggs and analysis.	Collection	New.

Permit application No.	Applicant	Species	Location(s)	Activity(ies)	Type of Take	Permit action
PER30397395	Vanessa Vest; Ludlow, KY.	Spectaclecase mussel (*Cumberlandia monodonta*), fanshell (*Cyprogenia stegaria*), purple catspaw (*Epioblasma obliquata*), white catspaw (pearlymussel) (*Epioblasma perobliqua*), northern riffleshell (*Epioblasma rangiana*), snuffbox (*Epioblasma triquetra*), longsolid (*Fusconaia subrotunda*), pink mucket (*Lampsilis abrupta*), Higgins eye pearlymussel (*Lampsilis higginsii*), scaleshell (*Leptodea leptodon*), ring pink (*Obovaria retusa*), round hickorynut (*Obovaria subrotunda*), James spinymussel (*Parvaspina collina*), Orangefoot pimpleback (*Plethobasus cooperianus*), sheepnose mussel (*Plethobasus cyphyus*), clubshell (*Pleurobema clava*), rough pigtoe (*Pleurobema plenum*), fat pocketbook (*Potamilus capax*), rabbitsfoot (*Quadrula cylindrica cylindrica*), and rayed bean (*Villosa fabalis*).	Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.	Presence/absence surveys.	Handling	New.
PER30815306	Bat Education and Rehabilitation of Grainger County Inc.; Blain, TN.	Gray bat (*Myotis grisescens*) ...	Tennessee	Housing, care, and display of unreleasable injured bat for education.	Handling	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed above in this notice, we will publish a subsequent notice in the **Federal Register**. The notice announcing the permit issuance may be located by searching regulations.gov for the permit application number listed in the table above. Enter the search exactly as the permit application number appears above, with spaces and hyphens as necessary. For example, to find information about the potential issuance of Permit No. PER1234567–0, go to *https://www.regulations.gov* and enter ''PER1234567–0'' in the Search field.

An interested party opposed to a recovery permit's issuance may object by following the requirements in 50 CFR 17.22(d). The Service will notify the interested party of the Service's decision on the permit application under that section.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Christopher Cooley,

Deputy Assistant Regional Director, Ecological Services, Southeast Region.

[FR Doc. 2026–10774 Filed 5–28–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R7–ES–2026–1882; FXES111607MMTRP–267–FF07CAMM00; OMB Control Number 1018–0066]

Agency Information Collection Activities; Marine Mammal Marking, Tagging, and Reporting Certificates, and Registration of Certain Dead Marine Mammal Hard Parts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection without change.

DATES: Comments will be accepted on or before July 28, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date. To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted

through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Comment submission: All submissions must include the docket number [FWS–R7–ES–2026–1882] for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov.* In the Search box, enter FWS–R7–ES–2026–1882, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Service Information Collection Clearance Officer, Attn: Docket No. FWS–R7–ES–2026–1882, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered. We will post all comments at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Madonna Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the information collection request (ICR) at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

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. As part of our continuing effort to reduce paperwork and respondent burdens, we are soliciting comments from the public and other Federal agencies on the proposed ICR described below. We are especially interested in public comments addressing the following:

(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) How might the agency 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.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Abstract: Under section 101(b) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361–1423h), Alaska Natives residing in Alaska and dwelling on the coast of the North Pacific or Arctic Oceans may harvest polar bears, northern sea otters, and Pacific walruses for subsistence or handicraft purposes. Section 109(i) of the MMPA authorizes the Secretary of the Interior to prescribe marking, tagging, and reporting regulations applicable to the Alaska Native subsistence and handicraft take.

On behalf of the Secretary, we implemented regulations at 50 CFR 18.23(f) for Alaska Natives harvesting polar bears, northern sea otters, and Pacific walruses. These regulations enable us to gather data on the Alaska Native subsistence and handicraft harvest and on the biology of polar bears, northern sea otters, and Pacific walruses in Alaska to determine what effect such take may be having on these populations. The regulations also provide us with a means of monitoring the disposition of the harvest to ensure that any commercial use of products created from these species meets the criteria set forth in section 101(b) of the MMPA.

We collect harvest information related to Alaska Native harvest to provide a chronology of the harvest in population modeling, determining which cohorts are being killed, determining the status of populations, and predicting population trends. We will use the collected information to gain insight into the distribution and relative abundance of the three species, the level and intensity of the harvest, and the harvest impacts on the species and their subpopulations. We use three Service forms to collect the following information from Alaska Natives as part of the harvest reporting requirement:

A. *Form 3–2414, ''Polar Bear Tagging Certificates'':* Form 3–2414 collects the following information:

- Date and location of tagging;
- Hide and skull tag number;
- Village hunted from (if different from tagging location);
- Age class and sex;
- Whether sex could be verified by tagger and, if yes, sex identification information;
- Skull measurements (length, width, or not provided);
- Whether cubs were present with sow and, if yes, how many cubs;
- Bear condition (obese, average, skinny);
- Specimens collected (tooth, hair, skin, liver, fat, muscle, skin/muscle, baculum/penis bone, or other);
- Research marks/tags (collar, ear tag number, lip tattoo, or other);
- Date and location of kill (to include latitude/longitude);
- Whether it was a conflict or problem bear and whether it was taken in defense of life;
- Additional remarks; and
- Whether hunter is available for post-hunt interview and, if yes, phone number, with the following post-hunt interview questions for problem bear situations:

1. Was there a food source/attractant that the bear was interested in? What was the attractant?

2. Was there any attempt to haze the bear to get it to leave?

3. Was it believed that the bear could be a threat to people?

Note: We would only ask these typical post-hunt questions if the biologist needed

information on a bear that was marked as a problem bear. There is no standardized questioning.

B. *Form 3–2415, ''Walrus Tagging Certificates'':* Form 3–2415 collects the following information:

- Date and location of tagging;
- Village hunted from (if different than tagging location);
- Marine Mammals Management Marking, Tagging, and Reporting Program (MTRP) tag number of plastic-headed wire tag used for left or right tusk;
- Type of take for walrus (LK = live killed, BF = beach found)—This information increases the accuracy of the known mortality and harvest data by discriminating between a walrus killed for subsistence purposes or found dead and salvaged. Requiring all ivory that has been taken or collected (pursuant to the Alaska Native exemption) to be marked, tagged, and reported simplifies Service enforcement efforts.
- Date and location killed/found;
- Age and sex;
- Walrus tusk length and circumference;
- Number of walrus harvested without tusks; and
- Additional remarks.

C. *Form 3–2416, ''Sea Otter Tagging Certificates'':* Form 3–2416 collects the following information:

- Date and location of tagging;
- Hide and skull tag number;
- FWS permit number;
- Age class and sex;
- Details identification information;
- Specimens collected (tooth, muscle vial, whisker, carcass, or other);
- Number of otters present in pod and number harvested from pod;
- Date and location of kill (to include latitude and longitude); and
- Additional remarks.

We also require non-Native collectors to use *Form 3–2406, ''Non-Native Marine Mammal Certificates.''* The collection of information via Form 3–2406 allows the Service to track individuals who register (within 30 days) beach-found hard parts to determine whether the take of marine mammal hard parts is legal. We use the below listed information collected via Form 3–2406 to verify whether it is legal for the individual to retain them:

- Date and location of tagging;
- MTRP tag number of plastic-headed wire tag used for left or right tusk;
- Date found;
- Age and sex;
- Tusk circumference at gum line and tusk length from gum line to tip along front side following the curve of the tusk;
- Exact location of kill or find;
- Tag number for skull (polar bear or sea otter) or other part;
- Any information of interest about the beach-found hard part collected;
- Other remarks; and
- Name, address, phone number, and date of birth of the person who collected the hard part.

You may request copies of all forms in this information collection by submitting a request to the Service Information Collection Clearance Officer, using one of the methods identified in the **ADDRESSES** section of this notice.

Title of Collection: Marine Mammal Marking, Tagging, and Reporting Certificates, and Registration of Certain Dead Marine Mammal Hard Parts, 50 CFR 18.23(f) and 18.26.

OMB Control Number: 1018–0066.

Form Number: 3–2406, 3–2414, 3–2415, and 3–2416.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals and households.

Total Estimated Number of Annual Respondents: 370.

Total Estimated Number of Annual Responses: 2,030.

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 508 (rounded).

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2026–10787 Filed 5–28–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[Docket No. USGS–ECO–2026–0001; OMB Control Number 1028–0116; GX.25.WB00.COM16.00]

Agency Information Collection Activities; Alaska Beak Deformity Observations

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, U.S. Geological Survey (USGS) is proposing to renew an information collection as part of the ongoing research in North American birds. Members of the public provide observation reports of birds with deformities from Alaska and other regions.

DATES: Interested persons are invited to submit comments on or before June 29, 2026.

ADDRESSES: You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. USGS–ECO–2026–0001.
- *U.S. Mail:* USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: Colleen Handel by email at *cmhandel@usgs.gov,* or by telephone at 907–786–7181. 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: In accordance with the PRA of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. An agency may not conduct or sponsor, nor is an individual required to respond to, a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 31, 2026 (91 FR 16012). No comments were received. As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed information collection request (ICR) that is described below. We are especially

interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: As part of the USGS Ecosystems Mission Area effort to provide science that is used by managers, policymakers, and others for decisions that protect, conserve, and enhance healthy fish and wildlife populations across the United States and beyond, the Alaska Science Center Landbird Program conducts research on avian populations within Alaska. Beginning in the late 1990s, an outbreak of beak deformities in Black-capped Chickadees and other species emerged in southcentral Alaska. USGS scientists launched a study to understand the scope of this problem and its effect on wild birds. Since that time, researchers have gathered important information about the deformities—they have identified a new virus as the likely cause and the geographical distribution appears to be expanding. The collection of PII is requested as part of this ongoing research in North American birds. Members of the public provide observation reports of birds with deformities from Alaska and other regions. These reports are very important in that they allow researchers to determine the geographical distribution of the beak deformities and species affected. Data collection over such a large and remote area would not be possible without the public's assistance. As part of the online reporting system, an individual's phone number, email address, and mailing address are requested. This information allows researchers to request additional details or verify reports if necessary but is not required for submission. PII is used only for contact purposes, is stored in a separate table that is encrypted, and is not shared in any way with other individuals, groups, or organizations.

Title of Collection: Alaska Beak Deformity Observations.

OMB Control Number: 1028–0116.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Respondents: 150.

Total Estimated Number of Annual Responses: 175.

Estimated Completion Time per Response: Approximately 5 minutes.

Total Estimated Number of Annual Burden Hours: 15 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: None.

The authority for this action is the PRA of 1995 (44 U.S.C. 3501 *et seq.*).

Christian Zimmerman,

USGS Alaska Science Center Director.

[FR Doc. 2026–10718 Filed 5–28–26; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTEROR

Office of the Secretary

[RR83530000, 267R5065C6, RX.59389832.1009676]

National Environmental Policy Act Implementing Procedures for the Bureau of Reclamation (516 DM 1)

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice announces a revision to the National Environmental Policy Act (NEPA) implementing procedures for the Bureau of Reclamation (Reclamation) at Chapter 1 of Part 516 of the Department of the Interior's (Department or DOI) Departmental Manual (516 DM 1)—DOI Handbook of NEPA Implementing Procedures. The revision adds two new categorical exclusions (CEs) for hydropower-related activities in the DOI Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions.

DATES: The revision is effective upon publication with the CEs available for immediate use upon this publication.

ADDRESSES: The substantiation record and supporting materials, including relevant Environmental Assessments (EAs) and Findings of No Significant Impact (FONSIs), are available at *https://www.usbr.gov/nepa.* The public can also view the CE substantiation report at *https://www.usbr.gov/nepa.* The web address for the DOI Handbook of NEPA Implementing Procedures where the new CEs are being added is: *https://www.doi.gov/document-library/handbook/516-dm-1-handbook-national-environmental-policy-act-implementing.*

FOR FURTHER INFORMATION CONTACT: Shane Hunt via phone at 916–202–7158, or via email at *usbr_ce@usbr.gov.* Individuals who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Reclamation (Reclamation) was established in 1902. Its original mission was civil works construction to develop the water resources of the arid Western United States to promote the settlement and economic development of that region. Reclamation developed hundreds of projects to store and deliver water. That substantial infrastructure development contributed to making Reclamation the largest wholesale supplier of water in the United States.

Reclamation has had a long, successful history generating reliable, low-cost hydropower—delivering energy, economic, and national security benefits to western communities for over a century. Reclamation is the second-largest producer of hydroelectric power in the United States, owning 77 facilities and directly operating 53 of them, which together comprise over 14,750 megawatts of capacity. These ''reserved'' facilities generate an average of 37 million megawatt-hours of electricity annually—the equivalent demand of over 3.5 million U.S. homes.

In alignment with Executive Order 14154, Unleashing American Energy, and Secretary's Order 3418, Unleashing American Energy, Reclamation is

actively implementing a Hydropower Action Plan. This plan prioritizes capital investment, deregulation and process improvement, and technological innovation to maximize hydropower energy production, cost-savings, and operational efficiencies.

As part of this effort, Reclamation developed two CEs to add to its NEPA implementing procedures to improve the efficiency of NEPA compliance for hydropower activities that have consistently demonstrated no significant environmental impacts to the human environment. When appropriately established and applied, CEs allow agencies to operate more efficiently to protect the environment by focusing their resources on proposals that may have significant environmental impacts.

II. NEPA

NEPA, as amended, 42 U.S.C. 4321–4347, requires Federal agencies to consider the environmental effects of their proposed actions in their decision-making processes and inform and engage the public in that process. 42 U.S.C. 4331.

NEPA also established the Council on Environmental Quality (CEQ) as an advisory agency within the Executive Office of the President on environmental matters and the implementation of NEPA. NEPA requires Federal agencies to identify and develop methods and procedures, in consultation with CEQ, to ensure appropriate consideration of environmental concerns. 42 U.S.C 4332(2)(B).

To comply with NEPA, agencies determine the appropriate level of review of major Federal actions subject to NEPA, with the level of review corresponding to anticipated effects on the quality of the human environment. If a proposed major Federal action is likely to have reasonably foreseeable significant environmental effects, the agency must prepare an environmental impact statement (EIS) to support its approval. 42 U.S.C. 4336(b)(1). If the proposed action is not likely to have reasonably foreseeable significant environmental effects or if the significance of the effects is unknown, the agency may instead prepare an environmental assessment (EA), which is a concise public document used to support agency decision-making. 43 U.S.C. 4336(b)(2). After completing the analysis in an EA, the agency may conclude that the action will have no significant effects and document that conclusion in a finding of no significant impact (FONSI) or conclude that the action is likely to have significant effects and therefore requires preparation of an EIS. 42 U.S.C. 4336(b)(2).

Under NEPA, an agency also may establish CEs—categories of actions that the agency has determined normally do not significantly affect the quality of the human environment—in its agency NEPA procedures as an additional form of NEPA review. 42 U.S.C. 4336e(1). If Reclamation or another bureau or office within DOI determines that a CE covers a proposed action, it must then evaluate the proposed action for extraordinary circumstances, which are factors or circumstances that indicate a normally categorically excluded action may have a significant effect. 43 CFR 46.205, 46.215. If Reclamation or another bureau cannot categorically exclude the proposed action following review for extraordinary circumstances (*i.e.,* there are extraordinary circumstances present), it will prepare an EA or EIS, as appropriate, before issuing any decision to authorize the action. 43 CFR 46.205(c), 42 U.S.C. 4336(b).

Bureaus and DOI establish new or revise existing CEs by substantiating the proposed new or revised CEs with sufficient information to demonstrate that the actions included in the category normally do not have a significant effect on the quality of the human environment and provides this substantiation in a written record that is made publicly available. In developing NEPA procedures, bureaus and DOI also consult with CEQ in accordance with 42 U.S.C. 4332(2)(B).

III. Categorical Exclusions Justification

The Department and Reclamation find that the categories of actions described in the two CEs being added to DOI's NEPA implementing procedures normally do not have a significant effect on the human environment, absent extraordinary circumstances. This finding is based on Reclamation's history and over 40 years of experience analyzing actions under NEPA and using CEs; and post-implementation review of authorized actions that confirms that these actions normally do not have a significant effect on the human environment.

To demonstrate the finding that actions under the proposed CEs would not normally result in significant effects on the human environment, Reclamation reviewed proposed actions evaluated in 10 EAs that supported FONSIs as well as post-implementation information and summarized them in the CE substantiation report included in this notice's supporting documentation. These 10 EAs that supported FONSIs analyze actions that these CEs are designed to cover in the future.

DOI recognizes that certain proposed actions, when reviewed on a case-by-case basis, may implicate one or more extraordinary circumstances, and for those proposed actions where a normally excluded action may have a significant effect, bureaus will prepare an EA or EIS. Thus, prior to applying any CE, bureaus will review the proposed action to ensure it is covered by the CE and evaluate the proposed action for the presence of any extraordinary circumstances.

Reclamation requires that any action for which one of the new CEs is applied must be documented. Reclamation documents CE use with a checklist to demonstrate a) the applicability of the CE, and b) that no extraordinary circumstances are present such that a normally excluded action may have a significant effect. In such cases where a normally excluded action may have a significant effect, Reclamation will conduct additional NEPA analysis and prepare an EA or EIS, as appropriate.

IV. Text for the DOI Handbook of NEPA Implementing Procedures

The Department's NEPA procedures are modified with additions as follows. The DOI Handbook of NEPA Implementing Procedures, Appendix 2: Bureau Categorical Exclusions:

Bureau of Reclamation

14.5 Categorical Exclusions

C. Project Implementation Activities

(5) *Issuance of a lease of power privilege or alternative authorization by Reclamation, approving non-federal hydropower development which merely augments or supplements existing Reclamation Project facilities.

D. Operation and Maintenance Activities

(10) *Maintenance, rehabilitation, and replacement of existing hydropower facilities and equipment, including all powertrain and balance of plant equipment, which may involve a minor change in size, location, and/or operation. Covered facilities and equipment include, but are not limited to, turbines, generators, transformers, cranes, pumps, gates, control and communication systems, and new instrumentation.

Authorities

National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Stephen G. Tryon,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2026–10794 Filed 5–28–26; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222LLID]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed DeLamar Mine Project—Owyhee County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) Owyhee Field Office, Marsing, Idaho intends to prepare an Environmental Impact Statement (EIS) to consider the effects of DeLamar Mining Company's proposed DeLamar Mine Project in Owyhee County, Idaho. This notice announces the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public-scoping process for the environmental impact statement. The BLM requests that the public submit comments concerning the scope of the analysis, potential alternatives, and identification of relevant information, and studies by June 29, 2026. To afford the BLM the opportunity to consider comments in the EIS, please ensure your comments are received prior to the close of the 30-day scoping period. Public meetings will be held:

- June 9, 2026, 6:00—8:00 p.m. MDT at the Jordan Valley Lions Club located at 902 Bassett St. in Jordan Valley, Oregon 97910.
- June 11, 2026, 6:00—8:00 p.m. MDT at the Marsing American Legion Hall located at 126 N Old Bruneau Hwy in Marsing, ID 83639.

ADDRESSES: You may submit comments related to the DeLamar Mine Project by any of the following methods:

- Website: *https://eplanning.blm.gov/Project-Home/?id=3D00EE85-E859-F111-BEC6-001DD804183B*
- *Email: BLM_ID_OFO_DMC_EIS@blm.gov*
- *Mail:* BLM Owyhee Field Office, Attn: DeLamar Mine EIS, 101 S. Bruneau Hwy, Marsing, ID 83639

Documents pertinent to this proposal may be examined online at *https://eplanning.blm.gov/Project-Home/?id=3D00EE85-E859-F111-BEC6-001DD804183B* and at the Owyhee Field Office at the above address or during the in-person public meetings listed above.

FOR FURTHER INFORMATION CONTACT: Christopher Lund, Project Manager, telephone 208–896–5912; address 101 S. Bruneau Hwy, Marsing, ID 83639; email *BLM_ID_OFO_DMC_EIS@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. Lund. 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 DeLamar Mining District was established approximately one-half mile west of Silver City, Idaho after discoveries of gold and silver deposits in the 1860s. Since then, mining activities have cycled, most recently in the 1960s, which resulted in BLM permitting mining plans of operation (MPOs) at Florida Mountain and Delamar Mountain in the early 1990s. By the early 2000s, mining operations ceased and reclamation began. Since 2018, DeLamar Mining Company (DMC), a wholly owned subsidiary of Integra Resources, has carried out geophysical and geochemical exploration and ongoing geologic mapping and exploration drilling programs. As a result of the exploration, DMC has developed and submitted an MPO to reopen and expand the existing DeLamar Mine (Mine). The BLM will prepare an EIS to consider the impacts of the proposed MPO.

Purpose and Need for the Proposed Action

The BLM's purpose is to respond to DMC's proposal as described in their MPO and to take any action necessary to prevent unnecessary or undue degradation (UUD) of public lands. The need for federal action is established by the BLM's responsibilities under the Surface Management regulations at 43 CFR 3809 and under Section 302(b) of the FLMPA.

Preliminary Proposed Action and Alternatives

The Proposed Action, as described in the MPO, is to mine gold and silver ore by expanding the two existing open pit mines on Florida and DeLamar Mountains. To support mining activities, DMC proposes to construct haul and access roads, two heap leach facilities, three development rock storage facilities, and ancillary facilities while adhering to environmental protection measures identified in the MPO. Upon conclusion of mining operations, the site would be reclaimed in accordance with federal and state regulations. The Proposed Action estimates 2,915 total acres of disturbance, which includes 1,420 acres of previously disturbed areas and 1,495 acres of new surface disturbance. Of the proposed new surface disturbance, 812 acres would be on BLM-managed public lands, 6 acres on state land, and 677 acres on private land. Construction and mining activities are estimated to last 19 years.

The No Action Alternative reflects a continuation of current, permitted activities. Authorized mining activities could continue under the existing MPOs which would allow for open pit operations, milling, heap leach, reclamation, care and maintenance, and closure activities, including ongoing exploration and environmental monitoring. Reclamation activities would proceed, and authorized facilities for water treatment and site maintenance would remain operational.

Other alternatives which may be considered in the EIS are expected to be variations of mine and facility configuration based on resource issues identified through the public scoping process. The BLM welcomes comments on all preliminary alternatives as well as suggestions for additional alternatives.

Summary of Expected Impacts

Potential impacts from mining related activities may include loss of native vegetation and soils, disturbance to wildlife including loss of habitat, alteration of quality and quantity of surface and groundwater resources, changes in streamflow through increased sedimentation resulting in impacts to riparian habitat, increased emissions potentially affecting air quality, physical or visual changes to sites important to Native American Tribes and local American history, and increased traffic in the area.

Anticipated Permits and Authorizations

- Plan of Operations-BLM
- Clean Water Act Section 404 Permit-USACE

- Air Quality Permit-Idaho Department of Environmental Quality (IDEQ)
- Cyanidation Permit-IDEQ
- Idaho Pollutant Discharge Elimination System-IDEQ
- All other State and County required permits

Schedule for the Decision-Making Process

The EIS and Record of Decision are anticipated to be available in summer 2027.

Public Scoping Process

This notice of intent initiates the scoping period. Public meetings will be held as described above under the **DATES** section.

Responsible Official

Ammon Wilhelm, Field Manager, Owyhee Field Office.

Nature of Decision To Be Made

The BLM will consider the following: (1) approval of the MPO as proposed by DMC; (2) approval of the MPO subject to changes or conditions necessary to meet the performance standards of 43 CFR 3809.420 and to prevent UUD of public lands; or (3) denial of the MPO if operations were found to result in UUD.

Additional Information

The BLM will utilize and coordinate the NEPA process to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536) and Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including public involvement requirements of Section 106. The information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed project will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM Manual Section 1780, and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Indian Tribal Nations and other stakeholders that may be interested in or affected by the proposed DeLamar Mine Project that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifiable information in your comment, you should be aware that your entire comment—including your personal identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifiable information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR part 46, 43 CFR part 3800, subpart 3809)

Elizabeth Maclean,

BLM Idaho State Director (acting).

[FR Doc. 2026–10798 Filed 5–28–26; 8:45 am]

BILLING CODE 4331–19–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–792 and 731–TA–1786–1788 (Preliminary)]

Tin Mill Products From China, Taiwan, and Turkey; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of tin mill products from China, Taiwan, and Turkey, provided for in subheadings 7210.11.00, 7210.12.00, 7210.50.00, 7212.10.00, 7212.50.00, 7225.99.00, and 7226.99.01 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and imports of the subject merchandise from China that are alleged to be subsidized by the government of China.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*), for comment.

Background

On April 9, 2026, United States Steel Corporation (Pittsburgh, Pennsylvania) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (Pittsburgh, Pennsylvania) filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of tin mill products from China and LTFV imports of tin mill products from China, Taiwan, and Turkey. Accordingly, effective April 9, 2026, the Commission instituted countervailing duty investigation No. 701–TA–792 and antidumping duty investigation Nos. 731–TA–1786–1788 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 14, 2026 (91

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 91 FR 24157 and 24170 (May 5, 2026).

FR 19201). The Commission conducted its conference on April 30, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on May 26, 2026. The views of the Commission are contained in USITC Publication 5745 (June 2026), entitled *Tin Mill Products from China, Taiwan, and Turkey: Investigation Nos. 701–TA–792 and 731–TA–1786–1788 (Preliminary).*

By order of the Commission.

Issued: May 26, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–10647 Filed 5–28–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–775 and 731–TA–1759–1760 (Final)]

Freight Rail Couplers and Parts Thereof From Czech Republic and India; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–775 and 731–TA–1759–1760 (Final) pursuant to the Tariff Act of 1930 to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of freight rail couplers and parts thereof from Czech Republic and India, provided for in subheading 8607.30.10 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be sold at less-than-fair-value and subsidized by the government of India.

DATES: May 6, 2026.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman (202–205–2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''certain freight railcar couplers (also known as ''fits'' or ''assemblies'') and parts thereof. Freight rail couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (*e.g.,* coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors).''

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in India of freight rail couplers and parts thereof, and that such products from Czech Republic and India are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on July 23, 2025, by the Coalition of Freight Coupler Producers, comprised of McConway & Torley LLC, Pittsburgh, Pennsylvania, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on August 31, 2026, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on September 15, 2026. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 10, 2026. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigation, may in their discretion for good cause shown, grant such a request. Requests to

appear as remote witness due to illness or a positive COVID–19 test result may be submitted by 3:00 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.*

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on September 11, 2026. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on September 14, 2026. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is September 8, 2026. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is September 22, 2026. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before September 22, 2026. On October 9, 2026, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 14, 2026, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 26, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–10649 Filed 5–28–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Heavy Machinery and Components Thereof, DN 3910;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Caterpillar, Inc. on May 26, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain heavy machinery and components thereof. The complaint names as respondents: Doosan Bobcat Inc. of Korea; Doosan Bobcat North America, Inc. of Wells Fargo, ND; Doosan Bobcat Mexico Monterrey, S. de R.L. de C.V. of Mexico; Doosan Bobcat EMEA S.R.O. of Czech Republic; Doosan Bobcat France S.A.S. of France; and Doosan Bobcat India Private Ltd. of India. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing.

Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States

relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3910'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 26, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–10673 Filed 5–28–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1738 (Final)]

Polypropylene Corrugated Boxes From Vietnam; Supplemental Schedule for the Final Phase of the Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: May 20, 2026.

FOR FURTHER INFORMATION CONTACT: Camille Bryan ((202) 205–2811), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective August 20, 2025, the Commission established a general schedule for the conduct of the final phase of its investigations on polypropylene corrugated boxes (''PC boxes'') from China and Vietnam (90 FR 41595, August 26, 2025) following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that imports of PC boxes from China were being subsidized by the government of China (90 FR 40564, August 20, 2025) and being sold in the United States at less than fair value (''LTFV'') (90 FR 41988, August 28, 2025). Notice of the scheduling of the final phase of the Commission's investigations was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 26, 2025 (90 FR 41595).[1] The public hearing in connection with the investigations, scheduled for January 21, 2026, was cancelled.[2]

On January 22, 2026, Commerce published in the **Federal Register** its final affirmative antidumping and countervailing duty determinations with respect to PC boxes from China (91 FR 2734, 91 FR 2739). The Commission subsequently issued its final determinations that an industry in the United States was materially injured by reason of imports of PC boxes from China that were found by Commerce to be subsidized by the government of China and sold in the United States at LTFV (91 FR 11988, March 11, 2026).

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

[1] Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in subsequent notices published in the **Federal Register** on November 26, 2025 (90 FR 54369) and December 18, 2025 (90 FR 59202).

[2] 91 FR 2800 (January 22, 2026).

On May 20, 2026, Commerce published in the **Federal Register** its final affirmative determination with respect to imports of PC boxes from Vietnam (91 FR 29457, May 20, 2026). Accordingly, the Commission currently is issuing a supplemental schedule for the final phase of its investigation on imports of PC boxes from Vietnam.

This supplemental schedule is as follows: the deadline for filing supplemental party comments on Commerce's final antidumping duty determination is 5:15 p.m. on May 28, 2026. Supplemental party comments may address only Commerce's final determination regarding imports of PC boxes from Vietnam. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. The supplemental staff report in the final phase of this proceeding will be placed in the nonpublic record on June 15, 2026, and a public version will be issued thereafter.

For further information concerning this proceeding see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 27, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–10743 Filed 5–28–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[Docket No. ODAG174]

Granting of Relief; Federal Firearms Privileges

AGENCY: Department of Justice.

ACTION: Notice of granting of restoration of Federal firearms privileges.

SUMMARY: The Attorney General has granted relief from disabilities imposed by Federal laws with respect to certain individuals regarding the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition.

SUPPLEMENTARY INFORMATION: The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44. Section 922(g) of title 18 of the United States Code prohibits certain persons from shipping or transporting ''in interstate or foreign commerce, or possess[ing] in or affecting commerce, any firearm or ammunition; or [from] receiv[ing] any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.'' Section 925(c) of title 18 provides that a person who is prohibited under section 922(g) may make an application to the Attorney General to remove the firearms disabilities if it is established to the Attorney General's satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Section 925(c) also provides that whenever the Attorney General grants relief to any person pursuant to this section, she ''shall promptly publish in the **Federal Register** notice of such action, together with the reasons therefor.''

The former Attorney General had reviewed all the relevant facts for each individual listed below, including the materials that each individual submitted seeking either a pardon or relief from Federal firearms disabilities, and it was established to her satisfaction that each individual will not be likely to act in a manner dangerous to public safety and that the granting of the relief to each individual would not be contrary to the public interest. Accordingly, on March 30, 2026, the former Attorney General granted relief from Federal firearms disabilities to these individuals pursuant to section 925(c):

Edmond Niklas Gaudelli, Jr.
Wayne Gunther Heussman
Lincoln Ludlow Plowman
Daniel Harry Ragan

Dated: May 26, 2026.

Trent McCotter,

Principal Associate Deputy Attorney General.

[FR Doc. 2026–10645 Filed 5–28–26; 8:45 am]

BILLING CODE 4410–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Walking-Working Surfaces Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-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 29, 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: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The information collection requirements in this standard apply to all walking and working surfaces operations conducted by employers involved in procedures that prevent injury and death among workers who work with or near ladders, rope descent systems, and unprotected siding and edging. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 9, 2025 (90 FR 30271).

Comments are invited on: (1) whether the collection of information is

necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Walking-Working Surfaces Standard.

OMB Control Number: 1218–0199.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 589,480.

Total Estimated Number of Responses: 1,342,247.

Total Estimated Annual Time Burden: 649,612 hours.

Total Estimated Annual Other Costs Burden: $66,139,656.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–10736 Filed 5–28–26; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2026–0001]

Obayashi—Jay Dee Joint Venture; Application for Permanent Variance and Interim Order; Grant of Interim Order; Request for Comments

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Obayashi—Jay Dee Joint Venture (OJD) for a permanent variance and interim order from provisions of the OSHA standard that regulates work in compressed-air environments, presents the agency's preliminary finding on OJD's application, and announces the granting of an interim order. OSHA invites the public to submit comments on the variance application to assist the agency in determining whether to grant the applicant a permanent variance based on the conditions specified in this application.

DATES: Submit comments, information, documents in response to this notice, and request for a hearing on or before June 29, 2026. The interim order described in this notice will become effective on May 29, 2026, and shall remain in effect until the completion of the Cemetery Brook Drain Tunnel Project in Manchester, New Hampshire, the interim order is modified or revoked, or OSHA publishes a decision on the permanent variance application.

ADDRESSES:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2026–0001). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before June 29, 2026 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–1911; email: *robinson.kevin@dol.gov.*

Copies of this Federal Register notice. Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at *http://www.osha.gov.*

Hearing Requests. According to 29 CFR 1905.15, hearing requests must include: (1) a concise statement of facts detailing how the permanent variance would affect the requesting party; (2) a specification of any statement or representation in the variance application that the commenter denies, and a concise summary of the evidence offered in support of each denial; and (3) any views or arguments on any issue of fact or law presented in the variance application.

SUPPLEMENTARY INFORMATION:

I. Notice of Application

On June 30, 2025, Obayashi—Jay Dee Joint Venture (OJD or the applicant),

submitted under Section 6(d) of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 655, and 29 CFR 1905.11 (variances and other relief under Section 6(d)) an application for a permanent variance from several provisions of the OSHA standard that regulates work in compressed air, 1926.803 of 1926 Subpart S—Underground Construction, Caissons, Cofferdams, and Compressed Air, and an interim order allowing it to proceed while OSHA considers the request for a permanent variance (OSHA–2026–0001–0002). This notice addresses OJD's application for a permanent variance and interim order for construction of the Cemetery Brook Drain Tunnel Project in Manchester, New Hampshire, only and is not applicable to future OJD tunneling projects.

Specifically, this notice addresses OJD's application for a permanent variance and interim order from the provisions of the standard that: (1) require the use of the decompression values specified in decompression tables in Appendix A of subpart S (29 CFR 1926.803(f)(1)); and (2) require the use of automated operational controls and a special decompression chamber (29 CFR 1926.803(g)(1)(iii) and (xvii), respectively).

OSHA has previously approved nearly identical provisions when granting several other very similar variances, as discussed in more detail in Section II. OSHA preliminarily concludes that the proposed variance for OJD's Cemetery Brook Drain Tunnel Project is appropriate, grants an interim order temporarily allowing the proposed activity, and seeks comment on the proposed variance.

A. Background

The applicant is a contractor that works on complex tunnel projects using innovations in tunnel-excavation methods. The applicant's workers engage in the construction of tunnels using advanced shielded mechanical excavation techniques in conjunction with an earth pressure balanced micro-tunnel boring machine (TBM). Using shielded mechanical excavation techniques, in conjunction with precast concrete tunnel liners and backfill grout, TBMs provide methods to achieve the face pressures required to maintain a stabilized tunnel face through various geologies and isolate that pressure to the forward section (the excavation working chamber) of the TBM.

OJD asserts that it bores tunnels using a TBM at levels below the water table through soft soils consisting of clay, silt, and sand. TBMs are capable of maintaining pressure at the tunnel face and stabilizing existing geological conditions through the controlled use of a mechanically driven cutter head, bulkheads within the shield, ground-treatment foam, and a screw conveyor that moves excavated material from the working chamber. The forward-most portion of the TBM is the main chamber, and this chamber is the only pressurized segment of the TBM.

The main chamber (airlock) is a double compartment chamber (inner lock and outer lock). The inner lock is the primary work area and the outer lock is used for personnel transfer only. A door separates the inner and outer locks, allowing personnel to transfer from one pressure zone to another. This configuration allows workers to access the main chamber for compression and decompression, and medical personnel to access the main chamber if required in an emergency.

OJD's Hyperbaric Operations Manual (HOM) for the Cemetery Brook Drain Tunnel Project (OSHA–2026–0001–0003) indicates that the maximum pressure to which it is likely to expose workers during project interventions for the tunnel drives associated with the Cemetery Brook Drain Tunnel Project is 37 per square inch gauge (p.s.i.g). The applicant will pressurize the working chamber to the level required to maintain a stable tunnel face, which for this project OJD estimates will be up to a pressure not exceeding 37 p.s.i.g., which does not exceed the maximum pressure specified by the OSHA standard at 29 CFR 1926.803(e)(5).[1] OJD is not seeking a variance from this provision of the compressed-air standard.

OJD employs specially trained personnel for the construction of the tunnel. To keep the machinery working effectively, OJD asserts that these workers must periodically enter the excavation working chamber of the TBM to perform hyperbaric interventions during which workers would be exposed to air pressures up to 37 p.s.i.g. These interventions consist of conducting inspections or maintenance work on the cutter-head structure and cutting tools of the TBM, such as changing replaceable cutting tools and disposable wear bars, and, in rare cases, repairing structural damage to the cutter head. These interventions are the only time that workers are exposed to compressed air. Interventions in the working chamber (the pressurized portion of the TBM) take place only after halting tunnel excavation and preparing the machine and crew for an intervention.

During interventions, workers access the working chamber by first passing through the outer lock. They then pass through a door to enter the inner lock, which includes the primary decompression area. The working chamber is designed to accommodate three people, which is the maximum crew size allowed under the proposed variance. When the crew is engaged in decompression activities, there is no other work performed on the working face.

OJD asserts that these innovations in tunnel excavation have greatly reduced worker exposure to hazards of pressurized air work because they have eliminated the need to pressurize the entire tunnel for the project and would thereby reduce the number of workers exposed, as well as the total duration of exposure, to hyperbaric pressure during tunnel construction. These advances in technology substantially modified the methods used by the construction industry to excavate subaqueous tunnels compared to caisson work.

In addition to the reduced exposures resulting from the innovations in tunnel-excavation methods, OJD asserts that innovations in hyperbaric medicine and technology improve the safety of decompression from hyperbaric exposures. These procedures, however, would deviate from the decompression process that OSHA requires for construction in 29 CFR 1926.803(f)(1) and the decompression tables in Appendix A of 29 CFR 1926, subpart S. Nevertheless, according to OJD, their use of decompression protocols incorporating oxygen is more efficient, effective, and safer for tunnel workers than compliance with the decompression tables specified by the existing OSHA standard.

OJD therefore believes its workers will be at least as safe under its proposed alternatives as they would be under OSHA's standard because of the reduction in number of workers and duration of hyperbaric exposures, better application of hyperbaric medicine, and the development of a project-specific HOM that requires specialized medical support and hyperbaric supervision to provide assistance to a team of specially trained airlock attendants and hyperbaric or compressed-air workers (CAWs).

Based on an initial review of OJD's application for a permanent variance and interim order for the construction of the Cemetery Brook Drain Tunnel

[1] The decompression tables in Appendix A of subpart S express the working pressures as pounds per square inch gauge (p.s.i.g.). Therefore, throughout this notice, OSHA expresses the p.s.i. value specified by 29 CFR 1926.803(e)(5) as p.s.i.g., consistent with the terminology in Appendix A, Table 1 of subpart S.

Project in Manchester, New Hampshire, OSHA has preliminarily determined that OJD has proposed an alternative that would provide a workplace at least as safe and healthful as that provided by the standard.

II. The Variance Application

Pursuant to the requirements of OSHA's variance regulations (29 CFR part 1905), the applicant has certified that it notified its workers [2] of the variance modification application and request for interim order by posting, at prominent locations where it normally posts workplace notices, a summary of the application and information specifying where the workers can examine a copy of the application. In addition, the applicant informed its workers and their representatives of their rights to petition the Assistant Secretary for Occupational Safety and Health for a hearing on the variance application.

A. OSHA History of Approval of Nearly Identical Variance Requests

OSHA has previously approved several nearly identical variances involving the same types of tunneling equipment used for similar projects. OSHA notes that it granted several subaqueous tunnel construction permanent variances from the same provisions of OSHA's compressed-air standard (29 CFR 1926.803(e)(5), (f)(1), (g)(1)(iii), and (g)(1)(xvii)) that are the subject of the present application: (1) Impregilo Healy Parsons Joint Venture (IHP JV) for the Anacostia River Tunnel in Washington, DC (80 FR 50652, August 20, 2015); (2) Traylor JV for the Blue Plains Tunnel in Washington, DC (80 FR 16440, March 27, 2015)); (3) Tully/OHL USA JV for the New York Economic Development Corporation's New York Siphon Tunnel project (79 FR 29809, May 23, 2014)); (4) Salini-Impregilo/Healy JV for the Northeast Boundary Tunnel in Washington, DC (85 FR 27767, May 11, 2020); (5) McNally/Kiewit SST for the Shoreline Storage Tunnel in Cleveland, Ohio (88 FR 15080, March 10, 2023); (6) Traylor Shea JV for the Alexandria RiverRenew Tunnel Project in Alexandria, Virginia, and Washington, DC (88 FR 15090, March 10, 2023); (7) Traylor-Sundt Joint Venture, for the Integrated Pipeline Tunnel Project in Dallas, Texas (88 FR 83152, November 28, 2023); (8) Ballard Marine Construction for the Bay Park Conveyance Tunnel Project in Nassau County, New York (89 FR 8442, February 7, 2024); (9) Ballard Marine Construction for the Lower Olentangy Tunnel Project in Columbus, Ohio (89 FR 78906, September 26, 2024); (10) CBNA/Halmar Joint Venture for the Potomac River Tunnel Project in Washington, DC (90 FR 60742, December 29, 2025); and (11) McNally/ASI Marine for the Southerly Outfall Tunnel Project in Cleveland, Ohio (90 FR 60752, December 29, 2025). OSHA also granted an interim order to Ballard Marine Construction for the Suffolk County, New York Outfall Tunnel Project (86 FR 5253, January 19, 2021). The proposed alternate conditions in this notice are nearly identical to the alternate conditions of the previous permanent variances and interim orders.[3] OSHA is not aware of any injuries or other safety issues that arose from work performed under these conditions in accordance with the previous variances.

B. Variance From Paragraph (f)(1) of 29 CFR 1926.803, Requirement To Use OSHA Decompression Tables

OSHA's compressed-air standard for construction requires decompression in accordance with the decompression tables in Appendix A of 29 CFR 1926, subpart S (see 29 CFR 1926.803(f)(1)). As an alternative to the OSHA decompression tables, the applicant proposes to use newer decompression schedules (the 1992 French Decompression Tables) that rely on staged decompression and supplement breathing air used during decompression with air or oxygen (as appropriate).[4] The applicant asserts decompression protocols using the 1992 French Decompression Tables for air or oxygen as specified by the Cemetery Brook Drain Tunnel Project-specific HOM are safer for tunnel workers than the decompression protocols specified in Appendix A of 29 CFR 1926, subpart S. Accordingly, the applicant would commit to following the decompression procedures described in that HOM, which would require it to follow the 1992 French Decompression Tables to decompress CAWs after they exit the hyperbaric conditions in the working chamber.

Depending on the maximum working pressure and exposure times, the 1992 French Decompression Tables provide for air decompression with or without oxygen. OJD asserts that oxygen decompression has many benefits, including (1) keeping the partial pressure of nitrogen in the lungs as low as possible; (2) keeping external pressure as low as possible to reduce the formation of bubbles in the blood; (3) removing nitrogen from the lungs and arterial blood and increasing the rate of nitrogen elimination; (4) improving the quality of breathing during decompression stops so that workers are less tired and to prevent bone necrosis; (5) reducing decompression time by about 33 percent as compared to air decompression; and (6) reducing inflammation.

In addition, the project-specific HOM requires a physician certified in hyperbaric medicine, to manage the medical condition of CAWs during hyperbaric exposures and decompression. A trained and experienced airlock attendant is also required to be present during hyperbaric exposures and decompression. This airlock attendant is to operate the hyperbaric system to ensure compliance with the specified decompression table. A hyperbaric supervisor, who is trained in hyperbaric operations, procedures, and safety, directly oversees all hyperbaric interventions and ensures that staff follow the procedures delineated in the HOM or by the attending physician.

C. Variance From Paragraph (g)(1)(iii) of 29 CFR 1926.803, Automatically Regulated Continuous Decompression

The applicant is applying for a permanent variance from the OSHA standard at 29 CFR 1926.803(g)(1)(iii), which requires automatic controls to regulate decompression. As noted above, the applicant is committed to conducting the staged decompression according to the 1992 French Decompression Tables under the direct control of the trained airlock attendant and under the oversight of the hyperbaric supervisor.

Breathing air under hyperbaric conditions increases the amount of nitrogen gas dissolved in a CAW's tissues. The greater the hyperbaric pressure under these conditions and the more time spent under the increased pressure, the greater the amount of nitrogen gas dissolved in the tissues.

[2] See the definition of ''Affected employee or worker'' in section V.D of this notice.

[3] Most of the other subaqueous tunnel construction variances allowed further deviation from OSHA standards by permitting employee exposures above 50 p.s.i.g. based on the composition of the soil and the amount of water above the tunnel for various sections of those projects. The current proposed variance includes substantively the same safeguards as the variances that OSHA granted previously, even though employees will only be exposed to pressures up to 37 p.s.i.g.

[4] In 1992, the French Ministry of Labour replaced the 1974 French Decompression Tables with the 1992 French Decompression Tables, which differ from OSHA's decompression tables in Appendix A by using: (1) staged decompression as opposed to continuous (linear) decompression; (2) decompression tables based on air or both air and pure oxygen; and (3) emergency tables when unexpected exposure times occur (up to 30 minutes above the maximum allowed working time).

When the pressure decreases during decompression, tissues release the dissolved nitrogen gas into the blood system, which then carries the nitrogen gas to the lungs for elimination through exhalation. Releasing hyperbaric pressure too rapidly during decompression can increase the size of the bubbles formed by nitrogen gas in the blood system, resulting in decompression illness (DCI), commonly referred to as ''the bends.'' This description of the etiology of DCI is consistent with current scientific theory and research on the issue.

The 1992 French Decompression Tables proposed for use by the applicant provide for stops during worker decompression (*i.e.,* staged decompression) to control the release of nitrogen gas from tissues into the blood system. Studies show that staged decompression, in combination with other features of the 1992 French Decompression Tables such as the use of oxygen, result in a lower incidence of DCI than the use of automatically regulated continuous decompression.[5] In addition, the applicant asserts that staged decompression administered in accordance with its HOM is at least as effective as an automatic controller in regulating the decompression process because the HOM includes a hyperbaric supervisor who directly supervises all hyperbaric interventions and ensures that the airlock attendant, who is a competent person in the manual control of hyperbaric systems, follows the schedule specified in the decompression tables, including stops.

[5] See, *e.g.,* Dr. Eric Kindwall, EP (1997), Compressed air tunneling and caisson work decompression procedures: development, problems, and solutions. *Undersea and Hyperbaric Medicine,* 24(4), pp. 337–345. This article reported 60 treated cases of DCI among 4,168 exposures between 19 and 31 p.s.i.g. over a 51-week contract period, for a DCI incidence of 1.44% for the decompression tables specified by the OSHA standard. Dr. Kindwall notes that the use of automatically regulated continuous decompression in the Washington State safety standards for compressed-air work (from which OSHA derived its decompression tables) was at the insistence of contractors and the union, and against the advice of the expert who calculated the decompression table and recommended using staged decompression. Dr. Kindwall then states, ''Continuous decompression is inefficient and wasteful. For example, if the last stage from 4 p.s.i.g. . . . to the surface took 1h, at least half the time is spent at pressures less than 2 p.s.i.g. . . ., which provides less and less meaningful bubble suppression . . . .'' In addition, Dr. Kindwall addresses the continuous-decompression protocol in the OSHA compressed-air standard for construction, noting that ''[a]side from the tables for saturation diving to deep depths, no other widely used or officially approved diving decompression tables use straight line, continuous decompressions at varying rates. Stage decompression is usually the rule, since it is simpler to control.''

D. Variance From Paragraph (g)(1)(xvii) of 29 CFR 1926.803, Requirement of Special Decompression Chamber

The OSHA compressed-air standard for construction requires employers to use a special decompression chamber of sufficient size to accommodate all CAWs being decompressed at the end of the shift when total decompression time exceeds 75 minutes (see 29 CFR 1926.803(g)(1)(xvii)). Use of the special decompression chamber enables CAWs to move about and flex their joints to prevent neuromuscular problems during decompression.

Space limitations in the TBM do not allow for the installation and use of an additional special decompression lock or chamber. The applicant proposes that it be permitted to rely on the main chamber, which includes an inner and outer lock in lieu of adding a separate, special decompression chamber. Because only a few workers out of the entire crew are exposed to hyperbaric pressure, the main chamber, including the inner and outer locks, is of sufficient size to accommodate all of the exposed workers during decompression. The applicant uses the main chamber, which adequately accommodates a three-member crew for this purpose when decompression lasts up to 75 minutes. When decompression exceeds 75 minutes, the main chamber permits the crew to stand and extend their extremities. In the event of an emergency or requirement to conduct decompression outside of the main chamber, the applicant will have both a medical and shuttle chamber onsite during tunneling operations, both of which are double compartment chambers equipped to support hyperbaric medical treatment. The shuttle chamber supports limited hyperbaric medical treatment while the medical lock supports full medical treatment. The medical and shuttle chambers will be on standby during hyperbaric and post-hyperbaric interventions in the event there is a requirement to treat personnel suffering with decompression illness. The shuttle chamber shall be stationed within the tunnel as close as possible to the main chamber. Workers will have the ability to exit the main chamber (during decompression stops) and move into the shuttle chamber under the strict planning and supervision of the hyperbaric supervisor and hyperbaric physician. The shuttle chamber will have the ability to additionally lock onto the on-site medical lock as needed and as directed by the hyperbaric physician. For hyperbaric treatment purposes, both the shuttle and medical chambers will enable CAWs to move about and flex their joints and receive treatment as required. The applicant asserts that this alternative arrangement is as effective as a special decompression chamber in that it has sufficient space for all the CAWs at the end of a shift and enables CAWs to move about and flex their joints to prevent neuromuscular problems.

III. Agency Preliminary Determinations

After reviewing the proposed alternatives, OSHA has preliminarily determined that the applicant's proposed alternatives on the whole, subject to the conditions in the request and imposed by this interim order, provide measures that are as safe and healthful as those required by the cited OSHA standards addressed in section II of this notice.

In addition, OSHA has preliminarily determined that each of the following alternatives are at least as effective as the specified OSHA requirements:

A. 29 CFR 1926.803(f)(1)

OJD has proposed to implement equally effective alternative measures to the requirement in 29 CFR 1926.803(f)(1) for compliance with OSHA's decompression tables. The project-specific HOM specifies the procedures and personnel qualifications for performing work safely during the compression and decompression phases of interventions. The HOM also specifies the decompression tables the applicant proposes to use (the 1992 French Decompression Tables). Depending on the maximum working pressure and exposure times during the interventions, the tables provide for decompression using air, pure oxygen, or a combination of air and oxygen. The decompression tables also include delays or stops for various time intervals at different pressure levels during the transition to atmospheric pressure (*i.e.,* staged decompression). In all cases, a physician certified in hyperbaric medicine will manage the medical condition of CAWs during decompression. In addition, a trained airlock attendant, experienced in recognizing decompression sickness or illnesses and injuries, will be present. Of key importance, a hyperbaric supervisor, trained in hyperbaric operations, procedures, and safety, will directly supervise all hyperbaric operations to ensure compliance with the procedures delineated in the project-specific HOM or by the attending physician.

As it did when granting the previous tunneling permanent variances to IHP JV, Traylor JV, Tully JV, Salini-

Impregilo JV, McNally/Kiewit, Traylor-Shea, Traylor-Sundt JV, Ballard (Lower Olentangy), Ballard (Bay Park), CBNA/Halmar, McNally/ASI Marine and one interim order to Ballard (Suffolk), OSHA conducted a review of the scientific literature and concluded that the alternative decompression method (*i.e.,* the 1992 French Decompression Tables) OJD proposed would be at least as safe as the decompression tables specified by OSHA when applied by trained medical personnel under the conditions that would be imposed by the proposed variance.

Some of the literature indicates that the alternative decompression method may be safer, concluding that decompression performed in accordance with these tables resulted in a lower occurrence of DCI than decompression conducted in accordance with the decompression tables specified by the standard. For example, H. L. Andersen studied the occurrence of DCI at maximum hyperbaric pressures ranging from 4 p.s.i.g. to 43 p.s.i.g. during construction of the Great Belt Tunnel in Denmark (1992–1996).[6] This project used the 1992 French Decompression Tables to decompress the workers during part of the construction. Andersen observed 6 DCI cases out of 7,220 decompression events and reported that switching to the 1992 French Decompression tables reduced the DCI incidence to 0.08% compared to a previous incidence rate of 0.14%. The DCI incidence in the study by H. L. Andersen is substantially less than the DCI incidence reported for the decompression tables specified in Appendix A.

OSHA found no studies in which the DCI incidence reported for the 1992 French Decompression Tables were higher than the DCI incidence reported for the OSHA decompression tables.[7]

OSHA's experience with the previous several variances, which all incorporated nearly identical decompression plans and did not result in safety issues, also provide evidence that the alternative procedure as a whole is at least as effective for this type of tunneling project as compliance with OSHA's decompression tables. The experience of States with OSHA-approved State Plans[8] that either granted variances (Nevada, Oregon and Washington)[9] or promulgated a new standard (California)[10] for hyperbaric exposures occurring during similar subaqueous tunnel-construction work, provide additional evidence of the effectiveness of this alternative procedure.

B. 29 CFR 1926.803(g)(1)(iii)

OJD developed, and proposed to implement, an equally effective alternative to 29 CFR 1926.803(g)(1)(iii), which requires the use of automatic controllers that continuously decrease pressure to achieve decompression in accordance with the tables specified by the standard. The applicant's alternative includes using the 1992 French Decompression Tables for guiding staged decompression to achieve lower occurrences of DCI, using a trained and competent attendant for implementing appropriate hyperbaric entry and exit procedures, and providing a competent hyperbaric supervisor and attending physician certified in hyperbaric medicine to oversee all hyperbaric operations.

In reaching this preliminary conclusion, OSHA again notes the experience of previous nearly identical tunneling variances, the experiences of State Plans, and a review of the literature and other information noted earlier.

C. 29 CFR 1926.803(g)(1)(xvii)

OJD developed, and proposed to implement, an effective alternative to the use of the special decompression chamber required by 29 CFR 1926.803(g)(1)(xvii). The TBM's airlock appears to satisfy all of the conditions of the special decompression chamber, including that it provides sufficient space for the maximum crew of three CAWs to stand up and move around, and safely accommodate decompression times up to 360 minutes. Therefore, again noting OSHA's previous experience with nearly identical variances including the same alternative, OSHA preliminarily determines that the TBM's airlock functions as effectively as the special decompression chamber required by the standard.

Pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(d)), and based on the record discussed above, the agency preliminarily finds that when the employer complies with the conditions of the proposed variance, the working conditions of the employer's workers would be at least as safe and healthful as if the employer complied with the working conditions specified by paragraphs (f)(1), (g)(1)(iii), and (g)(1)(xvii) of 29 CFR 1926.803.

IV. Grant of Interim Order, Proposal for Permanent Variance, and Request for Comment

OSHA hereby announces the preliminary decision to grant an interim order allowing OJD's CAWs to perform interventions in hyperbaric conditions not exceeding 37 p.s.i.g. during the Cemetery Brook Drain Tunnel Project, subject to the conditions that follow in this document. This interim order will remain in effect until completion of the Cemetery Brook Drain Tunnel Project or until the agency modifies or revokes the interim order or makes a final decision on OJD's application for a permanent variance. During the period starting with the publication of this notice until completion of the Cemetery Brook Drain Tunnel Project, or until the agency modifies or revokes the interim order or makes a final decision on the application for a permanent variance, OJD is required to comply fully with the conditions of the interim order as an alternative to complying with the following requirements of 29 CFR 1926.803 (hereinafter, the standard) that:

1. Require the use of decompression values specified by the decompression tables in Appendix A of the compressed-air standard (29 CFR 1926.803(f)(1));

2. Require the use of automated operational controls (29 CFR 1926.803(g)(1)(iii)); and

3. Require the use of a special decompression chamber (29 CFR 1926.803(g)(1)(xvii)).

In order to avail itself of the interim order, OJD must: (1) comply with the conditions listed in the interim order for the period starting with the grant of the interim order and ending with OJD's completion of the Cemetery Brook Drain Tunnel Project (or until the agency modifies or revokes the interim order or

[6] Andersen HL (2002). Decompression sickness during construction of the Great Belt tunnel, Denmark. *Undersea and Hyperbaric Medicine,* 29(3), pp. 172–188.

[7] Le Péchon JC, Barre P, Baud JP, Ollivier F (September 1996). Compressed air work—French Tables 1992—operational results. *JCLP Hyperbarie Paris, Centre Medical Subaquatique Interentreprise, Marseille: Communication a l'EUBS,* pp. 1–5 (see Ex. OSHA–2012–0036–0005).

[8] Under section 18 of the OSH Act, Congress expressly provides that States and U.S. territories may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards. OSHA refers to such States and territories as States with OSHA approved ''State Plans'' (or simply refers to the programs as ''State Plans''). Occupational safety and health standards developed by State Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards (29 U.S.C. 667).

[9] These state variances are available in the docket for the 2015 Traylor JV variance: Exs. OSHA–2012–0035–0006 (Nevada), OSHA–2012–0035–0005 (Oregon), and OSHA–2012–0035–0004 (Washington).

[10] See California Code of Regulations, Title 8, Subchapter 7, Group 26, Article 154, available at *http://www.dir.ca.gov/title8/sb7g26a154.html.*

makes a decision on its application for a permanent variance); (2) comply fully with all other applicable provisions of 29 CFR part 1926; and (3) provide a copy of this **Federal Register** notice to all employees affected by the proposed conditions, including the affected employees of other employers, using the same means it used to inform these employees of its application for a permanent variance.

OSHA is also proposing that the same requirements (see above section III) would apply to a permanent variance if OSHA ultimately issues one for this project. OSHA requests comment on those conditions as well as OSHA's preliminary determination that the specified alternatives and conditions would provide a workplace as safe and healthful as those required by the standard from which a variance is sought. After reviewing comments, OSHA will publish in the **Federal Register** the agency's final decision granting or denying a permanent variance.

V. Description of the Specified Conditions of the Interim Order and the Application for a Permanent Variance

This section describes the alternative means of compliance with 29 CFR 1926.803 (f)(1), (g)(1)(iii), and (g)(1)(xvii) and provides additional detail regarding the proposed conditions that form the basis of OJD's application for an interim order and permanent variance. The conditions are listed below. For brevity, the discussion that follows refers only to the permanent variance, but the same conditions apply to the interim order.

Proposed Condition A: Scope

The scope of the proposed permanent variance would limit coverage to the work situations specified. Clearly defining the scope of the proposed permanent variance provides OJD, OJD's employees, potential future applicants, other stakeholders, the public, and OSHA with necessary information regarding the work situations in which the proposed permanent variance would apply. To the extent that OJD exceeds the defined scope of this variance, it would be required to comply with OSHA's standards.

Pursuant to 29 CFR 1905.11, an employer (or class or group of employers) [11] may request a permanent variance for a specific workplace or workplaces. If OSHA approves a permanent variance, it would apply only to the specific employer(s) that submitted the application and only to the specific workplace or workplaces designated as part of the project. In this instance, if OSHA were to grant a permanent variance, it would apply to only the applicant, OJD, and only the Cemetery Brook Drain Tunnel Project. As a result, it is important to understand that if OSHA were to grant OJD a permanent variance, it would not apply to any other employers, or to projects the applicant may undertake in the future.

Proposed Condition B: Duration

The interim order is only intended as a temporary measure pending OSHA's decision on the permanent variance, so this condition specifies the duration of the order. If OSHA approves a permanent variance, it would specify the duration of the permanent variance as the remainder of the Cemetery Brook Drain Tunnel Project.

Proposed Condition C: List of Abbreviations

The proposed condition defines a number of abbreviations used in the proposed permanent variance. OSHA believes that defining these abbreviations serve to clarify and standardize their usage, thereby enhancing the applicant's and its employees' understanding of the conditions specified by the proposed permanent variance.

Proposed Condition D: Definitions

The proposed condition defines a series of terms, mostly technical terms, used in the proposed permanent variance to standardize and clarify their meaning. OSHA believes that defining these terms serves to enhance the applicant's and its employees' understanding of the conditions specified by the proposed permanent variance.

Proposed Condition E: Safety and Health Practices

This proposed condition requires the applicant to develop and submit to OSHA a HOM specific to the Cemetery Brook Drain Tunnel Project at least six months before using the TBM for tunneling operations. The applicant must also submit, at least six months before using the TBM, proof that the TBM's hyperbaric chambers have been designed, fabricated, inspected, tested, marked, and stamped in accordance with the requirements of ASME PVHO–1.2019 (or the most recent edition of *Safety Standards for Pressure Vessels for Human Occupancy by the American Society of Mechanical Engineers*). These requirements ensure that the applicant develops hyperbaric safety and health procedures suitable for the project.

The submission of the HOM to OSHA, which OJD has already completed, enables OSHA to determine whether the safety and health instructions and measures it specifies are appropriate to the field conditions of the tunnel (including expected geological conditions), conform to the conditions of the variance, and adequately protect the safety and health of the CAWs. It also facilitates OSHA's ability to ensure that the applicant is complying with these instructions and measures. The requirement for proof of compliance with ASME PVHO–1.2019 is intended to ensure that the equipment is structurally sound and capable of performing to protect the safety of the employees exposed to hyperbaric pressure.

Additionally, the proposed condition includes a series of related hazard prevention and control requirements and methods (*e.g.,* decompression tables, job hazard analyses (JHA), operations and inspections checklists, incident investigation, and recording and notification to OSHA of recordable hyperbaric injuries and illnesses) designed to ensure the continued effective functioning of the hyperbaric equipment and operating system.

Proposed Condition F: Communication

This proposed condition requires the applicant to develop and implement an effective system of information sharing and communication. Effective information sharing and communication are intended to ensure that affected workers receive updated information regarding any safety-related hazards and incidents, and corrective actions taken, prior to the start of each shift. The proposed condition also requires the applicant to ensure that reliable means of emergency communications are available and maintained for affected workers and support personnel during hyperbaric operations. The availability of such reliable means of communications would enable affected workers and support personnel to respond quickly and effectively to hazardous conditions or emergencies that may develop during TBM operations.

Proposed Condition G: Worker Qualification and Training

This proposed condition requires the applicant to develop and implement an effective qualification and training program for affected workers. The proposed condition specifies the factors

[11] A class or group of employers (such as members of a trade alliance or association) may apply jointly for a variance provided an authorized representative for each employer signs the application and the application identifies each employer's affected facilities.

that an affected worker must know to perform safely during hyperbaric operations, including how to enter, work in, and exit from hyperbaric conditions under both normal and emergency conditions. Having well-trained and qualified workers performing hyperbaric intervention work is intended to ensure that they recognize, and respond appropriately to, hyperbaric safety and health hazards. These qualification and training requirements enable affected workers to cope effectively with emergencies, as well as the discomfort and physiological effects of hyperbaric exposure, thereby preventing worker injury, illness, and fatalities.

Paragraph (2)(e) of this proposed condition requires the applicant to provide affected workers with information they can use to contact the appropriate healthcare professionals if the workers believe they are developing hyperbaric-related health effects. This requirement provides for early intervention and treatment of DCI and other health effects resulting from hyperbaric exposure, thereby reducing the potential severity of these effects.

Proposed Condition H: Inspections, Tests, and Accident Prevention

Proposed Condition H requires the applicant to develop, implement, and operate a program of frequent and regular inspections of the TBM's hyperbaric equipment and support systems, and associated work areas. This condition would help to ensure the safe operation and physical integrity of the equipment and work areas necessary to conduct hyperbaric operations. The condition would also enhance worker safety by reducing the risk of hyperbaric-related emergencies.

Paragraph (3) of this proposed condition requires the applicant to document tests, inspections, corrective actions, and repairs involving the TBM, and maintain these documents at the jobsite for the duration of the job. This requirement would provide the applicant with information needed to schedule tests and inspections to ensure the continued safe operation of the equipment and systems, and to determine that the actions taken to correct defects in hyperbaric equipment and systems were appropriate, prior to returning them to service.

Proposed Condition I: Compression and Decompression

This proposed condition would require the applicant to consult with the designated medical advisor regarding special compression or decompression procedures appropriate for any unacclimated CAW and then implement the procedures recommended by the medical consultant. This proposed provision would ensure that the applicant consults with the medical advisor, and involves the medical advisor in the evaluation, development, and implementation of compression or decompression protocols appropriate for any CAW requiring acclimation to the hyperbaric conditions encountered during TBM operations. Accordingly, CAWs requiring acclimation would have an opportunity to acclimate prior to exposure to these hyperbaric conditions. OSHA believes this condition would prevent or reduce adverse reactions among CAWs to the effects of compression or decompression associated with the intervention work they perform in the TBM.

Proposed Condition J: Recordkeeping

Under OSHA's existing recordkeeping requirements in 29 CFR part 1904 regarding Recording and Reporting Occupational Injuries and Illnesses, the employer must maintain a record of any recordable injury, illness, or fatality (as defined by 29 CFR part 1904) resulting from exposure of an employee to hyperbaric conditions by completing the OSHA Form 301 Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses. The applicant did not seek a variance from this standard and therefore OJD must comply fully with those requirements.

Examples of important information to include on the OSHA Form 301 Injury and Illness Incident Report (along with the corresponding questions on the form) are:

Q14

- the task performed;
- the composition of the gas mixture (*e.g.,* air or oxygen);
- an estimate of the CAW's workload;
- the maximum working pressure;
- temperature in the work and decompression environments;
- unusual occurrences, if any, during the task or decompression

Q15

- time of symptom onset;
- duration between decompression and onset of symptoms

Q16

- type and duration of symptoms;
- a medical summary of the illness or injury

Q17

- duration of the hyperbaric intervention;
- possible contributing factors;
- the number of prior interventions completed by the injured or ill CAW; and the pressure to which the CAW was exposed during those interventions.[12]

Proposed Condition J would add additional reporting responsibilities, beyond those already required by the OSHA standard. The applicant would be required to maintain records of specific factors associated with each hyperbaric intervention. The information gathered and recorded under this provision, in concert with the information provided under proposed Condition K (using OSHA Form 301 Injury and Illness Incident Report to investigate and record hyperbaric recordable injuries as defined by 29 CFR 1904.4, 1904.7, 1904.8–1904.12), would enable the applicant and OSHA to assess the effectiveness of the permanent variance in preventing DCI and other hyperbaric-related effects.

Proposed Condition K: Notifications

Under the proposed condition, the applicant is required, within specified periods of time, to notify OSHA of: (1) any recordable injury, illness, in-patient hospitalization, amputation, loss of an eye, or fatality that occurs as a result of hyperbaric exposures during TBM operations within 8 hours; (2) provide OSHA a copy of the hyperbaric exposures incident investigation report (using OSHA Form 301 Injury and Illness Incident Report) of these events within 24 hours of the incident; (3) include on OSHA Form 301 Injury and Illness Incident Report information on the hyperbaric conditions associated with the recordable injury or illness, the root-cause determination, and preventive and corrective actions identified and implemented; (4) provide the certification along with the OSHA Form 301, that affected workers were informed of the incident and the results of the incident investigation; (5) notify OSHA's Office of Technical Programs and Coordination Activities (OTPCA) and the OSHA Concord Area Office within 15 working days should the applicant need to revise the HOM to accommodate changes in its compressed-air operations that affect OJD's ability to comply with the conditions of the proposed permanent variance; and (6) provide OTPCA and the OSHA Concord Area Office, at the

[12] See 29 CFR 1904 Recording and Reporting Occupational Injuries and Illnesses *(http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9631)*; recordkeeping forms and instructions *(http://www.osha.gov/recordkeeping/RKform300pkg-fillable-enabled.pdf)*; and OSHA Recordkeeping Handbook *(http://www.osha.gov/recordkeeping/handbook/index.html)*.

end of the project, with a report evaluating the effectiveness of the decompression tables within 30 days of the completion of the Cemetery Brook Drain Tunnel Project.

It should be noted that the requirement for completing and submitting the hyperbaric exposure-related (recordable) incident investigation report (OSHA 301 Injury and Illness Incident Report) is more restrictive than the current recordkeeping requirement of completing OSHA Form 301 Injury and Illness Incident Report within 7 calendar days of the incident (1904.29(b)(3)). This modified, more stringent incident investigation and reporting requirement is restricted to intervention-related hyperbaric (recordable) incidents only. Providing rapid notification to OSHA is essential because time is a critical element in OSHA's ability to determine the continued effectiveness of the variance conditions in preventing hyperbaric incidents, and the applicant's identification and implementation of appropriate corrective and preventive actions.

Further, these notification requirements also enable the applicant, its employees, and OSHA to assess the effectiveness of the permanent variance in providing the requisite level of safety to the applicant's workers and based on this assessment, whether to revise or revoke the conditions of the proposed permanent variance. Timely notification permits OSHA to take whatever action may be necessary and appropriate to prevent possible further injuries and illnesses. Providing notification to employees informs them of the precautions taken by the applicant to prevent similar incidents in the future.

Additionally, this proposed condition requires the applicant to notify OSHA no later than seven (7) days of having knowledge that it will cease to do business, have a new address or location for the main office, or transfer the operations covered by the proposed permanent variance to a successor company. In addition, the condition specifies that the transfer of the permanent variance to a successor company must be approved by OSHA. These requirements allow OSHA to communicate effectively with the applicant regarding the status of the proposed permanent variance and expedite the agency's administration and enforcement of the permanent variance. Stipulating that an applicant is required to have OSHA's approval to transfer a variance to a successor company provides assurance that the successor company has knowledge of, and will comply with, the conditions specified by the proposed permanent variance, thereby ensuring the safety of workers involved in performing the operations covered by the proposed permanent variance.

VI. Specific Conditions of the Interim Order and the Proposed Permanent Variance

The following conditions apply to the interim order OSHA is granting to OJD for the Cemetery Brook Drain Tunnel Project. These conditions specify the alternative means of compliance with the requirements of paragraphs 29 CFR 1926.803(f)(1), (g)(1)(iii), and (g)(1)(xvii). In addition, these conditions are specific to the alternative means of compliance with these requirements that OSHA is proposing for OJD's permanent variance. To simplify the presentation of the conditions, OSHA generally refers only to the conditions of the proposed permanent variance, but the same conditions apply to the interim order except where otherwise noted.[13]

The conditions would apply with respect to all employees of OJD exposed to hyperbaric conditions. These conditions are outlined in this section:

A. Scope

The interim order applies, and the permanent variance would apply only when OJD stops the tunnel-boring work, pressurizes the working chamber, and the CAWs either enter the working chamber to perform an intervention (*i.e.,* inspect, maintain, or repair the mechanical-excavation components), or exit the working chamber after performing interventions.

The interim order and proposed permanent variance apply only to work:

1. That occurs in conjunction with construction of the Cemetery Brook Drain Tunnel Project, a tunnel constructed using advanced shielded mechanical-excavation techniques and involving operation of an TBM;

2. In the TBM's forward section (the working chamber) and associated hyperbaric chambers used to pressurize and decompress employees entering and exiting the working chamber; and

3. Performed in compliance with all applicable provisions of 29 CFR part 1926 except for the requirements specified by 29 CFR 1926.803(f)(1), (g)(1)(iii), and (g)(1)(xvii).

[13] In these conditions, OSHA is using the future conditional form of the verb (*e.g.,* ''would''), which pertains to the application for a permanent variance (designated as ''Permanent Variance'') but the conditions are mandatory for purposes of the interim order.

B. Duration

The interim order granted to OJD will remain in effect until OJD completes the Cemetery Brook Drain Tunnel Project, OSHA modifies or revokes this interim order, or OSHA grants OJD's request for a permanent variance. The proposed permanent variance, if granted, would remain in effect until the completion of OJD's Cemetery Brook Drain Tunnel Project or until modified or revoked by OSHA pursuant to 29 CFR 1905.13(a)(2).

C. List of Abbreviations

Abbreviations used throughout this proposed permanent variance would include the following:

1. CAW—Compressed-air worker
2. CFR—Code of Federal Regulations
3. DCI—Decompression Illness
4. DMT—Diver Medical Technician
5. OJD—Obayashi—Jay Dee Joint Venture
6. TBM—Earth Pressure Balanced Tunnel Boring Machine
7. HOM—Hyperbaric Operations Manual
8. JHA—Job hazard analysis
9. OSHA—Occupational Safety and Health Administration
10. OTPCA—Office of Technical Programs and Coordination Activities

D. Definitions

The following definitions would apply to this proposed permanent variance. These definitions would supplement the definitions in OJD's project-specific HOM.

1. *Affected employee or worker*—an employee or worker who is affected by the conditions of this proposed permanent variance, or any one of his or her authorized representatives. The term ''employee'' has the meaning defined and used under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*).

2. Airlock—A compartment/chamber with controlled pressure and parallel sets of doors to permits movement between areas at different pressures.

3. *Atmospheric pressure*—the pressure of air at sea level, generally 14.7 pounds per square inch absolute (p.s.i.a)., 1 atmosphere absolute, or 0 p.s.i.g.

4. *Compressed-air worker*—an individual who is specially trained and medically qualified to perform work in a pressurized environment while breathing air at pressures not exceeding 37 p.s.i.g.

5. *Competent person*—an individual who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous

to employees, and who has authorization to take prompt corrective measures to eliminate them.[14]

6. *Decompression illness*—an illness (also called decompression sickness or ''the bends'') caused by gas bubbles appearing in body compartments due to a reduction in ambient pressure. Examples of symptoms of decompression illness include, but are not limited to: joint pain (also known as the ''bends'' for agonizing pain or the ''niggles'' for slight pain); areas of bone destruction (termed dysbaric osteonecrosis); skin disorders (such as cutis marmorata, which causes a pink marbling of the skin); spinal cord and brain disorders (such as stroke, paralysis, paresthesia, and bladder dysfunction); cardiopulmonary disorders, such as shortness of breath; and arterial gas embolism (gas bubbles in the arteries that block blood flow).[15]

Note: Health effects associated with hyperbaric intervention, but not considered symptoms of DCI, can include: barotrauma (direct damage to air-containing cavities in the body such as ears, sinuses, and lungs); nitrogen narcosis (reversible alteration in consciousness that may occur in hyperbaric environments and is caused by the anesthetic effect of certain gases at high pressure); and oxygen toxicity (a central nervous system condition resulting from the harmful effects of breathing molecular oxygen (O_2) at elevated partial pressures).

7. *Diver Medical Technician*—Member of the dive team who is experienced in first aid.

8. *Earth Pressure Balanced Tunnel Boring Machine*—the machinery used to excavate a tunnel.

9. *Hot work*—any activity performed in a hazardous location that may introduce an ignition source into a potentially flammable atmosphere.[16]

10. *Hyperbaric*—at a higher pressure than atmospheric pressure.

11. *Hyperbaric intervention*—a term that describes the process of stopping the TBM and preparing and executing work under hyperbaric pressure in the working chamber for the purpose of inspecting, replacing, or repairing cutting tools and/or the cutterhead structure.

12. *Hyperbaric Operations Manual*—a detailed, project-specific health and safety plan developed and implemented by OJD for working in compressed air during the Cemetery Brook Drain Tunnel Project.

13. Inner lock—primary lock of the main chamber, provides access to the working chamber for performing work on the tunnel face or TBM repair.

14. *Job hazard analysis*—an evaluation of tasks or operations to identify potential hazards and to determine the necessary controls.

15. *Main Chamber*—The main compartment of the airlock.

16. *Medical Advisor*—medical professional experienced in the physical requirements of compressed air work and the treatment of decompression illness.

17. *Medical lock*—a double compartment chamber equipped to support full hyperbaric medical treatment.

18. *Outer Lock*—The secondary lock of the main chamber, used for transferring occupants in and out of the inner lock.

19. *Pressure*—a force acting on a unit area. Usually expressed as pounds per square inch (p.s.i.).

20. *p.s.i.a.*—pounds per square inch absolute, or absolute pressure, is the sum of the atmospheric pressure and gauge pressure. At sea level, atmospheric pressure is approximately 14.7 p.s.i.a. Adding 14.7 to a pressure expressed in units of p.s.i.g. will yield the absolute pressure, expressed as p.s.i.a.

21. *p.s.i.g.*—pounds per square inch gauge, a common unit of pressure; pressure expressed as p.s.i.g. corresponds to pressure relative to atmospheric pressure. At sea level, atmospheric pressure is approximately 14.7 p.s.i.a. Subtracting 14.7 from a pressure expressed in units of p.s.i.a. yields the gauge pressure, expressed as p.s.i.g. At sea level the gauge pressure is 0 p.s.i.g.

22. *Qualified person*—an individual who, by possession of a recognized degree, certificate, or professional standing, or who, by extensive knowledge, training, and experience, successfully demonstrates an ability to solve or resolve problems relating to the subject matter, the work, or the project.[17]

23. *Shuttle lock*—a double compartment chamber equipped to support limited medical hyperbaric treatment.

24. *Working chamber*—an enclosed space in the TBM in which CAWs perform interventions, and which is accessible only through the airlock (also referred to as main chamber).

E. Safety and Health Practices

1. OJD would have to adhere to the project-specific HOM submitted to OSHA as part of the application (see OSHA–2026–0001–0003). The HOM provides the minimum requirements regarding expected safety and health hazards (including anticipated geological conditions) and hyperbaric exposures during the tunnel construction project.

2. OJD would have to demonstrate that the TBM on the project is designed, fabricated, inspected, tested, marked, and stamped in accordance with the requirements of ASME PVHO–1.2019 (or most recent edition of *Safety Standards for Pressure Vessels for Human Occupancy*) for the TBM's hyperbaric chambers.

3. OJD would have to implement the safety and health instructions included in the manufacturer's operations manuals for the TBM, and the safety and health instructions provided by the manufacturer for the operation of decompression equipment.

4. OJD would have to ensure that there are no exposures to pressures greater than 37 p.s.i.g.

5. OJD would have to ensure that air or oxygen is the only breathing gas in the working chamber.

6. OJD would have to follow the 1992 French Decompression Tables for air or oxygen decompression as specified in the HOM; specifically, the extracted portions of the 1992 French Decompression tables titled, ''French Regulation Air Standard Tables.''

7. OJD would have to equip the airlock used by employees with an air or oxygen delivery system, as specified by the HOM for the project. OJD would be prohibited from storing in the tunnel any oxygen or other compressed gases used in conjunction with hyperbaric work.

8. Workers performing hot work under hyperbaric conditions would have to use flame-retardant personal protective equipment and clothing.

9. In hyperbaric work areas, OJD would have to maintain an adequate fire-suppression system approved for hyperbaric work areas.

10. OJD would have to develop and implement one or more Job Hazard Analysis (JHA) for work in the hyperbaric work areas, and review, periodically and as necessary (*e.g.,* after making changes to a planned intervention that affects its operation), the contents of the JHAs with affected employees. The JHAs would have to include all the job functions that the

[14] Adapted from 29 CFR 1926.32(f).

[15] See Appendix 10 of ''A Guide to the Work in Compressed-Air Regulations 1996,'' published by the United Kingdom Health and Safety Executive available from NIOSH at *http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-254/compReg1996.pdf*

[16] Also see 29 CFR 1926.1202 for examples of hot work.

[17] Adapted from 29 CFR 1926.32(m).

risk assessment [18] indicates are essential to prevent injury or illness.

11. OJD would have to develop a set of checklists to guide compressed-air work and ensure that employees follow the procedures required by the proposed permanent variance and this interim order (including all procedures required by the HOM approved by OSHA for the project, which this proposed variance would incorporate by reference). The checklists would have to include all steps and equipment functions that the risk assessment indicates are essential to prevent injury or illness during compressed-air work.

12. OJD would have to ensure that the safety and health provisions of this project-specific HOM adequately protect the workers of all contractors and subcontractors involved in hyperbaric operations for the project to which the HOM applies.

F. Communication

OJD would have to:

1. Prior to beginning a shift, implement a system that informs workers exposed to hyperbaric conditions of any hazardous occurrences or conditions that might affect their safety, including hyperbaric incidents, gas releases, equipment failures, earth or rock-slides, cave-ins, flooding, fires, or explosions.

2. Provide a power-assisted means of communication among affected workers and support personnel in hyperbaric conditions where unassisted voice communication is inadequate.

(a) Use an independent power supply for powered communication systems, and these systems would have to operate such that use or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(b) Test communication systems at the start of each shift and as necessary thereafter to ensure proper operation.

G. Worker Qualifications and Training

OJD would have to:

1. Ensure that each affected worker receives effective training on how to safely enter, work in, exit from, and undertake emergency evacuation or rescue from, hyperbaric conditions, and document this training.

2. Provide effective instruction on hyperbaric conditions, before beginning hyperbaric operations, to each worker who performs work, or controls the exposure of others, and document this instruction. The instruction would need to include:

(a) The physics and physiology of hyperbaric work;

(b) Recognition of pressure-related injuries;

(c) Information on the causes and recognition of the signs and symptoms associated with decompression illness, and other hyperbaric intervention-related health effects (*e.g.,* barotrauma, nitrogen narcosis, and oxygen toxicity);

(d) How to avoid discomfort during compression and decompression;

(e) Information the workers can use to contact the appropriate healthcare professionals should the workers have concerns that they may be experiencing adverse health effects from hyperbaric exposure; and

(f) Procedures and requirements applicable to the employee in the project-specific HOM.

3. Repeat the instruction specified in paragraph (G) of this proposed condition periodically and as necessary (*e.g.,* after making changes to its hyperbaric operations).

4. When conducting training for its hyperbaric workers, make this training available to OSHA personnel and notify the OTPCA at OSHA's national office and OSHA's Concord Area Office before the training takes place.

H. Inspections, Tests, and Accident Prevention

1. OJD would have to initiate and maintain a program of frequent and regular inspections of the TBM's hyperbaric equipment and support systems (such as temperature control, illumination, ventilation, and fire-prevention and fire-suppression systems), and hyperbaric work areas, as required under 29 CFR 1926.20(b)(2), including:

(a) Developing a set of checklists to be used by a competent person in conducting weekly inspections of hyperbaric equipment and work areas; and

(b) Ensuring that a competent person conducts daily visual checks and weekly inspections of the TBM.

2. Remove from service any equipment that constitutes a safety hazard until it corrects the hazardous condition and has the correction approved by a qualified person.

3. OJD would have to maintain records of all tests and inspections of the TBM, as well as associated corrective actions and repairs, at the job site for the duration of the tunneling project and for 90 days after the final project report is submitted to OSHA.

I. Compression and Decompression

OJD would have to consult with its attending physician concerning the need for special compression or decompression exposures appropriate for CAWs not acclimated to hyperbaric exposure.

J. Recordkeeping

In addition to completing OSHA Form 301 Injury and Illness Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses, OJD would have to maintain records of:

1. The date, times (*e.g.,* time compression started, time spent compressing, time performing intervention, time spent decompressing), and pressure for each hyperbaric intervention.

2. The names of all supervisors and DMTs involved for each intervention.

3. The name of each individual worker exposed to hyperbaric pressure and the decompression protocols and results for each worker.

4. The total number of interventions and the amount of hyperbaric work time at each pressure.

5. The results of the post-intervention physical assessment of each CAW for signs and symptoms of decompression illness, barotrauma, nitrogen narcosis, oxygen toxicity or other health effects associated with work in compressed air for each hyperbaric intervention.

K. Notifications

1. To assist OSHA in administering the conditions specified herein, OJD would have to:

(a) Notify the OTPCA and the OSHA Concord Area Office, at *www.osha.gov/contactus/byoffice* of any recordable injury, illness, or fatality (by submitting the completed OSHA Form 301 Injuries and Illness Incident Report) resulting from exposure of an employee to hyperbaric conditions, including those that do not require recompression treatment (*e.g.,* nitrogen narcosis, oxygen toxicity, barotrauma), but still meet the recordable injury or illness criteria of 29 CFR 1904. The notification would have to be made within 8 hours of the incident or 8 hours after becoming aware of a recordable injury, illness, or fatality; a copy of the incident investigation (OSHA Form 301 Injuries and Illness Incident Report) must be submitted to OSHA within 24 hours of the incident or 24 hours after becoming aware of a recordable injury, illness, or fatality. In addition to the information required by OSHA Form 301 Injuries and Illness Incident Report, the incident-investigation report would have to include a root-cause determination, and the preventive and corrective actions identified and implemented.

[18] See ANSI/AIHA Z10–2012, American National Standard for Occupational Health and Safety Management Systems, for reference.

(b) Provide certification to the OSHA Concord Area Office within 15 working days of the incident that OJD informed affected workers of the incident and the results of the incident investigation (including the root-cause determination and preventive and corrective actions identified and implemented).

(c) Notify the OTPCA and the OSHA Concord Area Office within 15 working days and in writing, of any change in the compressed-air operations that affects OJD's ability to comply with the proposed conditions specified herein.

(d) Upon completion of the Cemetery Brook Drain Tunnel Project, evaluate the effectiveness of the decompression tables used throughout the project, and provide a written report of this evaluation to the OTPCA and the OSHA Concord Area Office within 30 days after the workers' final day onsite.

Note: The evaluation report would have to contain summaries of: (1) The number, dates, durations, and pressures of the hyperbaric interventions completed; (2) decompression protocols implemented (including composition of gas mixtures (air and/or oxygen), and the results achieved; (3) the total number of interventions and the number of hyperbaric incidents (decompression illnesses and/or health effects associated with hyperbaric interventions as recorded on OSHA Form 301 Injuries and Illness Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses, and relevant medical diagnoses, and treating physicians' opinions); and (4) root causes of any hyperbaric incidents, and preventive and corrective actions identified and implemented.

(e) To assist OSHA in administering the proposed conditions specified herein, inform the OTPCA and the OSHA Concord Area Office as soon as possible, but no later than seven (7) days, after it has knowledge that it will:

(i) Cease doing business;

(ii) Change the location and address of the main office for managing the tunneling operations specified herein; or

(iii) Transfer the operations specified herein to a successor company.

(f) Notify all affected employees of this proposed permanent variance by the same means required to inform them of its application for a permanent variance.

2. OSHA would have to approve the transfer of the permanent variance to a successor company through a new application for a permanent variance.

VII. Authority and Signature

David Keeling, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 655(6)(d), Secretary of Labor's Order No. 7–2025 (90 FR 27878, June 30, 2025), and 29 CFR 1905.11.

Signed at Washington, DC, on May 22, 2026.

David Keeling,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2026–10735 Filed 5–28–26; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–031]

Name of Information Collection: NASA Software Release Request System

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Revision of an existing information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, under the Paperwork Reduction Act (PRA), invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by June 29, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments''.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, or email *stayce.d.hoult@nasa.gov* or *hq-ocio-pra-program@mail.nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA Software Release Request System (SRRS) is a workflow tool that allows Agency Software Release Authorities (SRAs) to easily develop and route software release documents, such as the Software Release Request Authorization (SRRA) and Section 508 Compliance Matrix in an automated fashion. SRAs have the added ability to perform parallel routing, including the use of time-based email reminders, tracking and reporting progress on the processing of the software release requests so they can effectively manage this process at their respective centers. Software owners/developers can submit the Software Release Requests or view their submitted Software Release Requests that may need their attention. NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act Section 203 (a)(3) to ''provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof,'' and to enhance public understanding of, and participation in, the nation's aeronautical and space program.

II. Methods of Collection

Web Based—only accessible via NASA's internal network.

III. Data

Title: NASA Software Release Request System (SRS).

OMB Number: 2700–0175.

Type of Review: Revision of an Existing Information Collection.

Affected Public: NASA Funded Contractors and Government Employees.

Estimated Annual Number of Activities: 1.

Estimated Number of Respondents per Activity: 110.

Estimated Time per Response: 240 minutes.

Estimated Total Annual Burden Hours: 440 hours.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2026–10683 Filed 5–28–26; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATE: The Members of the National Council on Disability (NCD) will hold a brief virtual meeting on Thursday, June 11, 2026, 12:00–1:00 p.m. Eastern Daylight Time (EDT).

PLACE: This meeting will occur via Zoom for Government videoconference. Details are available on NCD's event page at *https://www.ncd.gov/meeting/2026-06-11-june-11-2026-council-meeting/.*

MATTERS TO BE CONSIDERED:

NCD's Councilmembers will discuss the proposed organizing policy theme for the agency's work of development of a disability middle class. Acting Chairman Romano will lead the discussion, which will include theme relevance and salience; and theme application to current and future policy projects, strategic planning, and outreach activities.

Agenda: The times provided below are approximations for when each agenda item is anticipated to be discussed (all Eastern Daylight Time):

Thursday, June 11, 2026

12:00–12:05 p.m.—Welcome and Call to Order

12:05–12:15 p.m.—Acting Chairman Presentation of Unifying Theme Idea of Creating a Disability Middle Class

12:15 p.m.–1:00 p.m.—Discussion of Council Members 1:00 p.m.—Adjourn

CONTACT PERSON FOR MORE INFORMATION: Nicholas Sabula, Public Affairs Specialist, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (V), or *nsabula@ncd.gov.*

Accommodations: ASL Interpreters will be provided in-room and included during the live streamed meeting, and CART has been arranged for this meeting and will be embedded into the Zoom platform as well as available via streamtext link. The web link to access CART Streamtext: *https://www.streamtext.net/player?event=NCD.*

If you require additional accommodations, please notify Stacey Brown by sending an email to *sbrown@ncd.gov* as soon as possible and no later than 24 hours prior to the meeting.

Due to last-minute confirmations or cancellations, NCD may substitute items without advance public notice.

Dated: May 27, 2026.

Anne C. Sommers McIntosh,

Director of Legislative Affairs and Outreach.

[FR Doc. 2026–10810 Filed 5–27–26; 4:15 pm]

BILLING CODE 8421–02–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of National Council on the Humanities

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to advise the Acting Chairman of the National Endowment for the Humanities (NEH) with respect to policies, programs and procedures for carrying out his functions; to review applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Acting Chairman; and to consider gifts offered to NEH and make recommendations thereon to the Acting Chairman.

DATES: The meeting will be held on Thursday, June 4, 2026, from 11:00 a.m. ET until adjourned.

ADDRESSES: The meeting will be held by videoconference originating at Constitution Center, 400 7th Street SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The National Council on the Humanities is meeting pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended). The National Council on the Humanities will convene by videoconference on June 4, 2026, from 11:00 a.m. ET until adjourned, to discuss specific grant applications and programs before the Council. The agenda for the meeting will be as follows:

I. Call to Order
II. Quorum and Minutes of Previous Meeting
III. Reports
  a. Acting Chairman's Remarks
  b. Budget Report
  c. Remarks From Special Assistant to the Chairman
  d. Remarks From Senior Programs Officer for America's 250th Initiatives
  e. Actions on Requests for Chairman's Grants and Supplemental Funding
  f. Actions on Previously Considered Applications
IV. Collections and Infrastructure
V. Federal/State Partnership
VI. Lifelong Learning
VII. Research

This meeting of the National Council on the Humanities will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B) of Title 5 U.S.C., as amended, because it will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted to me by the Chair's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: May 27, 2026.

Kimberly Hylan,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2026–10778 Filed 5–28–26; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Electrical, Communications, and Cyber Systems; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Graduate Education.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having

responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Electrical, Communications, and Cyber Systems, #1196

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $216,389.

a. Federal personnel on a full-time equivalent (FTE) basis: 2.9 FTE.

b. Other Federal internal costs: $0.

c. Proposed payments to members: $212,745.

d. Proposed number of members: 529.

e. Reimbursable costs: $3,644.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $108,005,090.

3. Criteria for selecting members to ensure the committee has the necessary.

Members represent a broad balance of the research community to include geographic distribution, industry, academe, Federal government and laboratories, career level distribution, and appropriate research disciplines. Members are selected to achieve a balance of viewpoints and expertise in scientific areas encompassed by division activities.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposals submitted from the research community demonstrate methods of incorporating the latest state-of-the-art expertise into their subject matter. The community of subject matter experts provides qualified peer review specific to the proposals.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

In the fiscal year 2025, the committee reviewed 1,186 proposals in 76 meetings, with 529 members participating from external institutions and federal organizations. The use of panelists to review proposals for the Agency is an invaluable asset. The cost of obtaining the expertise, insight, and information received by the Division using alternative methods, such as hiring full or part-time employees, would be extremely high.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The NSF mission is set out in the NSF Act of 1950 authorizes and directs the Agency to initiate and support basic scientific research and research fundamental to the engineering process and science and engineering education programs at all levels and in all fields of science and engineering. The involvement of knowledgeable peers from outside the Foundation in the review of proposals is the keystone of NSF's proposal review system. Their judgments of the extent to which proposals address the merit review criteria are vital for informing NSF staff and influencing funding recommendations.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available

through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10693 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Undergraduate Education; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Undergraduate Education.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Undergraduate Education, #1214

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $556,500.00.

a. Federal personnel on a full-time equivalent (FTE) basis: 7 FTE.

b. Other Federal internal costs: $0.00.

c. Proposed payments to members: $551,500.

d. Proposed number of members: 1,100.

e. Reimbursable costs: $5,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year. $195,190,613.

3. Criteria for selecting members to ensure the committee has the necessary.

Based on expertise in scientific, mathematical, and engineering disciplines. Members are chosen to reflect a broad range of perspectives and backgrounds. We include participants from ac Based on expertise in scientific, mathematical, and engineering disciplines. Members are chosen to reflect a broad range of perspectives and backgrounds. We include participants from across the United States and its territories, representing a wide variety of institutions such as two-year colleges, liberal arts colleges, comprehensive universities, doctoral and research universities, industry, and scientific laboratories. Consideration was given to achieving geographic balance. ross the United States and its territories, representing a wide variety of institutions such as two-year colleges, liberal arts colleges, comprehensive universities, doctoral and research universities, industry, and scientific laboratories. Consideration was given to achieving geographic balance.

4. List of all other Federal advisory committees of the agency.

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Panel review allows experts to assess the merits of a group of proposals or a complex multidisciplinary proposal in ways that cannot be achieved through other evaluation methods. Members often bring complementary expertise, and no single member typically has all the knowledge needed to evaluate a proposal or an entire set of proposals independently.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Panel deliberations led to the review and ranking of proposals in areas of special emphasis within the Division of Undergraduate Education. The inputs assisted NSF in making informed funding decisions. For example, one proposal that was reviewed by a panel during FY25 was subsequently recommended for funding which provides scholarships to 22 students pursuing bachelor's and master's degrees in artificial intelligence, applied mathematics, computer science, cybersecurity, data science, operations research, and statistics at the Illinois Institute of Technology. The scholars receive mentoring from faculty and peers, participate in experiential and interdisciplinary learning experiences, and undertake other professional development activities that will help them advance in their careers. This award was funded by the NSF Scholarships in STEM (S–STEM) program, which seeks to increase the number of academically talented, low-income students with demonstrated financial need who earn degrees in STEM fields.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

Panels are essential for both advancing scientific research and enabling effective business operations.

This public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10700 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Physics.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Physics, #1208

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $232,600.

a. Federal personnel on a full-time equivalent (FTE) basis: 4.2 FTE.

b. Other Federal internal costs: $1,591.

c. Proposed payments to members: $200,985.

d. Proposed number of members: 360.

e. Reimbursable costs: $30,024.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $118,483,900.

3. Criteria for selecting members to ensure the committee has the necessary.

The membership of all review panels was selected to include individuals with scientific expertise in physics research, familiarity with the training process for young scientists, and, in the case of the technical reviews, advanced technical expertise in areas of construction, environmental impact, safety, and project management.

Members were also selected to have a broad range of experience and viewpoints, including a mixture of junior and senior scientists, a variety of large and small institutions, and a geographical distribution from across the Nation.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems

1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposals submitted to Mathematical and Physical Sciences/PHY programs, as well as those reviewed as part of NSF-wide activities, typically represent complex projects that require a broad range of expertise in physics research and education that no one person has. In addition, panel review in combination with mail review is used to provide better judgment regarding the merits of a proposal. Site visits constitute the most critical component of oversight of large-scale projects such as centers and facilities operations, which by their very nature require a breadth of input to reliably cover all aspects of the activity.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying cutting edge projects that pursue innovative research addressing national needs, strengthening U.S. leadership, fostering advances in new research areas, seeding new technologies, and making significant progress towards addressing grand challenges, notably in current priority areas including quantum information science, artificial intelligence, biotechnology, and other critical and emerging technologies. An example of a groundbreaking area identified by the committee is neutral atom optical tweezer arrays, a breakthrough technology in quantum computation with error correction. Continuation of the committee's work is necessary to maintain high quality scientific research programs and to identify emerging opportunities to advance science and technology.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The committees/subcommittees are essential to advancing scientific research and supporting effective business operations. It brings together experts from diverse backgrounds who collectively review proposals and provide funding recommendations based on the best scientific judgment of the research community. Through the panel review process, NSF is able to evaluate proposals' intellectual merit and broader impacts in a fair and transparent manner across a broad range of disciplines.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10698 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems, #1189

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same

consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $493,000.

a. Federal personnel on a full-time equivalent (FTE) basis: 7 FTE.

b. Other Federal internal costs: $0.

c. Proposed payments to members: $468,000.

d. Proposed number of members: 1,200.

e. Reimbursable costs: $25,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $200,000,000.

3. Criteria for selecting members to ensure the committee has the necessary.

Committee members are selected based on their scientific and technical expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of CBET activities. Membership is drawn from a broad range of disciplines to ensure representation of the scientific areas encompassed by the committee's review portfolio. Membership consists of approximately 1200 members considering all meetings. The subject matter and volume of proposals to be reviewed determine the number of members participating in any given meeting. Every effort is made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Committee members are selected based on their scientific and technical expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of CBET activities. Membership is drawn from a broad range of disciplines to ensure representation of the scientific areas encompassed by the committee's review portfolio. Membership consists of approximately 1200 members considering all meetings. The subject matter and volume of proposals to be reviewed determine the number of members participating in any given meeting. Every effort is made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, bioengineering, quantum engineering, robotics, and nuclear engineering.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The ENG FACA committees are essential to the conduct of agency business as they align with the agency's usage of the merit review process and

criteria in keeping with 42 U.S. Code § 1862s, which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.'' NSF's mission, as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research. Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10689 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Materials Research.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Materials Research, #1203

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $395,500.

a. Federal personnel on a full-time equivalent (FTE) basis: 8.6 FTE.

b. Other Federal internal costs: $500.

c. Proposed payments to members: $370,000.

d. Proposed number of members: 754.

e. Reimbursable costs: $25,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $150,000,000.

3. Criteria for selecting members to ensure the committee has the necessary.

The composition of the panel covers a very broad spectrum of scientific and engineering expertise necessary to properly evaluate the competing proposals, and includes industrial, academic and governmental laboratory researchers and educators.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs

59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Although individual evaluation (*i.e.,* mail review) of proposals is the usual method employed for merit review, combination of mail review and follow-up by panel review provides a more comprehensive basis and rationale for selecting awardees, since panel discussion of competing proposals focuses on strengths and weaknesses of competing proposals, and allows cross comparison of all proposals on a level playing field.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, biotechnology, quantum information science, advanced materials, and advanced manufacturing. An example of a groundbreaking area identified by the committee is Quantum research in 2016 before it became a priority topic at NSF and subsequently a national initiative: the National Quantum Initiative.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The MPS FACA committees are essential to the conduct of agency business as they align with the agency's usage of the merit review process and criteria in keeping with 42 U.S. Code 1862s, which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.'' NSF's mission, as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research. Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10695 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Computing & Communication Foundations; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Computing & Communication Foundations.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Computing & Communication Foundations, #1192

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $268,526.00.

a. Federal personnel on a full-time equivalent (FTE) basis: 3.52 FTE.

b. Other Federal internal costs: $1,000.00.

c. Proposed payments to members: $258,145.00.

d. Proposed number of members: 675.

e. Reimbursable costs: $9,381.00.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $174,188,680.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

Committee members are selected based on their scientific expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of CISE/CCF activities. Membership is drawn from a range of disciplines (*e.g.,* computing, engineering and mathematics) to ensure representation of the scientific areas encompassed by the committee's review portfolio. Members consists of approximately 675 members across all meetings. The subject matter expertise needed and the volume of proposals to be reviewed was used to determine the number of members in any given

meeting. Every effort has been made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. *List of all other Federal advisory committees of the agency:*

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Peer review of proposals is central to NSF processes. Specific advisory committees (*i.e.,* review panels) are impaneled for individual programs to directly provide the specific scientific expertise needed for the proposals under review. Notably, the CISE Directorate supports a wide range of multidisciplinary and interdisciplinary activities that include a unique combination of computing, communication foundations, and other scientific expertise that necessitates the recruitment of committee members.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, bioengineering, quantum engineering, robotics, and nuclear engineering. An example of groundbreaking areas identified by the committees are Artificial Intelligence and Quantum Information Science, both of which have been funded for many years before they became a priority topic at NSF.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The CISE FACA committees are essential to the conduct of agency business as they align with the agency's merit review process and criteria in keeping with 42 U.S. Code § 1862s—''Reaffirmation of merit-based peer review'', which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.''

NSF's mission as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research.'' Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10691 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Graduate Education; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Graduate Education.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Graduate Education, #57

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $633,000.

a. Federal personnel on a full-time equivalent (FTE) basis: 5.0 FTE.

b. Other Federal internal costs: $4,000.

c. Proposed payments to members: $619,000.

d. Proposed number of members: 4,000.

e. Reimbursable costs: $10,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $103,357,582.

3. Criteria for selecting members to ensure the committee has the necessary.

Committee members are selected based on their scientific and technical expertise, professional experience, and ability to provide informed, objective advice on proposals within the Integrative Graduate Education, Research Training proposals and Graduate Research Fellowships Applications. Membership is drawn from a broad range of disciplines to ensure representation of the scientific areas encompassed by the committee's review portfolio. The committee which can consists of up to 4,000 members held over 108 meetings. The subject matter and volume of proposals to be reviewed determines the number of members participating in any given meeting. Every effort is made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not

available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Panel review can provide judgments about the comparative merits within a group of proposals or within a single complex or multidisciplinary proposal. Panel discussion is more appropriate in cases such as the selection of graduate research traineeships than is ad hoc mail review. This advisory committee conducts meetings to provide technical expertise relevant to the proposals being reviewed. In order to conduct thorough review of proposals the committee members must select members that have a wide range of scientific and technical expertise.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Committees review, evaluate, and provide written assessments of thousands of research and training proposals and applications to support program officer recommendations in allocating funds. Committees have been instrumental in identifying submissions that will advance cutting-edge research, training and workforce development initiatives that address national needs, strengthen U.S. STEM leadership, and advance fundamental and applied research. Past committees have recognized that addressing the grand challenges in science and engineering requires interdisciplinary and convergent approaches, as well as broad professional training, and have identified submissions that will enable NSF to address these challenges, especially in high-priority areas, including artificial intelligence, biotechnology, quantum information science, semiconductors and microelectronics and advanced manufacturing and materials science. Committees have also identified critical gaps in research priorities, and they have supported NSF's discovery of STEM talent who will achieve high levels of success in their future academic and professional careers. Convening interdisciplinary research and education expertise for review is critical to efforts to break down disciplinary silos and to ensure the appropriate integration of research and education. Finally, one example of how these committees have helped identify opportunities to advance cutting-edge research, training and workforce development initiatives includes that our panel meetings have identified opportunities to strengthen STEM graduate education and graduate education research by identifying gaps in the NSF portfolio, *e.g.,* the STEM graduate education community's growing readiness to pursue more systemic interventions and analyses that resulted in expanded opportunities in the Innovations in Graduate Education (IGE) program.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The Proposal Review Panel for Graduate Education committee #57 is essential to the conduct of agency business as they align with the agency's usage of the merit review process and criteria in keeping with 42 U.S. Code § 1862s, which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.'' NSF's mission, as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research. Merit review panels under this FACA committee serves as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10684 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Mathematical Sciences; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Mathematical Sciences.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Mathematical Sciences, #1204

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $871,402.

a. Federal personnel on a full-time equivalent (FTE) basis: 10 FTE.

b. Other Federal internal costs: $14,696.

c. Proposed payments to members: $742,759.

c. Proposed payments to members: 1,050.

e. Reimbursable costs: $113,947.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $331,424,737.

3. Criteria for selecting members to ensure the committee has the necessary.

Membership is selected in response to specific proposals and applications to be reviewed. Members are selected for their demonstrated scientific and engineering expertise so as to represent a reasonable balance of capability in the various subfields of the proposals to be reviewed. Consideration was given to achieving geographic balance.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

While ad hoc mail reviewers can be chosen to give a thorough technical review of a proposal, mail reviewer judgments are normally made about a single proposal viewed in isolation. Panel review, in combination with mail review, can, in addition, provide judgments about the comparative merits within a group of proposals or within a single complex, multidisciplinary proposal or a facility.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have played a critical role in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership, and fosters progress in both fundamental or applied mathematical sciences. Their efforts have catalyzed the development of new science and technology, reinforced national leadership, and contributed to meaningful advances toward solving grand challenges, particularly in priority areas such as artificial intelligence, quantum computing, biotechnology, and advanced manufacturing. One notable example is the identification of foundational research in artificial intelligence in 2019, which led to a partnership between NSF and the Simons Foundation on the Mathematical and Scientific Foundations of Deep Learning which subsequently evolved into cross-cutting programs on Mathematical Foundations of Artificial Intelligence and Artificial Intelligence, Formal Methods, and Mathematical Reasoning.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

Panels are essential to the conduct of NSF business because they bring together diverse experts who collectively evaluate proposals, ensuring that funding recommendations reflect the best scientific judgement of the research community. The panel review process allows NSF to assess the intellectual merit and broader impacts of proposals fairly, transparently, and across a wide range of disciplines.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10696 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the Committee on Equal Opportunities in Science and Engineering.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory

committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Committee on Equal Opportunities in Science and Engineering, #1173

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10686 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Cyberinfrastructure; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Cyberinfrastructure.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Cyberinfrastructure, #1185

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $180,506.

a. Federal personnel on a full-time equivalent (FTE) basis: 2.65.

b. Other Federal internal costs: $5,000.

c. Proposed payments to members: $175,506.

d. Proposed number of members: 473.

e. Reimbursable costs: 0.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $222,708,291.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

Committee members are selected based on their scientific and technical expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of the Office of Advanced Cyberinfrastructure activities. Membership is drawn from a broad range of both scientific discipline and cyberinfrastructure expertise to ensure representation of the scientific and cyberinfrastructure areas encompassed by the committee's review portfolio. Membership consists of approximately 473 members considering all meetings. The subject matter and volume of proposals to be reviewed determine the number of members participating in any given meeting. Every effort is made to ensure balanced membership, including representation across disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
34558 Proposal Review Panel for Emerging Frontiers in Multidisciplinary Activities
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering

1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposal peer review is central to NSF processes. Specific advisory committees (*i.e.,* review panels) are impaneled for individual programs to directly provide the technical expertise relevant to the proposals under review. This therefore requires distinct membership for committees responsible for review of distinct subject areas. Notably, the Office of Advanced Cyberinfrastructure supports cyberinfrastructure investments across multidisciplinary areas that encompass a wide range of activities necessitating the recruitment of committee members with unique combinations of technical expertise.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying novel cyberinfrastructure projects that pursue and support innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new capabilities that increase the leadership position for the country. These include computing and data infrastructure, AI infrastructure, models for user support and outreach and cyberinfrastructure workforce development, all high priorities for NSF and aligned with administration goals.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The OAC FACA committees are essential to the conduct of agency business as they align with the agency's usage of the merit review process and criteria in keeping with 42 U.S. Code § 1862s, which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.'' NSF's mission, as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research. Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10687 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Polar Programs; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Polar Programs.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Polar Programs, #1209

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $44,856.

a. Federal personnel on a full-time equivalent (FTE) basis: 0.66 FTE.

b. Other Federal internal costs: $0.

c. Proposed payments to members: $42,965.

d. Proposed number of members: 90.

e. Reimbursable costs: $1,891.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $25,000,000.

3. Criteria for selecting members to ensure the committee has the necessary.

Panel membership includes individuals with expertise in all areas of the sciences involved, selected for broad geographical distribution, and to provide an appropriate mix of types of colleges and universities. The Antarctic Artists and Writers panel is comprised of professional artists, writers, scientists, and educators—some, current or former NSF award recipients with first-hand Antarctic and Arctic

experience. The breadth of expertise required for fair peer evaluation of the variety of proposals received transcends the ability of NSF staff, so outside advice from scientists from all polar disciplines is essential. Panel review is the only viable means to obtain adequate review of proposals in these varied programs.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Revew Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Polar Programs proposal review panels cannot be replaced by existing panels or advisory committees due to the highly specialized and interdisciplinary nature of polar science, the small and interconnected research community with elevated conflict-of-interest risk, and the tight coupling of scientific merit with constrained logistics resources. In Arctic contexts, the inclusion of social science perspectives introduces additional considerations related to community engagement and coordination alongside field-based science campaigns. Collectively, these factors preclude reliance on standing advisory bodies and require competition-specific panels to ensure independent, expert evaluation and compliance with NSF's statutory merit review requirements.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past Polar Science panels have delivered significant value by strengthening the quality, consistency, and credibility of NSF funding recommendations through rigorous, independent merit review; advancing interdisciplinary Earth system science across atmosphere, ocean, ice, and ecosystems; informing the prioritization and execution of high-cost, logistically complex field campaigns in the Arctic and Antarctic; and reinforcing workforce development across the research community. These accomplishments have been particularly important given the strategic importance of the polar regions, enabling U.S. leadership in polar science, advancing data-intensive and emerging research areas, and ensuring that NSF investments continue to produce impactful and nationally relevant scientific outcomes in alignment with administration priorities.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

Panel deliberations and subsequent advice is essential to upholding gold-standard merit review which inform NSF staff funding recommendations.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10699 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Computer and Network Systems; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Computer and Network Systems.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory

committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Computer and Network Systems, #1207

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $443,076.

a. Federal personnel on a full-time equivalent (FTE) basis: 6 FTE.

b. Other Federal internal costs: $7200.

c. Proposed payments to members: $425,971.

d. Proposed number of members: 740.

e. Reimbursable costs: $9,905.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $167,690,318.

3. Criteria for selecting members to ensure the committee has the necessary.

Committee members are selected based on their scientific expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of CISE activities. Membership is drawn from a range of disciplines (*e.g.,* computing, engineering and mathematics) to ensure representation of the scientific areas encompassed by the committee's review portfolio. Members consists of approximately 740 members across all meetings. The subject matter expertise needed and the volume of proposals to be reviewed was used to determine the number of members in any given meeting. Every effort has been made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, bioengineering, quantum engineering, robotics, and nuclear engineering. An example of groundbreaking areas identified by the committees are Artificial Intelligence and Quantum Information Science, both of which have been funded for many years before they became a priority topic at NSF.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, bioengineering, quantum engineering, robotics, and nuclear engineering. An example of groundbreaking areas identified by the committees are Artificial Intelligence and Quantum Information Science, both of which have been funded for many years before they became a priority topic at NSF.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The CISE FACA committees are essential to the conduct of agency business as they align with the agency's merit review process and criteria in keeping with 42 U.S. Code § 1862s—''Reaffirmation of merit-based peer review'', which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.''

NSF's mission as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research.'' Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10697 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Engineering Education and Centers; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Graduate Education.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Engineering Education and Centers, #173

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $416,412.

a. Federal personnel on a full-time equivalent (FTE) basis: 3.9 FTE.

b. Other Federal internal costs: $2,088.

c. Proposed payments to members: $378,086.

d. Proposed number of members: 603.

e. Reimbursable costs: $36,238.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $65,228,747.

3. Criteria for selecting members to ensure the committee has the necessary.

Committee members are selected based on their scientific and technical expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of EEC activities. Membership is drawn from a broad range of disciplines to ensure representation of the scientific areas encompassed by the committee's review portfolio. Membership consists of approximately 603 members considering all meetings. The subject matter and volume of proposals to be reviewed determine the number of members participating in any given meeting. Every effort is made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences

10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposal peer review is central to NSF processes. Specific advisory committees (*i.e.,* review panels) are impaneled for individual programs to directly provide the technical expertise relevant to the proposals under review. This therefore requires distinct membership for committees responsible for review of distinct subject areas. Notably, the EEC Section supports multidisciplinary and interdisciplinary activities that encompass a wide range of engineering and scientific areas necessitating the recruitment of committee members with unique combinations of technical expertise.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

In the fiscal year 2025, the committee reviewed 736 proposals in 85 meetings, with 603 members participating from external institutions and federal organizations. The use of panelists to review proposals for the Agency is an invaluable asset. The committee has been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, bioengineering, quantum engineering, robotics, and nuclear engineering. The cost of obtaining the expertise, insight, and information received by the Division using alternative methods, such as hiring full or part-time employees, would be extremely high.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The ENG FACA committees are essential to the conduct of agency business as they align with the agency's usage of the merit review process and criteria in keeping with 42 U.S. Code § 1862s, which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.''

NSF's mission, as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research. Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10685 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Astronomical Sciences; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Astronomical Sciences.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of

duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Astronomical Sciences, #1186

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $352,000.

a. Federal personnel on a full-time equivalent (FTE) basis: 6.6 FTE.

b. Other Federal internal costs: $2,000.

c. Proposed payments to members: $246,000.

d. Proposed number of members: 250.

e. Reimbursable costs: $104,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $93,653,642.

3. Criteria for selecting members to ensure the committee has the necessary.

The membership of all review panels was selected to include individuals with scientific expertise in astrophysics research, familiarity with the training process for young scientists, and, in the case of the technical reviews, advanced technical expertise in areas of construction, environmental impact, safety, and project management. Members were also selected to have a broad range of experience and viewpoints, including a mixture of junior and senior scientists, a variety of large and small institutions, and a geographical distribution from across the Nation.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposals submitted to Astrophysical Science programs, as well as those reviewed as part of NSF-wide activities, typically represent complex projects that require a broad range of expertise in astrophysics research and education that no one person can provide. Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence (AI) and quantum engineering. An example of a groundbreaking area identified by the committee is the recommendation to fund two AI Institutes in astronomy, designed to bring together astronomy and AI experts to tackle important challenges in astronomy, as well as the advances in AI that are needed to overcome these challenges.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Panel deliberations resulted in the review and ranking of proposals in areas of special emphasis in Astronomical Sciences. This advice aided NSF Program Managers in their funding decisions. Continuation of these practices is necessary to maintain high quality scientific research review. Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental

or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, bioengineering, quantum engineering, robotics, and nuclear engineering. An example of a groundbreaking area identified by the committee is the development and use of novel AI to advance astronomical science. Based on the committee's advice, the NSF funded two AI Institutes in 2024, which are executing cutting-edge research at the intersection of astronomy and AI and developing the future AI workforce.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The committees/subcommittees are essential to advancing scientific research and supporting effective business operations. They bring together experts from diverse backgrounds who collectively review proposals and provide funding recommendations based on the best scientific judgment of the research community. Through the panel review process, NSF is able to evaluate proposals' intellectual merit and broader impacts in a fair and transparent manner across a broad range of disciplines. This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10688 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation, #1194

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $628,000.

a. Federal personnel on a full-time equivalent (FTE) basis: 5 FTE.

b. Other Federal internal costs: $1,000.

c. Proposed payments to members: $602,000.

d. Proposed number of members: 1250.

e. Reimbursable costs: $25,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $200,000,000.

3. Criteria for selecting members to ensure the committee has the necessary.

Committee members are selected based on their scientific and technical expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of CMMI activities. Membership is drawn from a broad range of disciplines to ensure representation of the scientific areas encompassed by the committee's review portfolio. Membership consists of approximately 1250 members considering all meetings. The subject matter and volume of proposals to be reviewed determine the number of members participating in any given meeting. Every effort is made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. List of all other Federal advisory committees of the agency:

84684 Advisory Committee for Technology, Innovation and Partnerships
1172 Alan T. Waterman Award Committee
13883 Astronomy and Astrophysics Advisory Committee
1173 Committee on Equal Opportunities in Science and Engineering
1186 Proposal Review Panel for Astronomical Sciences
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10743 Proposal Review Panel for Biological Infrastructure
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1207 Proposal Review Panel for Computer and Network Systems
1192 Proposal Review Panel for Computing & Communication Foundations
1185 Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences

1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
10748 Proposal Review Panel for Social and Economic Sciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
84683 Proposal Review Panel for Translational Impacts
1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposal peer review is central to NSF processes. Specific advisory committees (*i.e.,* review panels) are impaneled for individual programs to directly provide the technical expertise relevant to the proposals under review. This therefore requires distinct membership for committees responsible for review of distinct subject areas. Notably, the CMMI Office supports multidisciplinary and interdisciplinary activities that encompass a wide range of engineering and scientific areas necessitating the recruitment of committee members with unique combinations of technical expertise.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, bioengineering, quantum engineering, robotics, and nuclear engineering.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The ENG FACA committees are essential to the conduct of agency business as they align with the agency's usage of the merit review process and criteria in keeping with 42 U.S. Code 1862s, which outlines that ''the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.'' NSF's mission, as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research. Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission. This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10692 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Information and Intelligent Systems; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Proposal Review Panel for Information and Intelligent Systems.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq*. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Information and Intelligent Systems, #1200

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a

discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $508,172.

a. Federal personnel on a full-time equivalent (FTE) basis: 9.26.

b. Other Federal internal costs: $3,500.

c. Proposed payments to members: $504,672.

d. Proposed number of members: 1244.

e. Reimbursable costs: 0.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: 324,438,008.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

Committee members are selected based on their scientific and technical expertise, professional experience, and ability to provide informed, objective advice on proposals within the scope of CISE activities. Membership is drawn from a range of disciplines (*e.g.,* computing, engineering, mathematics, social and behavioral sciences) to ensure representation of the scientific areas encompassed by the committee's review portfolio. Members consist of approximately 1244 members considering all meetings. The subject matter and volume of proposals to be reviewed determine the number of members participating in any given meeting. Every effort is made to ensure balanced membership, including representation across scientific disciplines, institutions, and geographic regions. Members are selected to provide complementary perspectives and the depth of technical expertise necessary to conduct thorough and credible proposal reviews. The majority of committee members are anticipated to be comprised of Special Government Employees (SGEs) with a small percentage of Regular Government Employees (RGEs) when subject matter expertise requires.

4. List of all other Federal advisory committees of the agency:

57 Proposal Review Panel for Graduate Education
59 Proposal Review Panel for Research on Learning in Formal and Informal Settings
173 Proposal Review Panel for Engineering Education and Centers
1172 Alan T. Waterman Award Committee
1173 Committee on Equal Opportunities in Sciences and Engineering
1185 Proposal Review Panel for Cyberinfrastructure
1186 Proposal Review Panel for Astronomical Sciences
1189 Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
1191 Proposal Review Panel for Chemistry
1192 Proposal Review Panel for Computing & Communication Foundations
1194 Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
34558 Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
1207 Proposal Review Panel for Computer and Network Systems
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs
1214 Proposal Review Panel for Undergraduate Education
1569 Proposal Review Panel for Earth Sciences
1756 Proposal Review Panel for Geosciences
1766 Proposal Review Panel for Social, Behavioral and Economic Sciences
2469 Proposal Review Panel for Integrative Activities
10743 Proposal Review Panel for Biological Infrastructure
10744 Proposal Review Panel for Environmental Biology
10745 Proposal Review Panel for Integrative Organismal Systems
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10747 Proposal Review Panel for Behavioral and Cognitive Sciences
10748 Proposal Review Panel for Social and Economic Sciences
10749 Proposal Review Panel for International Science and Engineering
10751 Proposal Review Panel for Atmospheric and Geospace Sciences
10752 Proposal Review Panel for Ocean Sciences
13883 Astronomy & Astrophysics Advisory Committee (Exempt)
34558 Proposal Review Panel for Emerging Frontiers & Multidisciplinary Activities
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
84683 Proposal Review Panel Translational Impacts
84684 Advisory Committee for Technology, Innovation and Partnerships
84685 Proposal Review Panel for Innovation and Technology Ecosystems

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposal peer review is central to NSF processes. Specific advisory committees (*i.e.,* review panels) are impaneled for individual programs to directly provide the technical expertise relevant to the proposals under review of distinct subject areas. Notably, the CISE Directorate supports multidisciplinary and interdisciplinary activities that encompass a wide range of computing, communication foundations and scientific areas necessitating the recruitment of committee members with unique combinations of technical expertise.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committees have been instrumental in identifying cutting edge topics and projects that pursue bold, innovative research that addresses national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental or applied research, catalyzes development of new industries or capabilities that increase the leadership position for the country, and/or makes significant progress towards addressing a national need or grand challenge, particularly in current priority areas including, but not limited to, artificial intelligence, robotics, biotechnology, and quantum information science. An example of a groundbreaking area identified by the committee is Artificial Intelligence, which has been funded by IIS since the 1980s, well before it became a priority topic at NSF and subsequently a multi-agency initiative: the National Artificial Intelligence Research Institutes.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The CISE FACA committees are essential to the conduct of agency business as they align with the agency's usage of the merit review process and criteria in keeping with 42 U.S. Code 1862s, which outlines that ''the Foundation's intellectual merit and

broader impacts criteria are appropriate for evaluating grant proposals'' and directs the Foundation to ''maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.''

NSF's mission as described in the 1950 NSF act, is ''to promote the progress of science, advance national health, prosperity, and welfare, and secure the national defense. This is achieved by investing in research to expand knowledge in science, engineering, and education, and by increasing the capacity of the U.S. to conduct and benefit from such research. Merit review panels under these FACA committees serve as the basis for the gold standard merit review to support the most compelling research to advance the NSF mission.

This public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10694 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Chemistry; Committee Renewal

AGENCY: National Science Foundation.

ACTION: Committee Management Renewal.

SUMMARY: The National Science Foundation (NSF) is renewing the committee for Chemistry.

DATES: NSF approves the continuation of this committee on 4/20/2026. Effective date for renewal is June 26, 2026. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

FOR FURTHER INFORMATION CONTACT: Crystal Robinson, Committee Management Officer, NSF, at (703) 292–8687, or by mail to National Science Foundation, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: The NSF management officials having responsibility for the advisory committee listed below have determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committee

Proposal Review Panel for Chemistry, #1191

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget: $321,801.

a. Federal personnel on a full-time equivalent (FTE) basis: 8.3 FTE.

b. Other Federal internal costs: $0.

c. Proposed payments to members: $318,691.

d. Proposed number of members: 781.

e. Reimbursable costs: $3,110.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: $242,470,000.

3. Criteria for selecting members to ensure the committee has the necessary.

The membership of all review panels was selected to include individuals with scientific expertise in chemistry research, familiarity with the training process for young scientists, and, in the case of the technical reviews, advanced technical expertise in areas of chemistry.

4. List of all other Federal advisory committees of the agency:

84684—Advisory Committee for Technology, Innovation and Partnerships
1172—Alan T. Waterman Award Committee
13883—Astronomy and Astrophysics Advisory Committee
1173—Committee on Equal Opportunities in Science and Engineering
1186—Proposal Review Panel for Astronomical Sciences
10751—Proposal Review Panel for Atmospheric and Geospace Sciences
10747—Proposal Review Panel for Behavioral and Cognitive Sciences
10743—Proposal Review Panel for Biological Infrastructure
1189—Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems
34558—Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities
1194—Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation
1207—Proposal Review Panel for Computer and Network Systems
1192—Proposal Review Panel for Computing & Communication Foundations
1185—Proposal Review Panel for Cyberinfrastructure
1569 Proposal Review Panel for Earth Sciences
1196 Proposal Review Panel for Electrical, Communications, and Cyber Systems
44011 Proposal Review Panel for Emerging Frontiers in Biological Sciences
173 Proposal Review Panel for Engineering Education and Centers
10744 Proposal Review Panel for Environmental Biology
1756 Proposal Review Panel for Geosciences
57 Proposal Review Panel for Graduate Education
1200 Proposal Review Panel for Information and Intelligent Systems
84685 Proposal Review Panel for Innovation and Technology Ecosystems
2469 Proposal Review Panel for Integrative Activities
10745 Proposal Review Panel for Integrative Organismal Systems
10749 Proposal Review Panel for International Science and Engineering
1203 Proposal Review Panel for Materials Research
1204 Proposal Review Panel for Mathematical Sciences
10746 Proposal Review Panel for Molecular and Cellular Biosciences
10752 Proposal Review Panel for Ocean Sciences
1208 Proposal Review Panel for Physics
1209 Proposal Review Panel for Polar Programs

59 Proposal Review Panel for Research on Learning in Formal and Informal Settings

10748 Proposal Review Panel for Social and Economic Sciences

1766 Proposal Review Panel for Social, Behavioral and Economic Sciences

84683 Proposal Review Panel for Translational Impacts

1214 Proposal Review Panel for Undergraduate Education

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

Proposals submitted to Mathematical and Physical Sciences/CHE programs, as well as those reviewed as part of NSF-wide activities, typically represent complex projects that require a broad range of expertise in chemistry research and education. In addition, panel review in combination with mail review is used to provide technical expertise relevant to the proposals under review. This requires distinct membership for committees responsible for review of distinct subject areas. Site visits constitute the most critical component of oversight of large-scale projects such as centers and facilities operations, which by their very nature require a breadth of input to reliably cover all aspects of the activity. Site visit attendees are recruited based on their unique combinations of technical expertise.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Past committee deliberations resulted in reviewing and identifying cutting edge topics and projects that addresses the national needs, strengthens U.S. leadership and fosters advances in new areas of fundamental chemistry research. Specifically, with the FACA committee's input, Chemistry has funded innovative research projects that aligned well with the foundation wide initiatives such as Quantum Information Science, Artificial Intelligence, Biotechnology, Advanced Manufacturing, Semiconductor and Microelectronics. One example is that Chemistry funded five exciting research projects last year in data-analytics enabled sustainable polymer research based on the FACA committee's recommendations that will contribute to new advancement in next-generation new materials and strengthen our partnership with chemical industry.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The committees/subcommittees are essential to advancing scientific research and supporting effective business operations. It brings together experts from diverse backgrounds who collectively review proposals and provide funding recommendations based on the best scientific judgment of the research community. Through the panel review process, NSF is able to evaluate proposals' intellectual merit and broader impacts in a fair and transparent manner across a broad range of disciplines.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: May 26, 2026

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2026–10690 Filed 5–28–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–1387]

State of Indiana: NRC Staff Assessment of a Proposed Agreement Between the Nuclear Regulatory Commission and the State of Indiana

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed state agreement; request for comment.

SUMMARY: As required by Section 274e. of the Atomic Energy Act of 1954, as amended (AEA), the U.S. Nuclear Regulatory Commission (NRC or Commission) is publishing the proposed Agreement for public comment (Appendix A). The NRC is also publishing the summary of a draft assessment by the NRC staff of the State of Indiana's regulatory program. Comments are requested on the proposed Agreement and its effect on public health and safety. Comments are also requested on the draft staff assessment, the adequacy of the State of Indiana's program, and the adequacy of the staffing of the State's program, as discussed in this document.

DATES: Submit comments by June 15, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1387. 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.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Sherrie Flaherty, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7288; email: *Sherrie.Flaherty@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–1387 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1387.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

• *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–1387 in your comment submission.

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

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

II. Discussion

By letter received January 29, 2026, Governor Mike Braun of the State of Indiana requested that the NRC enter into an Agreement with the State of Indiana as authorized by Section 274b. of the AEA. Under the proposed Agreement, the Commission would discontinue, and the State of Indiana would assume, regulatory authority over certain types of byproduct materials as defined in the AEA, source material, and special nuclear material in quantities not sufficient to form a critical mass.

III. Additional Information on Agreements Entered Under Section 274 of the AEA

Under the proposed Agreement, the NRC would discontinue its authority over 213 licenses and would transfer its regulatory authority over those licenses to the State of Indiana. The NRC periodically reviews the performance of the Agreement States to assure compliance with the provisions of Section 274.

Section 274e. of the AEA requires that the terms of the proposed Agreement be published in the **Federal Register** for public comment once each week for four consecutive weeks. This document is being published in fulfillment of that requirement.

IV. Proposed Agreement with the State of Indiana

Background

(a) Section 274b. of the AEA provides the mechanism for a State to assume regulatory authority from the NRC over certain radioactive materials and activities that involve use of these materials. The radioactive materials, sometimes referred to as ''Agreement materials,'' are byproduct materials as defined in Sections 11e.(1), 11e.(2), 11e.(3), and 11e.(4) of the AEA; source material as defined in Section 11z. of the AEA; and special nuclear material as defined in Section 11aa. of the AEA, restricted to quantities not sufficient to form a critical mass.

The radioactive materials and activities (which together are usually referred to as the ''categories of materials'') that the State of Indiana requests authority over are:

1. The possession and use of byproduct material as defined in Section 11e.(1) of the Act;
2. The possession and use of byproduct material as defined in Section 11e.(3) of the Act;
3. The possession and use of byproduct material as defined in Section 11e.(4) of the Act;
4. The possession and use of source material as defined in Section 11z. of the Act; and
5. The possession and use of special nuclear material as defined in Section 11aa. of the Act, in quantities not sufficient to form a critical mass.

(b) The proposed Agreement contains articles that:

(i) Specify the materials and activities over which authority is transferred;

(ii) Specify the materials and activities over which the Commission will retain regulatory authority;

(iii) Continue the authority of the Commission to safeguard special nuclear material, protect restricted data, and protect common defense and security;

(iv) Commit the State of Indiana and the NRC to exchange information as necessary to maintain coordinated and compatible programs;

(v) Provide for the reciprocal recognition of licenses;

(vi) Provide for the suspension or termination of the Agreement; and

(vii) Specify the effective date of the proposed Agreement.

The Commission reserves the option to modify the terms of the proposed Agreement in response to comments, to correct errors, and to make editorial changes. The final text of the proposed Agreement, with the effective date, will be published after the Agreement is approved by the Commission and signed by the NRC Chairman and the Governor of Indiana.

(c) The regulatory program is authorized by law under the Indiana Code (IC) Title 10, Article 19, Chapter 12, Section 11(a) (IC 10–19–12–11(a)), which provides the Governor with the authority to enter into an Agreement with the Commission. The State of Indiana law contains provisions for the orderly transfer of regulatory authority over affected licenses from the NRC to the State. In a letter received January 29, 2026, Governor Braun certified that the State of Indiana has a program for the control of radiation hazards that is adequate to protect public health and safety within the State of Indiana for the materials and activities specified in the proposed Agreement, and that the State desires to assume regulatory responsibility for these materials and activities. After the effective date of the Agreement, licenses issued by the NRC would continue in effect as State of Indiana licenses until the licenses expire or are replaced by State-issued licenses.

(d) The draft staff assessment finds that the Indiana Department of Homeland Security (IDHS) and Radioactive Materials Control Program (RMCP) is adequate to protect public health and safety and is compatible with the NRC's regulatory program for the regulation of Agreement materials. However, the NRC staff identified several limited, section-specific inconsistencies within the Indiana Radioactive Materials regulations that were not fully compatible with the corresponding NRC requirements. In communications dated January 21, 2026, and February 27, 2026, the State of Indiana committed to making the necessary compatibility changes in the next rulemaking.

Summary of the Draft NRC Staff Assessment of the State of Indiana's Program for the Regulation of Agreement Materials

The NRC staff has examined the State of Indiana's request for an Agreement with respect to the ability of the State's radiation control program to regulate Agreement materials. The examination was based on the Commission's Policy Statement, ''Criteria for Guidance of

States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement,'' (46 FR 7540, January 23, 1981, as amended by Policy Statements published at 46 FR 36969, July 16, 1981, and at 48 FR 33376, July 21, 1983) (Policy Statement), and the Office of Nuclear Material Safety and Safeguards Procedure SA–700, ''Processing an Agreement.'' The Policy Statement has 28 criteria that serve as the basis for the NRC staff's assessment of the State of Indiana's request for an Agreement. The following section will reference the appropriate criteria numbers from the Policy Statement that apply to each section.

(a) Organization and Personnel. The NRC staff reviewed these areas under Criteria 1, 2, 20, and 24 in the draft staff assessment. The State of Indiana's proposed Agreement materials program for the regulation of radioactive materials is called the ''Radioactive Materials Control Program'' (RMCP) and will be located within the Radiation Programs section of the IDHS.

The educational requirements for the RMCP staff are specified in the State of Indiana's personnel position descriptions and meet the NRC criteria with respect to formal education or combined education and experience requirements. All current staff members meet the requirements of a bachelor's degree in the physical, life science or engineering; or an equivalent combination of education and experience has been substituted for the degree. All have training and work experience in radiation protection. Supervisory level staff each have at least five years of working experience in radiation protection.

The State of Indiana performed an analysis of the expected workload under the proposed Agreement. Based on the NRC staff review of the State of Indiana's analysis, the State has an adequate number of staff to regulate radioactive materials under the terms of the proposed Agreement. The State of Indiana will employ the equivalent of four full-time equivalent professional and technical staff to support the Radioactive Materials Program.

The State of Indiana has indicated that the RMCP has an adequate number of trained and qualified staff in place, and has developed qualification procedures for license reviewers and inspectors that are similar to the NRC's procedures. The RMCP staff has accompanied the NRC staff on inspections of NRC licensees in Indiana and participated in licensing training at NRC's Region III with Division of Radiological Safety and Security staff. The Radioactive Materials Program staff is also actively supplementing its experience through meetings, discussions, and facility visits with the NRC licensees in the State of Indiana and through self-study, in-house training, and formal training.

Overall, the NRC staff concluded that the RMCP staff identified by the State of Indiana to participate in the Agreement materials program has sufficient knowledge and experience in radiation protection, the use of radioactive materials, the standards for the evaluation of applications for licensing, and the techniques of inspecting licensed users of Agreement materials.

(b) Legislation and Regulations. The NRC staff reviewed these areas under Criteria 1–15, 17, 19, and 21–28 in the draft staff assessment. IC 10–19–12–11(a) provides the Governor of Indiana the authority to enter into the Agreement, and IC 10–19–12–5 establishes the IDHS as the lead agency for carrying out the duties of the State's Agreement state program. The IDHS has the requisite authority to promulgate regulations under the IC 10–19–12–5(c) and 10–19–12–14 for protection against radiation. IC 10–19–12–5(c)), IC 10–19–12–6, IC 10–19–12–9, and IC 10–19–12–18(a) provide the IDHS the authority to issue licenses and orders; conduct inspections; and enforce compliance with regulations, license conditions, and orders. IC 10–19–12–9 requires licensees to provide access to inspectors.

The NRC staff verified that the State of Indiana adopted by reference the relevant NRC regulations in parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, 71, and 150 of title 10 of the *Code of Federal Regulations* (10 CFR) into the Indiana Administrative Code Title 290 Article 3, Standards for Protection Against Radiation. With the State of Indiana's commitment to address the remaining compatibility comments, the State of Indiana adopted an adequate and compatible set of radiation protection regulations that apply to byproduct materials, source material, and special nuclear material in quantities not sufficient to form a critical mass. The NRC staff also verified that the State of Indiana will not attempt to enforce regulatory matters reserved to the Commission.

(c) Storage and Disposal. The NRC staff reviewed these areas under Criteria 8, 9a, and 11 in the draft staff assessment. The State of Indiana has adopted NRC compatible requirements for the handling and storage of radioactive material, including regulations equivalent to the applicable standards contained in 10 CFR part 20, which address the general requirements for waste disposal, and 10 CFR part 61, which addresses waste classification and form. These regulations are applicable to all licensees covered under this proposed Agreement.

(d) Transportation of Radioactive Material. The NRC staff reviewed this area under Criteria 10 in the draft staff assessment. The State of Indiana has adopted compatible regulations to the NRC regulations in 10 CFR part 71. Part 71 contains the requirements licensees must follow when preparing packages containing radioactive material for transport. Part 71 also contains requirements related to the licensing of packaging for use in transporting radioactive materials.

(e) Recordkeeping and Incident Reporting. The NRC staff reviewed this area under Criteria 1 and 11 in the draft staff assessment. The State of Indiana has adopted compatible regulations to the sections of the NRC regulations that specify requirements for licensees to keep records and to report incidents or accidents involving the State's regulated Agreement materials specified in the proposed Agreement.

(f) Evaluation of License Applications. The NRC staff reviewed this area under Criteria 1, 7, 8, 9a, 13, 14, 15, 20, 23, and 25 in the draft staff assessment. The State of Indiana has adopted compatible regulations to the NRC regulations that specify the requirements to obtain a license to possess or use radioactive materials. The State of Indiana has also developed licensing procedures and adopted NRC licensing guides for specific uses of radioactive material for use by the program staff when evaluating license applications.

(g) Inspections and Enforcement. The NRC staff reviewed these areas under Criteria 1, 16, 18, 19, and 23 in the draft staff assessment. The State of Indiana has adopted a schedule providing for the inspection of licensees as frequently as, or more frequently than, the inspection schedule used by the NRC. The State of Indiana's Radioactive Materials Control Program has adopted procedures for the conduct of inspections, reporting of inspection findings, and reporting inspection results to the licensees. Additionally, the State of Indiana has also adopted procedures for the enforcement of regulatory requirements.

(h) Regulatory Administration. The NRC staff reviewed this area under Criterion 23 in the draft staff assessment. The State of Indiana is bound by requirements specified in its State law for rulemaking, issuing licenses, and taking enforcement actions. The State of Indiana has also

adopted administrative procedures to assure fair and impartial treatment of license applicants. The State of Indiana law prescribes standards of ethical conduct for State employees.

(i) Cooperation with Other Agencies. The NRC staff reviewed this area under Criteria 25, 26, and 27 in the draft staff assessment. The State of Indiana law provides for the recognition of existing NRC and Agreement State licenses and the State has a process in place for the transition of active NRC licenses. Upon the effective date of the Agreement, all active NRC radioactive materials licenses that are for materials covered by the proposed Agreement and were issued to facilities in the State of Indiana will be recognized as IDHS licenses.

The State of Indiana also provides for ''timely renewal.'' This provision affords the continuance of licenses for which an application for renewal has been filed more than 30 days prior to the date of expiration of the license. NRC licenses transferred while in timely renewal are done in a manner to minimize the effects of the transition on the licensee. The NRC and the State of Indiana will collaborate to ensure a seamless and successful transition of NRC licenses under timely renewal.

The State of Indiana regulations in Indiana Administrative Code, Title 290, Article 3, Standards for Protection Against Radiation, provide exemptions from the State's requirements for the NRC and the U.S. Department of Energy contractors or subcontractors. The proposed Agreement commits the State of Indiana to use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation, and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of Agreement materials. The proposed Agreement specifies the desirability of reciprocal recognition of licenses and commits the Commission and the State of Indiana to use their best efforts to accord such reciprocity. Consistent with NRC requirements, the State of Indiana would be able to recognize the licenses of other jurisdictions by general license, as appropriate.

Staff Conclusion

Section 274d. of the AEA provides that the Commission shall enter into an Agreement under Section 274b. with any State if:

(a) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the Agreement materials within the State, and that the State desires to assume regulatory responsibility for the Agreement materials; and

(b) The Commission finds that the State program is in accordance with the requirements of Subsection 274o. and in all other respects compatible with the Commission's program for regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed Agreement.

The NRC staff has reviewed the proposed Agreement, the certification of Indiana Governor Braun, and the supporting information provided by the RMCP of the IDHS. Based upon this review, the NRC staff concludes that the State of Indiana Radioactive Material Control Program satisfies the Section 274d. criteria as well as the criteria in the Commission's Policy Statement ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.'' The NRC staff also concludes that the proposed State of Indiana program to regulate Agreement materials, as comprised of statutes, regulations, procedures, and staffing, is compatible with the Commission's program and is adequate to protect the public health and safety with respect to the materials covered by the proposed Agreement. Therefore, the proposed Agreement meets the requirements of Section 274 of the AEA.

V. Executive Order Reviews

Executive Order (E.O.) 12866

The Office of Information and Regulatory Affairs has determined that this proposed agreement is not a significant regulatory action under E.O. 12866.

E.O. 13132

This action does not have federalism implications, as defined in E.O. 13132. It will not significantly limit the rights, roles, and responsibilities of State or local governments.

E.O. 14300

On May 23, 2025, President Donald J. Trump signed E.O. 14300, ''Ordering the Reform of the Nuclear Regulatory Commission.'' Section 5, ''Reforming and Modernizing the NRC's Regulations,'' requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. The NRC is currently in the process of implementing the direction in E.O. 14300. When the NRC finalizes its rules during the implementation of E.O. 14300, the Agreement States will need to update their own regulations, as necessary, to maintain compatibility with the NRC's program within a specific timeframe.

VI. Availability of Documents

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

Document description	ADAMS accession No.
Final Indiana Application Section 4.1 Legal Elements (Revised), dated January 2026	ML26068A234
Final Indiana Application Section 4.2 Regulatory Requirements Program Elements (Revised), dated January 2026	ML26068A235
Final Indiana Application Section 4.3 Licensing Program Elements (Revised), dated January 2026	ML26068A236
Final Indiana Application Section 4.4 Inspection Program Elements (Revised), dated January 21, 2026	ML26068A237
Final Indiana Application Section 4.5 Enforcement Program Elements (Revised), dated January 2026	ML26068A238
Final Indiana Application Section 4.6 Technical Staffing and Training Program Elements (Revised), dated January 2026	ML26068A239
Final Indiana Application Section 4.7 Event and Allegation Response Program Elements (Revised), dated January 2026	ML26068A240
Indiana Application Request for Additional Information, dated February 2026	ML26068A127
Receipt from C. Eckstein Acknowledging Indiana Revisions to Regulations 290 IAC 3–1 through 3–18, dated January 26, 2026.	ML26026A076
Letter from C. Eckstein re: Indiana Revisions to Regulations 290 IAC 3–1 through 3–18, dated February 27, 2026	ML26068A068
Indiana Response to RAI, dated March 9, 2026	ML26068A126
Letter from Governor Mike Braun, Indiana, to Chair Nieh requesting agreement be established between the NRC and State of Indiana, received January 29, 2026.	ML26033A182

Document description	ADAMS accession No.
Staff Requirements Memorandum for SECY–26–0053 ''Proposed Agreement Between the State of Indiana and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended,'' dated May 5, 2026.	ML26125A146 (package)
SECY–26–0053 ''Proposed Agreement Between the State of Indiana and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended,'' dated April 10, 2026.	ML26069A564
Draft Staff Assessment of the Proposed Indiana Program, dated April 10, 2026	ML26069A567
State Agreement (SA)–700 Processing an Agreement final, dated June 15, 2022	ML22138A414
SA–700 Handbook for Processing an Agreement Procedure final, dated June 17, 2022	ML22140A396

Authority: 42 U.S.C. 2011 *et seq.*

Dated: May 20, 2026.

For the Nuclear Regulatory Commission.

Dafna Silberfeld,

Acting Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards.

APPENDIX A

AN AGREEMENT BETWEEN THE UNITED STATES NUCLEAR REGULATORY COMMISSION AND THE STATE OF INDIANA FOR THE DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, The United States Nuclear Regulatory Commission (hereinafter referred to as ''the Commission'') is authorized under Section 274 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.* (hereinafter referred to as ''the Act''), to enter into an agreement with the Governor of the State of Indiana (hereinafter referred to as ''the State'') providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1), (3), and (4) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, The Governor of the State of Indiana is authorized under IC 10–19–12–11 to enter into this Agreement with the Commission; and,

Whereas, The Governor of the State of Indiana certified on January 29, 2026, that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

Whereas, The Commission found on [date] that the program of the State of Indiana for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and,

Whereas, The State of Indiana and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, The Commission and the State of Indiana recognize the desirability of the reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

Whereas, This Agreement is entered into pursuant to the provisions of the Act;

NOW, THEREFORE, it is hereby agreed between the Commission and the Governor of Indiana acting on behalf of the State as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct material as defined in Section 11e.(1) of the Act;

B. Byproduct material as defined in Section 11e.(3) of the Act;

C. Byproduct materials as defined in Section 11e.(4) of the Act;

D. Source materials; and

E. Special nuclear materials, in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for the discontinuance of any authority, and the Commission shall retain authority and responsibility, with respect to:

A. The regulation of the construction, operation, and decommissioning of any production or utilization facility or any uranium enrichment facility;

B. The regulation of byproduct material as defined in Section 11e.(2) of the Act;

C. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

D. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear material waste as defined in regulations or orders of the Commission;

E. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed without a license from the Commission;

F. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear material and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission;

G. The regulation of activities not exempt from Commission regulation as stated in 10 CFR part 150; and

H. The regulation of the land disposal of byproduct, source, or special nuclear material received from other persons;

Article III

With the exception of those activities identified in Article II, paragraphs A., C. through E. and G., this Agreement may be amended, upon application by the State and approval by the Commission, to include the additional areas specified in Article II, paragraphs B., F., and H., whereby the State may then exert regulatory authority and responsibility with respect to those activities.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption for licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under Subsection 161b. or 161i. of the Act to issue rules, regulations, or orders to promote the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for: (a) protection against hazards of radiation; and (b) to assure that Commission and State programs for protection against the hazards of radiation are coordinated and compatible. The State agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for: (a) protection against the hazards of radiation; and (b) to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The State and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the

opportunity for early and substantive contribution to the proposed changes.

The State and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State.

Accordingly, the Commission and the State agree to develop appropriate rules, regulations, and procedures by which reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of Indiana, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. Pursuant to Section 274j. of the Act, the Commission may, after notifying the Governor, temporarily suspend all or part of this Agreement without notice or hearing if, in the judgment of the Commission, an emergency situation exists with respect to any material covered by this agreement creating danger which requires immediate action to protect the health and safety of persons either within or outside the State and the State has failed to take steps necessary to contain or eliminate the cause of danger within a reasonable time after the situation arose. The Commission shall periodically review actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act, which requires a State program to be adequate to protect the public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

Article IX

This Agreement shall become effective on XXXXXXXX, 2026, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Executed at Indianapolis, Indiana, this [date] day of [month], 2026.

For the United States Nuclear Regulatory Commission.

Ho K. Nieh,

Chairman of the U.S. Nuclear Regulatory Commission

For the State of Indiana.

Michael Braun,

Governor of Indiana

[FR Doc. 2026–10702 Filed 5–28–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 1, 8, 15, 22, 29, and July 6, 2026. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please contact the Reasonable Accommodations Resource by email at *Reasonable_Accommodations.Resource@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of June 1, 2026

Friday, June 5, 2026

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Rob Krsek: 301–415–1766)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Week of June 8, 2026—Tentative

Tuesday, June 9, 2026

10:00 a.m. Meeting With the Organization of Agreement States (OAS) and the Conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: Jeff Lynch: 301–415–5041)

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Week of June 15, 2026—Tentative

There are no meetings scheduled for the week of June 15, 2026.

Week of June 22, 2026—Tentative

There are no meetings scheduled for the week of June 22, 2026.

Week of June 29, 2026—Tentative

There are no meetings scheduled for the week of June 29, 2026.

Week of July 6, 2026—Tentative

There are no meetings scheduled for the week of July 6, 2026.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: May 27, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–10812 Filed 5–27–26; 4:15 pm]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Liability for Termination of Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of collection of information.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Liability for Termination of Single-Employer Plans (OMB control number 1212–0017; expires August 31, 2026). This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be received on or before June 29, 2026 to be assured of consideration.

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. All comments received will be posted without change to PBGC's website, *www.pbgc.gov,* including any personal information provided. Do not submit comments that include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Comments may be submitted anonymously.

Copies of the collection of information may be obtained by writing to Disclosure Division (*disclosure@pbgc.gov*), Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, or calling 202–229–4040 during normal business hours. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT: Abigail Davidow (*davidow.abigail1@pbgc.gov*), Deputy Assistant General Counsel, Legislative and Regulatory Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101; 202–229–6418. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Section 4062 of the Employee Retirement Income Security Act of 1974, as amended, provides that the contributing sponsor of a single-employer pension plan and members of the sponsor's controlled group (''the employer'') incur liability (''employer liability'') if the plan terminates with assets insufficient to pay benefit liabilities under the plan. PBGC's statutory lien for employer liability and the payment terms for employer liability are affected by whether and to what extent employer liability exceeds 30 percent of the employer's net worth. Section 4062.6 of PBGC's employer liability regulation (29 CFR part 4062) requires a contributing sponsor or member of the contributing sponsor's controlled group that believes employer liability upon plan termination exceeds 30 percent of the employer's net worth to so notify PBGC and submit net worth information to PBGC. This information is necessary to enable PBGC to determine whether and to what extent employer liability exceeds 30 percent of the employer's net worth.

The collection of information under the regulation has been approved by OMB under control number 1212–0017 (expires August 31, 2026). On March 3, 2026, PBGC published in the **Federal Register** a notice (at 91 FR 10421) informing the public of its intent to request an extension of this collection of information and solicited public comment. No comments were received. 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.

PBGC estimates that an average of 19 contributing sponsors or controlled group members per year will respond to this collection of information. PBGC further estimates that the average annual burden of this collection of information will be 12 hours and $5,400 per respondent, with an average total annual burden of 228 hours and $102,600.

Joseph Krettek,

Assistant General Counsel, Legislative and Regulatory Division, Pension Benefit Guaranty Corporation.

[FR Doc. 2026–10805 Filed 5–28–26; 8:45 am]

BILLING CODE 7709–02–P

OFFICE OF PERSONNEL MANAGEMENT

Agency Information Collection Request: Health Benefits Election Form, OMB Control Number (3206–0160)

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) for two forms: SF 2809 Health Benefits Election Form and OPM 2809 Health Benefits Election Form.

DATES: Comments are encouraged and will be accepted until July 28, 2026. This process is conducted in accordance with 5 CFR 1320.8(d)(1).

ADDRESSES: You may submit comments on the Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Healthcare and Insurance, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, Attention: Sophia Iwanaga and Louise Yinug.

SUPPLEMENTARY INFORMATION:

Background

The FEHB Protection Act of 2025, signed into law in July 2025 as part of Public Law 119–21 (139 Stat. 362), aims to reduce waste and fraud in the Federal Employees Health Benefits (FEHB) program. The Act requires OPM to issue regulations and implement a process to verify enrollee eligibility. In response to this new law, OPM expects to issue a regulation by the statutory deadline of July 4, 2026, under RIN 3206–AP08, titled *Federal Employees Health Benefits Program: Verification requirements for family member coverage.* OPM also proposes to update the Health Benefits Election Form information collection, OMB Control Number (3206–0160). OPM may revise the SF 2809 or the OPM 2809 form to facilitate verification of eligibility or to provide revised instructions.

Comments

As required by the Paperwork Reduction Act of 1995, as amended, 44 U.S.C. 3506(c)(2), OPM is soliciting comments for this collection. OPM is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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. Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

4. Suggest 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 submissions of responses.

Analysis

Agency: Office of Personnel Management.

Title: Health Benefits Election Forms.

OMB Number: 3206–0160.

Frequency: Annually.

Affected Public: Eligible individuals who wish to enroll in FEHB (including the new, separate Postal Service Health Benefits Program) for the first time or to change an existing enrollment.

Number of Respondents: 101,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 50,500 hours.

Jerson Matias,

Federal Register Liaison.

[FR Doc. 2026–10724 Filed 5–28–26; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–253 and K2026–251; MC2026–254 and K2026–252; MC2026–255 and K2026–253]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
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I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. *See* Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–253 and K2026–251; *Filing Title:* USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 997, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 26, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).:* MC2026–254 and K2026–252; *Filing Title:* USPS Request to Add Fulfillment Standardized Distinct Product, PM–GA Contract 998, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 26, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).:* MC2026–255 and K2026–253; *Filing Title:* USPS Request to Add Mid-Market Standardized Distinct Product, PM–GA Contract 999, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 26, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Ashley Demchak,

Alternate Federal Register Liaison.

[FR Doc. 2026–10750 Filed 5–28–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105553; File No. SR–LCH SA–2026–001]

Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to the CDSClear Risk Framework

May 26, 2026.

I. Introduction

On April 8, 2026, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

modify its CDS Clearing risk framework. The proposed rule change was published for comment in the **Federal Register** on April 17, 2026.[3] The Commission did not receive comments regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

LCH SA is a clearing agency registered with the Commission that provides central counterparty (''CCP'') services for security-based swaps, including credit default swaps (''CDS'') and options on CDS, through its CDSClear business unit. Part of LCH SA's CCP function is to interpose itself as the buyer to every seller and the seller to every buyer for certain financial transactions, which exposes it to certain risks arising from providing clearing and settlement services to its clearing members. One such risk is the credit risk stemming from the trading activities of LCH SA's clearing members because LCH SA is obligated to perform on the contracts it clears, even in the event of a clearing member's default. LCH SA manages credit risk, in part, by maintaining prefunded sufficient resources to cover losses in the event of a member default. LCH SA maintains these financial resources by requiring its clearing members to provide initial margin and contribute to a default fund.

LCH SA collects initial margin to cover the potential loss from any clearing member (including the clients of that clearing member) to a 99.7% level under normal market conditions, should LCH SA need to close out that member's portfolio within the given holding period. LCH SA's process for determining initial margin is explained in, and controlled by, its CDSClear Margin Reference Guide (''Margin Guide''). As described in the Margin Guide, LCH SA determines a clearing member's initial margin based on various assumptions, components, and charges, including Spread Margin.[4]

In addition to the amounts collected as initial margin, LCH SA's default fund (the ''Default Fund'') is a prefunded mutualized pool of resources available to cover any further potential losses to LCH SA in the event of a clearing member's default. LCH SA sizes the Default Fund so that it can withstand the simultaneous default of the two largest member groups under extreme but plausible market conditions (''cover-2 standard'').[5] LCH SA determines the sufficiency of the Default Fund by conducting daily stress testing. Daily stress testing involves the daily revaluation of each clearing member's portfolio using a set of historical and theoretical stress test scenarios incorporating price and volatility shifts to estimate a worst-case loss in excess of that clearing member's initial margin. LCH SA's method for conducting stress testing and sizing the Default Fund is explained in, and controlled by, its CDSClear Default Fund Reference Guide (''Stress Guide'').

LCH SA proposes to amend the Stress Guide and Margin Guide. The amendments address recommendations from an independent review performed by LCH SA's Model Validation Team and remove certain stress test scenarios that LCH SA no longer considers plausible. LCH SA represents that when initially set, these stress test scenarios created an overly conservative level of the Default Fund and, therefore, require updating.[6] LCH SA states that the proposed recalibration would decrease the Default Fund but represents that nevertheless LCH SA would continue to meet or exceed the cover-2 standard.[7]

Additionally, LCH SA proposes to make non-substantive changes to the Stress Guide and Margin Guide to conform the documents to a common template adopted by LCH SA's affiliated companies. LCH SA is an affiliate of LCH, Ltd, through common ownership by LCH Group Holdings Limited. LCH SA's ultimate parent company is London Stock Exchange Group plc (''LSEG''). LCH SA's proposed changes to the Stress Guide and Margin Guide would restructure and reorganize the contents in those documents to conform with a common template adopted by LSEG entities. LCH SA represents that the goal of the common template is to ease the model validation teams' review of all models across LSEG entities.[8]

The Stress Guide and the Margin Guide, including the proposed changes, would continue to be subject to and interact with LCH SA's Financial Resource Adequacy Policy (''FRAP'').[9] The FRAP is part of LCH SA's overall governance framework and sets forth the standards governing the assessment of financial resources, including default funds, against certain market risks in clearing member portfolios.[10] The FRAP contemplates, in part, reverse stress testing, sensitivity analysis of margin models, a review of parameters and assumptions for backtesting on a monthly basis [11] and less than monthly under certain conditions,[12] and consideration of modifications to ensure back-testing practices are appropriate for determining the adequacy of margin resources.[13] The FRAP would remain applicable to the details found in both the Stress Guide and Margin Guide.

A. Stress Guide

The proposal would amend the Stress Guide primarily by changing the definition of stress scenarios. Further changes stem from the Model Validation Team requests. Other, non-substantive changes aim to conform with the new LSEG template.

Currently, Section 5.1.4 of the Stress Guide explicitly lists certain stress testing scenarios, such as those calibrated around the Lehman Brothers' 2008 collapse. However, LCH SA states that these scenarios are inconsistent with the definition of plausibility, as found in the FRAP,[14] due to the application of multipliers to these historical shocks.[15] To mitigate this inconsistency, LCH SA proposes to make historical scenarios more plausible based on a defined set of criteria across all scenarios so that the worst historical stress can be captured uniformly across a variety of periods without adding arbitrary multipliers on top of historical moves. Under the proposal, one criterion would be used for directional scenarios and another criterion for decorrelation scenarios [16] to identify the most historically significant periods. As such, the proposal would continue to capture significant market events, such as the Lehman Brothers' default.

[3] Securities Exchange Act Release No. 105233 (Apr. 14, 2026), 91 FR 20750 (Apr. 17, 2026) (File No. SR–LCH SA–2026–001) (''Notice'').

[4] Spread Margin is intended to cover losses in the event of unfavorable credit spread and volatility moves.

[5] *See also* 17 CFR 240.17ad–22(e)(4)(ii).

[6] *See* Notice, 91 FR at 20751.

[7] *Id. See also* 17 CFR 240.17ad–22(e)(4)(ii).

[8] *See* Notice, 91 FR at 20751.

[9] *See* Exchange Act Release No. 104051 (Sept. 25, 2025), 90 FR 47001 (Sept. 30, 2025) (SR–LCH SA–2025–007), which approved the LCH SA Financial Risk Adequacy Policy.

[10] *Id.,* at 47003.

[11] *Id.,* at 47003–47007.

[12] *Id.,* at n. 26 (''The FRAP also requires LCH SA to conduct a sensitivity analysis of its margin models and a review of its parameters and assumptions for back- testing more frequently than monthly during periods of time when the products cleared or markets served display high volatility or become less liquid, or when the size or concentration of positions held by the participants increases or decreases significantly.'').

[13] *Id.,* at 47003.

[14] Extreme but plausible scenarios are quantified as once-in-30 years events, under the FRAP. *See* Notice, 91 FR at 20753.

[15] *See* Notice, 91 FR at 20753.

[16] Directional scenarios aim to capture the effects of the largest historical widening or tightening of credit spreads while decorrelation scenarios aim to capture the effects of historical divergences between regions.

The current theoretical scenarios listed in Section 5.1.4 of the Stress Guide were deemed sufficiently conservative when initially designed to mitigate risk but lacked a clear quantification of plausibility. The proposal would clarify that the theoretical scenarios would rely on a multivariate distribution calibrated using historical data to generate extreme but plausible scenarios quantified as once-in-thirty-year events, consistent with LCH SA policies. The calibrated distribution would be used to generate sample joint returns across risk factors, which would then be sorted based on criteria representing key strategies to identify the most extreme draws in the sample for each risk profile. Scenarios for implied volatilities would keep the same calibration but would be considered jointly with spread moves to more consistently capture the cross-effect of both risk factors on the option price.

LCH SA also proposes to address the consistency and comparability of stress scenarios. Currently, stress test scenarios assume an extended holding period of a minimum of five days, varying by each scenario. As proposed, Section 5.1.1.1 would clarify that the holding period considered during stress test calibration would be set to seven days across all scenarios.

The proposal would align the handling of option exercise with regular margins, as described in Section 5.1.4.2. Under the proposal, the assumption would be that market moves happen first, followed by exercise decisions, which would be reflected in the calculation. Afterward, the impact of the defaulting entities would be considered.

Additionally, the proposal would, under Section 5.1.4.4, rewrite the logic of the stressed Short Charge in a manner consistent with the Short Charge in the Margin Guide. Specifically, LCH SA proposes to introduce tables summarizing the combinations of International Swaps and Derivatives Association (''ISDA'') definitions and seniorities that can default together, and summarizing the recovery rates used in the Net Short Exposure calculations.

The remainder of the proposed changes to the Stress Guide would help ensure compliance with the LSEG model documentation template requirements, including the addition of an Executive Summary section; the contextualization of the use and purpose of the model (Section 1); the provision of information on the model limitations and compensating controls (Section 2); the description of modelling data and the rationale for the modelling approach (Sections 3 and 4); and a more condensed definition of the Default Fund size (Section 5.1.1.2). Likewise, Sections 6 through 9, generally covering model testing, ongoing monitoring, control environment, and appendices, would be added as generic sections to comply with the LSEG template requirements.

LCH SA states that amending the plausibility of stress test scenarios in the Stress Guide is expected to result in a 41% decrease in the Default Fund, on average, over the course of the 12-month period leading into March 2026.[17] LCH SA estimates the full range of the observed decreases in that period to be between 32% and 44%.[18] LCH SA states that, generally, its clearing members are expected to experience similar percentages of decreases in their Default Fund Contribution requirements, except the smallest members who are and would continue to be subject to the €10 million contribution floor and would not see any decrease.[19] LCH SA estimates that the largest expected decrease would amount to €605 million for its largest member.[20] LCH SA represents that realigning the plausibility of the stress test scenarios would continue to satisfy the regulatorily required cover-2 standard.[21]

B. Margin Guide

The proposal would amend the Margin Guide primarily to change how LCH SA calculates the Spread Margin component of initial margin, including updating the lookback period and the floor used in calculating the Spread Margin. Other, non-substantive, changes aim to conform with the new LSEG template.

As noted above, Spread Margin is intended to cover losses in the event of unfavorable credit spread and volatility moves. As a starting point, LCH SA calculates a distribution of potential losses for each portfolio using simulated scenarios based on historical credit spread returns. Currently, the historical credit spread returns are derived from a lookback period consisting of data starting in 2007 and continuing to the present day. Thus, this lookback period is always growing with the addition of new historical data. This approach risks diluting the impact of including the most stressed periods in the lookback, as other time periods, representing less stressed market conditions, could eventually outweigh the impact of the most stressed periods. To address this potential dilution risk, the proposal would replace the current lookback period with a discreet, limited timeframe. Under the proposal, LCH SA would use a fixed 10-year lookback period. LCH SA would update the 10-year lookback daily, with one day from the previous 10 years dropping and the most recent day being added. In addition to the rolling 10-year lookback, LCH SA would also consider, as a separate period representing stressed market conditions, historical data from July 2007 to June 2010. In doing so, LCH SA would adjust historical returns from 2007 to make them more relevant to the current market regime. The proposed change in the lookback period would apply to both the scaled and unscaled model, in order to ensure that the sample does not grow over time.

At the outset, the fixed stressed period would cover July 2007 through June 2010 but would be reviewed every year as part of the annual model validation. To address the potential disappearance of significant dates, the proposed changes also encompass a new annual test, which would assess the impact on the spread margin of removing the oldest year from the 10-year rolling window. LCH SA represents that the goal of amending the lookback period is to reduce its size and adjust historical returns from 2007 to more accurately reflect the current market regime.[22]

Separately, the proposal would amend the Spread Margin floor. Currently, LCH SA determines the final amount of the Spread Margin for a given portfolio as the maximum between two calculations: one based on an Expected Shortfall measure using volatility scaled returns and a second based on an Expected Shortfall measure using unscaled returns. LCH SA refers to the second measure as the Spread Margin floor. In proposed Section 5.2.4.2 of the Margin Guide, LCH SA would replace the Expected Shortfall measure with a VaR measure for the Spread Margin floor while still using unscaled returns. Thus, going forward, Spread Margin would be the maximum between an Expected Shortfall using volatility scaled returns and a VaR using unscaled returns. LCH SA represents that this change would simplify the Spread Margin floor, thus helping to ensure that the main model is driving the margin more often and that the Margin Guide aligns with the general market practice for a floor.[23]

With respect to the first measure described above, an Expected Shortfall

[17] *See* Notice, 91 FR at 20753.

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] *See* n. 5, *supra,* and accompanying text.

[22] *See* Notice, 91 FR at 20751.

[23] *Id.*

using volatility scaled returns, the proposal also would amend how LCH SA scales the returns. As presently written, the Margin Guide gives 50% weight to the current volatility when rescaling returns before applying them to create simulated spread scenarios. As proposed, Section 5.2.4.1.1 would reduce that by half to a 25% weighting. That is, after having divided past returns by the volatility observed on the past date to normalize the return, this figure would be multiplied by a value equal to the sum of 25% of the current volatility and 75% of the volatility on the past date corresponding to the original return, instead of setting both weights to 50%, as is currently done. LCH represents that this is meant to address the procyclicality risk profile of the Spread Margin because it gives less weight to more recent volatility and, thus, mitigates the impact that renewed market volatility may have on the margins.[24] In calculating a distribution of potential losses for each portfolio, LCH SA considers profit and loss (''P&L'') over a five-day holding period. Under its current approach, LCH SA retains the worst end-of-day point over the five-day period of calculation behind the short charge, where LCH SA makes P&L calculations and chooses the worst. As proposed, Section 5.2.4.1.5 of the Margin Guide would specify that the P&L would be calculated between business date and business date plus five, reflecting that one P&L per scenario of the Expected Shortfall would be calculated at the five-day P&L.[25] LCH SA represents that the proposed change would not only reduce the complexity of the calculations and the time it takes to make them, but would also comply with regulatory timeframes for confirming whether a trade sent for clearing is accepted or rejected under the European Union MiFIR and U.S. Commodity Futures Trading Commission regulations.[26]

Further changes in other sections of the Margin Guide would not amend calculations but, rather, would clarify the description of the current methodology. For example, most model limitations and compensating controls were documented elsewhere but a new Section 2 would explicitly list them, as well as introduce a new limitation related to the control to put in place the monitoring of the potential removal of key historical events from the 10-year rolling lookback window used in the spread margin calculations. Section 4.7.2, while mostly unchanged, would incorporate the description of structural and contractual subordination for credit default swaps, while in Section 5 the proposal would introduce margins that were missing from the summary table, such as Net Capital Ratio and Credit Quality Margin.

Similarly, the proposal would make clarifying changes elsewhere in Section 5. Section 5.1.4.1 would summarize in a table format the ISDA definitions and seniorities considered in the jump to default scenarios. Sections 5.1.4.3 and 5.2.4.3.5 would clarify the treatment of jump to default risk close to maturity dates to cover the risk that bought protection via a CDS contract, index or single name, would not be applicable for credit events happening after the maturity date of the contract. For ease of reading, Section 5.2.4.1.7.1 would replace multiple tables of combinations of defaults and recovery rates into a single, consolidated table.

Section 5.2.4.3.4 would clarify how Spread Margin interacts with another component of initial margin, the Short Charge. Although LCH SA would continue to consider an Expected Shortfall that covers both market moves and a jump to default risk, as now, the proposal would modify the interplay between the Spread Margin and Short Charge within that Expected Shortfall. Under the proposal, the Spread Margin would be part of the P&L attributable to market moves only and the Short Charge would represent the incremental P&L attributable to the jump to default risk.[27]

Additionally, the proposal would clarify that the calculation logic remains the same for all types of products (Section 5.4.4); would simplify the presentation of the Wrong Way Risk shock applied by removing the distinction between systemic and non-systemic entities since the treatment is the same for both when calculating margin (Section 5.5.4.1.1); and would clarify in a footnote how correlation is used in the wrong way risk calculation and the progress on implementation of the most recent change to the wrong way risk model (Section 5.5.4.1.5). Other proposed changes would describe in more detail the purpose of each scenario defined in the Vega margin calculation (Sections 5.6.4.1 and 5.6.4.2); would clarify the use case for Contingency Variation Margin (Section 5.10); would clarify that the Credit Quality Margin and Default Fund Additional Margin are charged as part of the initial margin, similar to all other margins (Sections 5.13 and 5.14);[28] and would remove discussions about coupon and upfront cash flows, which are independent of the risk model (Section 5.15).

The remainder of the proposed changes to the Margin Guide would help ensure compliance with the LSEG model documentation template requirements, including the addition of an Executive Summary section providing a high-level overview of the CDSClear Risk Framework; the contextualization of the use and purpose of the model (Section 1); the separation of margins into different sections rather than summarizing multiple margins together in Section 3.1; a more detailed description of market data processing upstream of the margin calculations (Section 4.1); listing the official names of credit indices in section 5.7 rather than their commonly used names; and the inclusion of a model overview, and a description of model inputs and outputs (Sections 5.7 through 5.15). Likewise, Sections 6 through 9, generally covering model testing, ongoing monitoring, control environment, and appendices, would be added as generic sections to comply with the LSEG template requirements.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the 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 Act and the rules and regulations thereunder applicable to the organization.[29] 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.'' [30]

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[31] and

[24] *See* Notice, 91 FR at 20751–52.

[25] LCH SA proposes a simplification related to moving toward a five-day P&L. Section 5.2.4.1.6 would amend the logic for applying jump to default calculations ahead of an option exercise date, such that defaults would be assumed to have happened after the credit spreads have moved and the exercise decision would have been taken.

[26] *See* Notice, 91 FR at 20751 n.7, 8.

[27] The proposal would not impact the current practice of summing up both margins (Spread Margin and Short Charge).

[28] For increased readability, Section 5.14 also would change the order of the calculation steps without changing the calculations themselves.

[29] 15 U.S.C. 78s(b)(2)(C).

[30] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[31] *Id.*

any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[32] Moreover, ''unquestioning reliance'' on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.[33]

After carefully considering the proposed rule change, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to LCH SA. More specifically, for the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[34] and Rules 17ad–22(e)(3) and (e)(4).[35]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of LCH SA be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.[36]

As noted above, the proposal would amend the Stress Guide and Margin Guide to recalibrate the stress tests used to size the Default Fund to maintain plausibility while continuing to meet a cover-2 standard, and to more accurately reflect current markets and liquidity risk arising out of a potential clearing member default. Most prominently, the Stress Guide would help ensure the uniformity of criteria applied across historical stress scenarios and clarify the quantification of what is deemed extreme but plausible, and the Margin Guide would introduce a 10-year rolling lookback window alongside a fixed stress period to help mitigate the risk of dilution. Although the size of the Default Fund would be reduced by these changes, LCH SA would continue to meet or exceed the cover-2 standard. In this regard, the Stress Guide and Margin Guide are designed to ensure that LCH SA can maintain its resilience in the event of a default, thereby enabling LCH SA to continue to provide its clearance and settlement services to the public in such circumstances. By amending the Stress Guide and Margin Guide in these ways, LCH SA has taken measures to provide that its rules are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.

Accordingly, the proposed rule change promotes the prompt and accurate clearance and settlement of transactions at LCH SA, consistent with Section 17A(b)(3)(F) of the Act.[37]

B. Consistency With Rule 17Ad–22(e)(3)

Rule 17Ad–22(e)(3) requires that LCH SA establish, implement, maintain, and enforce written policies and procedures reasonably designed to, among other things, maintain a sound risk management framework for comprehensively managing credit and other risks that arise in or are borne by the covered clearing agency.[38]

LCH SA's proposed changes stem from Model Validation Team recommendations and are designed to work in tandem to maintain a sound framework for comprehensively managing credit risk. For example, the Stress Guide recalibrates stress testing scenarios to help maintain plausibility in light of the present market structure, uniformly sets the stress test calibration to seven days across all scenarios, aligns the handling of option exercise with regular margins, and rewrites the logic behind the stressed Short Charge to be consistent with that found in the Margin Guide. As further example, the Margin Guide introduces a 10-year rolling lookback window used alongside a fixed stress period to help prevent dilution; simplifies the calculation behind the Spread Margin floor; specifies that one P&L per scenario of the Expected Shortfall would be calculated at the five-day P&L; and adjusts the weighting of the current volatility when rescaling returns before applying them to create simulated spread scenarios. Taken together, the changes to the Stress Guide and Margin Guide clarify details around LCH SA's approach to credit risk that is borne by the clearing agency in current markets. Additionally, the conforming changes to the Stress Guide and Margin Guide, such as the additions of an Executive Summary section and a section on the contextualization of the use and purpose of the model, help ensure compliance with the model documentation template requirements across LSEG entities, thus assisting with establishing a cohesive and comprehensive risk management framework.

Accordingly, the proposed rule change is consistent with Rule 17Ad–22(e)(3).[39]

C. Consistency With Rule 17ad–22(e)(4)

Rule 17ad–22(e)(4)(i) and (ii) requires that LCH SA establish, implement, maintain, and enforce written policies and procedures reasonably designed to, among other things effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence; and 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 LCH SA in extreme but plausible market conditions.[40]

As stated above, the proposal's revisions to the Stress Guide primarily aim to maintain plausibility in current markets. The proposal would do so by eliminating explicitly listed stress testing scenarios and amending the application of certain multipliers to historical shocks in favor of a defined set of criteria across all scenarios to uniformly capture the worst historical stress over a variety of periods. Additionally, amendments to the Stress Guide clarify the quantification of plausibility, based on the FRAP's definition of a once-in-30 years event. The Margin Guide primarily adds a rolling lookback window used in parallel with a fixed stressed period to prevent dilution of the most stressed periods when determining the Spread Margin. Such changes result in a 41% reduction of the Default Fund, on average. However, because the Default Fund initially was set at a level that did not necessarily reflect LCH SA's service levels and the markets it serves, LCH SA represents that the changes would not impede LCH SA from continuing to meet its cover-2 regulatory obligations,[41] and thus maintain sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.

[32] *Id.*

[33] *Susquehanna Int'l Group, LLP* v. *Securities and Exchange Commission,* 866 F.3d 442, 447 (D.C. Cir. 2017).

[34] 15 U.S.C. 78q–1(b)(3)(F).

[35] 17 CFR 240.17ad–22(e)(3), and (e)(4).

[36] 15 U.S.C. 78q–1(b)(3)(F).

[37] *Id.*

[38] 17 CFR 240.17ad–22(e)(3).

[39] *Id.*

[40] 17 CFR 240.17ad–22(e)(4)(i) and (ii).

[41] *See* Notice, 91 FR at 20753.

Accordingly, the proposed rule change is consistent with Rule 17ad–22(e)(4)(i) and (ii).[42]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act,[43] and Rules 17ad–22(e)(3) and (e)(4)[44] thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act[45] that the proposed rule change (SR–LCH SA–2026–001) be, and hereby is, approved.[46]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[47]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10665 Filed 5–28–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105551; File No. SR–SAPPHIRE–2026–25]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Sapphire Options Exchange Fee Schedule To Establish a Firm Fee Cap

May 26, 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 13, 2026, MIAX Sapphire, LLC (''MIAX Sapphire'' 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 MIAX Sapphire Options Exchange Fee Schedule (''Fee Schedule'') to: (1) establish a monthly Firm Fee Cap to waive Trading Floor transaction fees resulting from certain transactions for Member and Member organizations trading in their own proprietary account that met a defined amount each month; and (2) make corresponding changes to other sections of the Fee Schedule to clarify the impact of the Firm Fee Cap on fees and rebates resulting from other Trading Floor transactions (all terms described below).

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings,* and at MIAX Sapphire'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 proposes to amend the Fee Schedule to: (1) establish a monthly Firm Fee Cap to waive Trading Floor[3] transaction fees resulting from certain transactions for Member[4] and Member organizations trading in their own proprietary account that met a defined amount each month; and (2) make corresponding changes to other sections of the Fee Schedule to clarify the impact of the Firm Fee Cap on fees and rebates resulting from other Trading Floor transactions. The Exchange initially filed this proposed rule change on May 1, 2026.[5] On May 13, 2026, the Exchange withdrew SR–SAPPHIRE–2026–22 and refiled this proposal.

Background of Fees and Rebates for Transactions on the Trading Floor

The Exchange assesses fees (and/or provides rebates) for transactions on the Trading Floor based on origin. Currently, for Priority Customers[6] and Professional Customers,[7] the Exchange does not assess a per contract fee (or provide a rebate) for Qualified Floor Order (''QFO'')[8] and Complex Qualified Floor Order (''cQFO'')[9] transactions[10] in all multiply-listed Penny and non-Penny classes.[11] The Exchange assesses a $0.25 per contract fee for QFO and cQFO transactions in SPY/QQQ/IWM, Penny classes (excluding SPY/QQQ/IWM), and non-Penny classes, for Away Market Maker,[12] Firm, and Broker-Dealer origins. The Exchange does not assess a fee (or provide a rebate) for QFO and cQFO transactions in SPY/QQQ/IWM, Penny classes (excluding SPY/QQQ/IWM), and non-Penny classes, for Firm and Broker-Dealer origins that are facilitating a Priority Customer or Professional Customer order. The Exchange assesses Floor Market Makers[13] a fee of $0.50 per contract for QFO and cQFO transactions

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[42] 17 CFR 240.17ad–22(e)(4)(i) and (ii).

[43] 15 U.S.C. 78q–1(b)(3)(F).

[44] 17 CFR 240.17ad–22(e)(3) and (e)(4).

[45] 15 U.S.C. 78s(b)(2).

[46] 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).

[47] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Trading Floor'' or ''Floor'' means the physical trading floor of the Exchange located in Miami, Florida. The Trading Floor shall consist of one ''Crowd Area'' or ''Pit'' where Floor Participants will be located and option contracts will be traded. The Crowd Area or Pit shall be marked with specific visible boundaries on the Trading Floor, as determined by the Exchange. A Floor Broker must represent all orders in an ''open outcry'' fashion in the Crowd Area. *See* the Definitions section of the Fee Schedule and Exchange Rule 100.

[4] *See* Exchange Rule 100.

[5] *See* SR–SAPPHIRE–2026–22 (withdrawn without being noticed by the Securities and Exchange Commission).

[6] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See id.*

[7] The term ''Professional Customer'' for the purposes of the Fee Schedule, shall mean a Public Customer that is not a Priority Customer. *See* the Definitions section of the Fee Schedule. The term ''Public Customer'' means a person that is not a broker or dealer in securities. *See id.*

[8] *See* Exchange Rule 2040.

[9] *See* Exchange Rule 2040(a)(4).

[10] A QFO or cQFO must be entered as a two-sided order, with an initiating side and a contra side and the QFO and cQFO fees, rebates, and applicable fee and rebate caps will apply to both sides of the order. Further, cQFO fees and rebates are per executed side per leg. *See* Fee Schedule, Section 1)c)i).

[11] *See* Exchange Rule 510(c).

[12] The term ''Away Market Maker'' for the purposes of the Fee Schedule, shall mean a non MIAX Sapphire Market Maker.

[13] The term ''Floor Market Maker'' means a Floor Participant of the Exchange located on the Trading Floor who has received permission from the Exchange to trade in options for his own account. *See* the Definitions section of the Fee Schedule and Exchange Rule 2105.

that trade against all other origins.[14] The Exchange provides a rebate of ($0.10) per contract for QFO and cQFO transactions in SPY/QQQ/IWM, Penny classes (excluding SPY/QQQ/IWM), and non-Penny classes, for Floor Broker [15] origins on both the agency and contra sides when that side is billable. The Exchange also provides a Floor Broker Breakup Credit of ($0.20) per contract for QFO and cQFO transactions in SPY/QQQ/IWM, Penny classes (excluding SPY/QQQ/IWM), and non-Penny classes.[16]

The Exchange also assesses fees (and/or provides rebates) for QCC [17] and cQCC [18] transactions on the Trading Floor based on origin. All fees and rebates are per contract per leg of the transaction. In particular, for both QCC and cQCC transactions, the Exchange assesses the following fees for both the initiator and contra-sides of the transaction: $0.00 per contract for Priority Customers; $0.12 per contract for Professional Customers; and $0.20 per contract for all other market participants (*i.e.,* Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm). For both QCC and cQCC transactions, the Exchange provides the following rebates to the Floor Broker entering the order when the contra-side is a Priority Customer origin: ($0.00) per contract for Priority Customers; ($0.07) per contract for Professional Customers; and ($0.17) per contract for all other market participants (*i.e.,* Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm). For both QCC and cQCC transactions, the Exchange provides the following rebates to the Floor Broker entering the order when the contra-side is Professional Customer: ($0.07) per contract for Priority Customers; ($0.17) per contract for Professional Customers; and ($0.25) per contract for all other market participants (*i.e.,* Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm). Finally, for both QCC and cQCC transactions, the Exchange provides the following rebates to the Floor Broker entering the order when the contra-side is all other market participants (*i.e.,* Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm): ($0.17) per contract for Priority Customers; ($0.25) per contract for Professional Customers; and ($0.30) per contract for all other market participants (*i.e.,* Floor Market Maker, Away Market Maker, Broker-Dealer, and Firm).

Proposal To Establish a Firm Fee Cap

First, the Exchange proposes to establish new Section 1)c)vii) in the Fee Schedule, which will be titled ''Firm Fee Cap.'' The Exchange proposes that new Section 1)c)vii) will provide that Member and Member organization Firm origin Trading Floor transaction charges are subject to a monthly fee cap of $225,000 (''Firm Fee Cap''). Specifically, the Exchange will waive Trading Floor transaction fees (after $225,000) resulting from QFO, cQFO, QCC and cQCC transactions for Members and Member organizations trading in their own proprietary account that met the Firm Fee Cap per Clearing Corporation [19] account for each relevant month. The Exchange proposes to provide that the fees resulting from the following Trading Floor transactions will not be counted towards the monthly Firm Fee Cap: strategy transactions described in Section 1)c)v); [20] C2C and cC2C orders described in Section 1)c)iv); [21] and fees for orders executed on the Electronic Book [22] described in Section 1)a). The Exchange also proposes to add text that commingled accounts, defined as accounts where Firm transactions are executed for the benefit of entities other than the Clearing Corporation account owner, are excluded from counting towards the monthly Firm Fee Cap.[23]

The purpose of establishing a monthly Firm Fee Cap is to provide an incentive for market participants to send additional Firm origin orders to be executed on the Trading Floor. Additional liquidity may benefit all Floor Participants by providing more trading opportunities, which may attract additional Floor Market Maker interaction with such orders. An increase in the activity of these market participants in turn should facilitate tighter spreads, which may cause an additional corresponding increase in QFO, cQFO, QCC and cQCC order flow from other Floor Participants and their customers. The purpose of excluding strategy transactions and C2C and cC2C transactions from the proposed monthly Firm Fee Cap is because qualifying strategy transactions are already capped separately for Firm orders at $500 per day, per underlying [24] and Floor Participants to C2C and cC2C transactions are neither rebated nor assessed a fee for such transactions, thereby negating the impact of such orders on the proposed Firm Fee Cap since there would be no fees to aggregate.[25] The Exchange notes that other exchanges that operate a trading floor for equity options trading also have monthly fee caps for certain origins while excluding strategy transactions and electronic transactions from counting towards their monthly fee caps.[26]

[14] *See* Fee Schedule, Section 1)c)i).

[15] The term ''Floor Broker'' means an individual who is registered with the Exchange for the purpose, while on the Trading Floor, of accepting and handling options orders. A Floor Broker must be registered as a Floor Participant prior to registering as a Floor Broker. A Floor Broker may take into his own account, and subsequently liquidate, any position that results from an error made while attempting to execute, as Floor Broker, an order. *See* the Definitions section of the Fee Schedule and Exchange Rule 2015. The term ''Floor Participant'' means Floor Brokers as defined in Rule 2015 and Floor Market Makers as defined in Rule 2105(b). *See id.* and Exchange Rule 100.

[16] The Floor Broker Breakup Credit will apply to the Floor Broker that submits the QFO or cQFO instead of the Floor Broker rebate for executions that trade with a Floor Market Maker. *See id.*

[17] A QCC transaction is comprised of an 'initiating order' to buy (sell) at least 1,000 contracts that is identified as being part of a qualified contingent trade, coupled with a contra-side order to sell (buy) an equal number of contracts. *See* Fee Schedule, Section 1)c)ii).

[18] A cQCC transaction is comprised of an 'initiating complex order' to buy (sell) where each component is at least 1,000 contracts that is identified as being part of a qualified contingent trade, coupled with a contra-side complex order or orders to sell (buy) an equal number of contracts. The stock handling fee for the stock leg of cQCC transactions is described in Section 1)c)vi) of the Fee Schedule. *See* Fee Schedule, Section 1)c)iii).

[19] The term ''Clearing Corporation'' means The Options Clearing Corporation. *See* Exchange Rule 100.

[20] Currently, strategy transactions include Box Spreads, Jelly Roll Strategies, Short/Long Stock Interest Spreads, Merger Spreads, Reversal/Conversion Spreads, and Dividend Strategies. *See* the Definitions section of the Fee Schedule for the definition of each strategy transaction.

[21] A C2C Order is comprised of a Priority Customer Order to buy and a Priority Customer Order to sell at the same price and for the same quantity. A cC2C Order is comprised of one Priority Customer complex order to buy and one Priority Customer complex order to sell at the same price and for the same quantity. *See* Fee Schedule, Section 1)c)iv).

[22] The term ''Electronic Book'' means the Exchange's Simple Order Book and Strategy Book. *See* the Definitions section of the Fee Schedule and Exchange Rule 100.

[23] At least one other exchange that operates a trading floor for equity options trading maintains a similar requirement for billing purposes for its members and member organizations that meet that exchange's monthly firm fee cap. *See* Nasdaq PHLX LLC (''PHLX''), Options 7: Pricing Schedule, Section 3, Monthly Firm Fee Cap and Floor Facilitation section (providing that ''Members and member organizations must notify [PHLX] in writing of all accounts in which the member or member organization is not trading in its own proprietary account. [PHLX] will not make adjustments to billing invoices where transactions are commingled in accounts which are not subject to the Monthly Firm Fee Cap.'').

[24] *See* Fee Schedule, Section 1)c)v).

[25] *See* Fee Schedule, Section 1)c)iv).

[26] *See* PHLX, Options 7: Pricing Schedule, Section 3, Monthly Firm Fee Cap and Floor Facilitation section (providing, in relevant part, that electronic options transaction charges are excluded from the monthly firm fee cap and all dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions are excluded from the monthly firm fee cap); *see also* NYSE Arca, Inc. (''NYSE Arca''), NYSE Arca Options Fees and Charges, Firm and Broker Dealer Monthly Fee Cap section (providing

Proposal To Add Clarifying Text Regarding the Firm Fee Cap to Various Sections of the Fee Schedule

Next, the Exchange proposes to make corresponding changes to other sections of the Fee Schedule to clarify the impact of the proposed Firm Fee Cap on fees and rebates generated from other transactions on the Trading Floor.

The Exchange proposes to amend the third sentence in the first paragraph of explanatory text below the table in Section 1)c)i) of the Fee Schedule. Section 1)c)i) of the Fee Schedule provides the table of fees and rebates for QFO and cQFO transactions on the Floor by origin. In general, the explanatory text below the table describes, among other things, how the Exchange assesses fees and provides rebates resulting from QFO and cQFO transactions; specifically, that Floor Broker rebates are only payable on the Floor Broker's billable sides. Therefore, the third sentence in the first paragraph of explanatory text states that the Floor Broker rebates will not apply to Priority Customer, Professional Customer, Firm/Broker-Dealer Facilitating a Priority Customer or Professional Customer, competing Floor Broker orders, and Floor Market Maker (sides) executions. The Exchange propose to amend the third sentence to add to the list origins/transactions where a Floor Broker will not receive the Floor Broker rebates. In particular, the Exchange proposes to provide that Floor Brokers will not receive the rebates for Firm (sides) executions where the Firm Fee Cap threshold has been met for the relevant Clearing Corporation account in the relevant month.

As currently described in the Fee Schedule, Floor Broker rebates are only payable on the Floor Brokers' billable sides. With the implementation of the Firm Fee Cap, the Firm side of the QFO or cQFO transaction would no longer be billable once the proposed $225,000 monthly Firm Fee Cap is met in the relevant Clearing Corporation account number. Accordingly, the proposed change will add clarity to the Fee Schedule that the Floor Broker rebate will no longer be provided for the Firm side of the QFO or cQFO transaction once the Firm Fee Cap is met since there will no longer be a billable side for that particular Firm origin order.

The Exchange also proposes to amend the tables in Sections 1)c)ii)-iii) of the Fee Schedule to add text to the fourth and sixth columns in each table, which describe the tiered rebates that Floor Brokers will receive for entering the QCC and cQCC orders depending on whether the contra-side is Priority Customer origin or all other origins. In particular, in each column titled ''Per Contract Rebate for Floor Broker when Contra is a Priority Customer'', the Exchange proposes to add ''Origin or Firm Origin that Met the Firm Fee Cap'' at the end of the column title. In each column titled ''Per Contract Rebate for Floor Broker when Contra is all Other Origins'', the Exchange proposes to add ''except Firm Origin that Met the Firm Fee Cap'' at the end of the column title. The Exchange also proposes to insert a sentence at the end of the explanatory text below the tables in Sections 1)c)ii)-iii) of the Fee Schedule to provide that Floor Brokers that execute QCC [or cQCC] transactions involving Firm orders on each side where both Firms met the Firm Fee Cap in the relevant month will not be eligible for the rebates described in the table above [for QCC or cQCC].[27] The Exchange also proposes to insert a sentence that states that the Firm Fee Cap is described in Section 1)c)vii).

With the proposed changes, a Floor Broker will receive the following per contract rebates when there is a Firm origin order on any side of a QCC or cQCC transaction and the Firm has met the proposed Firm Fee Cap threshold in the relevant month: ($0.00) for Priority Customer orders; ($0.07) for Professional Customer orders; and ($0.17) for Floor Market Maker, Away Market Maker, Broker-Dealer and Firm orders. The Exchange proposes to denote this by adding a new row at the bottom of each of the QCC and cQCC tables for ''Firm Origin that Met the Firm Fee Firm [*sic*],'' which will show the rebates as described in this paragraph for a Firm that has met the Firm Fee Cap and is part of a QCC or cQCC transaction.

The purpose of all these changes is to clarify how the Firm Fee Cap will impact certain Floor Broker rebates and credits that would otherwise apply for executing QFO, cQFO, QCC and cQCC transactions on the Trading Floor for Firm origins that have met the Firm Fee Cap in a particular month.

The proposed changes are immediately effective.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[28] in general, and furthers the objectives of Section 6(b)(5) of the Act,[29] in particular, in that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes that its proposal is consistent with Section 6(b)(4) of the Act[30] because it represents an equitable allocation of reasonable dues, fees and other charges among its Members or issuers using its facilities.

The Exchange believes the proposal to establish the monthly Firm Fee Cap for Firm origin QFO and cQFO transactions on the Trading Floor is reasonable because this should provide an incentive for market participants to send additional Firm origin orders to be executed on the Trading Floor. Additional liquidity may benefit all Floor Participants by providing more trading opportunities, which may attract additional Floor Market Maker interaction with such orders. An increase in the activity of these market participants in turn should facilitate tighter spreads, which may cause an additional corresponding increase in QFO, cQFO, QCC and cQCC order flow from other Floor Participants and their customers. The Exchange also notes that the proposed Firm Fee Cap of $225,000 per month is lower than the firm fee caps in place on other exchanges that offer trading floors for equity options trading.[31] Accordingly, Firms that meet the proposed Firm Fee Cap during a month will not be assessed QFO and cQFO transaction fees after the $225,000 threshold is met and thus should be able to lower their monthly transaction fees on the Trading Floor (or have a known fixed fee amount) each month.

The Exchange believes the proposed Firm Fee Cap is not unfairly discriminatory because all Firm origins are eligible to have their Floor transaction fees capped each month so long as they provide qualifying volume to the Floor (*i.e.,* Firm QFO, cQFO, QCC and cQCC orders). In addition, the Exchange believes that the proposed

that the monthly fee cap is only applicable to firm proprietary fees for manual executions, broker-dealer fees for transactions in standard option contracts cleared in the customer range for manual executions, and excluding strategy executions). The Exchange notes that PHLX and NYSE Arca also assess a ''service'' or ''reduced'' charge for firms that achieve the monthly firm fee cap, which the Exchange does not propose to assess with this filing.

[27] For a QCC or cQCC transaction involving Firm origins on both sides where both Firms met the Firm Fee Cap, there would be no billable sides for the Floor Broker; accordingly, there would be no payable rebates.

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(5).

[30] 15 U.S.C. 78f(b)(4).

[31] *See* PHLX, Options 7: Pricing Schedule, Section 3, Monthly Firm Fee Cap and Floor Facilitation section (providing that firms are subject to a $250,000 monthly firm fee cap); *see also* NYSE Arca Options Fees and Charges, Firm and Broker Dealer Monthly Fee Cap section (providing a $250,000 cap per month for firm proprietary fees for manual executions, among other origin executions).

monthly Firm Fee Cap, which applies only to Firm proprietary trades executed on the Trading Floor, is not unfairly discriminatory to other market participants because its purpose is to attract large order flow to the Trading Floor, where such orders can be better handled in comparison with electronic orders that are not negotiable. To the extent that this purpose is achieved, all of the Exchange's Floor Participants should benefit from the improved market liquidity, particularly as the Trading Floor continues to ramp up operations since its launch in September 2025.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to exclude C2C and cC2C transactions from the proposed monthly Firm Fee Cap because Floor Participants to C2C and cC2C transactions are neither rebated nor assessed a fee for such transactions, thereby negating the impact of such orders on the proposed Firm Fee Cap since there would be no fees to aggregate. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to exclude fees resulting from strategy transactions from counting towards the proposed monthly Firm Fee Cap because strategy transaction fees are already capped separately from each other on a daily basis per Firm, per underlying, at $500 per day,[32] and Firms will continue to be able to avail themselves of that capped fee for each strategy transaction in addition to the Firm Fee Cap for other transactions (*i.e.,* QFO, cQFO, QCC and cQCC orders). Additionally, other exchanges that operate a trading floor for equity options trading also have monthly fee caps for certain origins (including firm) while excluding strategy transaction fees from counting towards the fee caps at those exchanges.[33]

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to count the fees resulting from Floor QCC and cQCC transactions towards the proposed Firm Fee Cap because such transactions involve large orders that should help a Firm meet the Firm Fee Cap quicker, thereby reducing that Firm's transaction fees for executions on the Trading Floor for its proprietary orders. The Exchange believes counting Floor QCC and cQCC transaction fees towards the monthly Firm Fee Cap may incentivize such order flow to the benefit of all Floor Participants who may take the other side of a QCC or cQCC transaction. Additionally, other exchanges with trading floors that offer equity options trading similarly count QCC transaction fees executed on the floors of those exchanges towards their monthly fee caps.[34]

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to provide reduced rebates for Floor Brokers that enter a QCC or cQCC transaction with a Firm order on any side of the transaction where that Firm has met the Firm Fee Cap threshold in the relevant month. This is because even with the proposed reduced rebates, the Exchange believes Floor Brokers will continue to be incentivized to enter QCC and cQCC orders, thereby generating larger rebates, and the Firms providing such orders to the Floor Broker will also be incentivized to send such order flow because they can reach the monthly Firm Fee Cap quicker, reducing overall transaction fee costs for such executions on the Trading Floor.

The Exchange believes that even with the proposed reduced rebates, executing Floor Brokers will be able to continue to price their services at a level that will enable them to attract Firm QCC and cQCC order flow from participants who would otherwise enter these orders electronically or choose another exchange. To the extent that Floor Brokers are able to attract these Firm QCC and cQCC orders for execution on the Floor, this should benefit all other Floor Participants through the additional liquidity and price discovery that may occur as a result.

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.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options exchanges that offer a trading floor and similar fee caps for certain origins [35] and this proposal will offer market participants with another choice of where to execute such transactions. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees and rebates in a manner designed to continue to incent participants on the Trading Floor to direct trading interest to the Exchange, to provide liquidity and to attract additional order flow. To the extent that Floor Brokers are encouraged to utilize the Exchange as a primary trading venue for Firm origin orders, all Exchange market participants stand to benefit from the improved market quality and increased opportunities for price improvement. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

Intra-Market Competition

In accordance with Section 6(b)(8) of the Act, 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. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional Firm origin liquidity to a public exchange's Trading Floor, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all Floor Participants, especially as the Trading Floor continues to ramp up operations since it launched in September 2025. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders.

The proposed changes are designed to attract additional Firm QFO, cQFO, QCC and cQCC order flow to the Trading Floor. Greater liquidity benefits all market participants on the Exchange and increased order flow would increase opportunities for execution of other trading interest. The proposed

[32] *See* Fee Schedule, Section 1)c)v).

[33] *See supra* note 26.

[34] *See* PHLX, Options 7: Pricing Schedule, Section 3, Monthly Firm Fee Cap and Floor Facilitation section (counting QCC transaction fees in the calculation of the monthly firm fee cap) *and* NYSE Arca Options Fees and Charges, Firm and Broker Dealer Monthly Fee Cap section (counting QCC transactions in the firm and broker-dealer monthly fee cap calculation).

[35] *See supra* notes 26 and 31.

changes would apply and be available to all similarly-situated market participants that execute open outcry on the Trading Floor, and, accordingly, the proposed changes would not impose a disparate burden on competition among market participants on the Exchange. The Exchange notes that other exchanges that operate a trading floor for equity options trading also have monthly fee caps for certain origins while excluding strategy transactions and electronic transactions from counting towards their monthly fee caps.[36]

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,[37] and Rule 19b–4(f)(2)[38] 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–SAPPHIRE–2026–25 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–SAPPHIRE–2026–25. 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–SAPPHIRE–2026–25 and should be submitted on or before June 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10668 Filed 5–28–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105552; File No. SR–NYSEARCA–2025–77]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To List and Trade Shares of the T. Rowe Price Active Crypto ETF Under NYSE Arca Rule 8.201–E (Generic) Commodity-Based Trust Shares

May 26, 2026.

On November 6, 2025, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the T. Rowe Price Active Crypto ETF. The proposed rule change was published for comment in the **Federal Register** on November 28, 2025.[3]

On January 7, 2026, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On January 28, 2026, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On April 21, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on April 29, 2026.[8]

Section 19(b)(2) of the Act[9] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on November 28, 2025.[10] The 180th day after publication of the proposed rule change is May 27, 2026. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change, as modified by Amendment No. 1, so that it has sufficient time to consider the proposed rule change, and the issues raised therein. Accordingly, the Commission, pursuant to Section

[36] *See supra* note 26.

[37] 15 U.S.C. 78s(b)(3)(A)(ii).

[38] 17 CFR 240.19b–4(f)(2).

[39] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104243 (Nov. 24, 2025), 90 FR 54769. The Commission has received no comment letters on the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 104554, 91 FR 1229 (Jan. 12, 2026). The Commission designated February 26, 2026, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 104726, 91 FR 4705 (Feb. 2, 2026).

[8] *See* Securities Exchange Act Release No. 105308 (Apr. 24, 2026), 91 FR 23135. The Commission has received no comments on the proposed rule change.

[9] 15 U.S.C. 78s(b)(2).

[10] *See supra* note 3 and accompanying text.

19(b)(2) of the Act,[11] designates July 26, 2026, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 1 (File No. SR–NYSEARCA–2025–77).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10667 Filed 5–28–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0063]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Exchange Act Form 10–K

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission also is requesting approval from the Office of Management and Budget (''OMB'') to designate this existing collection of information (OMB Control No. 3235–0063) as a ''common form'' for purposes of PRA submissions [1] because the Board of Governors of the Federal Reserve System uses this information collection (under OMB Control No. 7100–0091). The Commission plans to submit this existing collection of information to OMB for extension and approval.

Form 10–K (17 CFR 249.310) is filed by issuers of securities to satisfy their annual reporting obligations pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78m or 78o(d)). The information collected by Form 10–K is intended to ensure the adequacy of information available to investors and securities markets about an issuer. We estimate that Form 10–K is filed once per year by approximately 6,740 respondents, for a total of approximately 6,740 responses annually. We estimate that respondents incur 1,695.2 burden hours per Form 10–K response, for a total annual reporting burden of 11,425,648 hours (1,695.2 burden hours per response × 6,740 responses). We estimate that respondents incur $334,438.81 cost burden per Form 10–K response, for a total annual cost burden of $2,254,117,579 ($334,438.81 cost burden per response × 6,740 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60–Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by July 28, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30–Day Submission Notice.

Dated: May 26, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10671 Filed 5–28–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105555; File No. SR–MX2–2026–02]

Self-Regulatory Organizations; MX2 LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 2.4, Mandatory Participation in Testing of Backup Systems

May 26, 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 20, 2026, MX2 LLC (''MX2'' 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 Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend Rule 2.4, Mandatory Participation in Testing of Backup Systems, to amend the manner in which the Exchange will designate certain Options Members (as defined below) to participate in its mandatory disaster recovery testing pursuant to Regulation SCI and MX2 Rule 2.4 for the first calendar year in which the Exchange is operational. The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at *https://info.memxtrading.com/regulation/rules-and-filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and the 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

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[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(57).

[1] *See* ROCIS PRA Module User Guide v.8.2, at 110–111 (Mar. 2024), available at *https://www.rocis.gov/rocis/viewResources.do* (''A 'common form' is an information collection that can be used by two or more agencies, or government-wide, for the same purpose. The Common Forms Module [in ROCIS] allows a 'host' agency to obtain [OMB] approval of an information collection for use by one or more 'using' agencies. After OMB grants approval, any prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the 'common form' by providing its agency-specific information to OMB (*e.g.,* burden estimates and number of respondents). . . . The host agency will indicate in the **Federal Register** notices that it is requesting approval of a common form and, if known, identify other agencies that may use the information collection. Both the **Federal Register** notices and the ICR should account only for the burden imposed by the host agency's use of the common form. Once the host agency has received approval from OMB, any agency will be able to request OMB approval for its use of the common form in ROCIS by providing its agency specific information to OMB (*e.g.,*burden estimates and number of respondents). Additional public notice by those agencies will not be required.'').

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4.

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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

In preparation for the launch of the Exchange's options market (''MX2 Options''),[5] the Exchange proposes to amend MX2 Rule 2.4, Mandatory Participation in Testing of Backup Systems, to specify how the Exchange will designate certain Options Members[6] to participate in mandatory disaster recovery pursuant to Regulation SCI and MX2 Rule 2.4 for the first year the Exchange is operational. Regulation SCI requires MX2, as an SCI entity, to maintain business continuity and disaster recovery plans that provide for resilient and geographically diverse backup and recovery capabilities that are reasonably designed to achieve two-hour resumption of critical SCI systems and next business day resumption of other SCI systems following a wide-scale disruption.[7]

Regulation SCI and MX2 Rule 2.4 also require MX2 to designate certain Members[8] to participate in business continuity and disaster recovery testing in a manner specified by MX2 and at a frequency of not less than once every 12 months.[9] Such testing is part of an industry-wide test, which is next scheduled for October 24, 2026.

MX2 Rule 2.4 governs mandatory participation in testing of the Exchange's backup systems, and states that the Exchange will designate Members that account for a specified percentage of executed volume on MX2 as required to connect to the Exchange's backup systems and participate in functional and performance testing of such system.[10] MX2 Options, which is scheduled to launch in September 2026, is not expecting to have sufficient trading data on which to base its Member designation prior to the October 24, 2026 test. Additionally, the Exchange originally planned that MX2 would launch an equities exchange prior to launching an options exchange, and as such, current Rule 2.4(c) states that the Exchange, in the absence of trading data the first year in which it is operational, should designate Members who have a meaningful percentage of trading volumes in NMS stocks on other equity exchanges for participation in the Exchange's testing of its backup systems.

Given the Exchange's plans to launch an options exchange (rather than an equities exchange) for the first year in which MX2 is operational, the Exchange proposes to amend paragraph (c). Proposed paragraph (c) would provide that for the first calendar year in which the Exchange is operational, *with respect to MX2 Options,* notwithstanding paragraph (b) which assigns the Exchange responsibility of ''identifying Members that account for a meaningful percentage of the Exchange's overall volume,'' the Exchange will instead designate at least three *Options* Members who have a meaningful percentage of trading volumes *in options on other options exchanges.* This would allow the Exchange to identify Options Members for industry-wide disaster recovery testing in the absence of metrics that will be used in ordinary course to designate such firms.

MX2 believes that designating at least three Options Members who are likely already to be participating in the industry-wide test by virtue of their trading activities on MEMX Options and other exchanges is likely to reduce the burdens associated with being designated for disaster recovery testing by MX2 Options in absence of significant trading volumes on the Exchange. Moreover, to reduce the burdens on designated Options Members, the Exchange proposes, where possible, to designate firms that have already established connections to its backup systems. This is intended to address the ''notice'' requirements in the existing Rule 2.4.[11] The Exchange believes that designating three or more such firms is reasonably designed to provide the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans.

MX2 intends to notify Options Members of their designation for disaster recovery testing no later than September 10, 2026. With respect to industry-wide disaster recovery testing in 2026 and beyond, the Exchange will issue one or more regulatory circulars establishing the standards to be used for determining which Options Members contribute a meaningful percentage of the Exchange's overall volume and thus are required to participate in functional and performance testing. Such standards will be informed by the Exchange's actual market and trading data, in accordance with MX2 Rule 2.4(b).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to prevent fraudulent and manipulative 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.

MX2 believes that, in the absence of sufficient trading data on MX2 Options, its proposed methodology of designating Options Members who have meaningful levels of trading activity on other exchanges and who have established connectivity to the Exchange's backup systems is consistent with the protection of investors and the public interest. The Exchange further believes that the proposed rule change will ensure that the Options Members necessary to ensure the maintenance of fair and orderly markets in the event of the activation of the Exchange's disaster recovery plans have been designated consistent with MX2 Rule 2.4 and Rule 1004 of Regulation SCI. Specifically, the proposal will address the unique circumstances of industry-wide testing

[5] On September 30, 2025, the Commission approved SR–MX2–2025–01, which proposed rules for the trading of options on the Exchange. *See* Securities Exchange Act Release No. 104152 (September 30, 2025), 90 FR 47867 (October 2, 2025) (SR–MX2–2025–01). The Exchange plans to launch MX2 Options in September of 2026.

[6] As of May 12, 2026, eight (8) firms have filed paperwork with the Exchange making them eligible for MX2 Options membership.

[7] Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014).

[8] The term ''Member'' refers to any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a member of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. *See* MX2 Rule 1.5. The term ''Options Member'' means a firm, or organization that is registered with the Exchange pursuant to Chapter 17 of the Exchange's Rules for purposes of participating in options trading on MX2 Options as an ''Options Order Entry Firm'' or ''Options Market Maker.'' *See* MX2 Rule 16.1.

[9] MX2 Rule 2.4(a) and (b).

[10] *Id.*

[11] Pursuant to Rule 2.4(b), the Exchange will provide at least six months prior notice to a Member that is designated for mandatory testing. *See* MX2 Rule 2.4(b).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

taking place within a short time of MX2 Options commencing operations. The Exchange believes that the proposed rule change balances the objectives of having Options Members participate in industry-wide disaster recovery testing, including MX2 Options' backup systems, and the burdens on such Options Members who, at the time of designation, will not have traded on MX2 Options.

As set forth in the SCI Adopting Release, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to BC/DR testing) applicable to their members or participants that are designed to, among other things, 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.'' [14] The Exchange believes that this proposal is consistent with such authority and legal responsibility.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change promotes fair competition among brokers and dealers and exchanges by ensuring the Exchange can designate Options Members to participate in mandatory disaster recovery testing pursuant to Regulation SCI for the first year in which the Exchange is operational, rather than Equities Members, given that MX2 has chosen to launch an options exchange prior to an equities exchange. The Exchange believes that designating three or more such firms is reasonably designed to provide the minimum necessary for the maintenance of fair and orderly markets in the event of the activation of such plans, thereby promoting intermarket competition between exchanges in furtherance of the principles of Section 11(a)(1) of the Act.[15] The Exchange notes that the proposed rule change is identical to that proposed by MEMX for the year it launched MEMX Options.[16]

With respect to intramarket competition, the proposed rule change seeks to reduce the burdens on Members by only designating Options Members who are likely already participating in the industry-wide test by virtue of their trading activities on other exchanges. Under the proposed rule change, the Exchange will designate firms that have already established connections to the Exchange's backup systems. Consequently, MX2 does not believe that the proposed rule change would impose any burden on intramarket competition that is not necessary or appropriate in furtherance 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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18] 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.[19]

A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[21] 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) [22] 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–MX2–2026–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MX2–2026–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*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–MX2–2026–02 and should be submitted on or before June 22, 2026.

[14] *See supra* note 7 at 72350.

[15] 15 U.S.C. 78k–1(a)(1).

[16] *See* Securities Exchange Act Release No. 89899 (September 16, 2020), 85 FR 59580 (September 22, 2020) (SR–MEMX–2020–07).

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10669 Filed 5–28–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105554; File No. SR–NasdaqTX–2026–025]

Self-Regulatory Organizations; Nasdaq Texas, LLC; Notice of Filing of Proposed Rule Change To Establish a Package of Complimentary Services

May 26, 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 14, 2026, Nasdaq Texas, LLC (''Nasdaq Texas'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II 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 establish a package of complimentary services that are offered to certain listings.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaqtx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 27, 2026, the Commission approved Nasdaq Texas' removal of its existing listing rules and establishment of new listing standards.[3] Nasdaq Texas initially will be a venue for dually listing companies and launched with its initial dual listings on March 5, 2026. In conjunction with the adopted rules, the Exchange proposes adopting Rule 5950 to offer certain services from Nasdaq Corporate Solutions, LLC, an affiliate of the Exchange, to certain companies.

Specifically, the Exchange will offer the ability to receive a new service from the following selection for one year to all Companies listed on the Exchange on the date of approval of this rule, and all Companies that list on the Exchange on or before March 31, 2027. These companies would be eligible to receive a choice from the following services.

Monthly Stock Surveillance: a stock surveillance package, under which a dedicated analyst will, on a monthly basis, utilize a mosaic of public, subscription and issuer-based data sources to monitor the daily movement and settlement activity of the Company's stock to identify institutional buying and selling of the Company's shares. To fully utilize this service, Companies will have to subscribe to, and separately pay for, certain third party information, which is not included. This service has an approximate retail value of $33,500 per year;

Select Global Targeting: Investor targeting specialists will help focus the Company's investor relations efforts on appropriate investors, tailor messaging to their interests and measure the Company's impact on their holdings. The analyst team will help develop a detailed plan aligning the targeting efforts with the Company's long-term ownership strategy. Analysis includes addressable risks and opportunities by region and investor type, and recommendations for where to focus time. This service has a retail value of approximately $37,500 per year; or

Market Analytic Tools: Companies will receive a market analytic tool, which integrates corporate shareholder communications, capital market information, investor contact management, and board-level reporting into a unified, easy to use, workflow environment including mobile device access. This tool also provides information about research and earnings estimates on the company and helps companies identify potential purchasers of their stock using quantitative targeting and qualitative insights. This service has an approximate retail value of $32,500 per year for two users.[4]

If an eligible company begins to use a particular service provided under proposed Rule 5950 within 30 days after the date of listing or the date of the approval of the proposal by the Commission, as applicable, the complimentary one-year period for that service will begin on the date of first use. In all other cases, the period for each complimentary service shall commence on the listing date. Once the company elects a service it cannot subsequently change to a different alternative. If a company does not use a service in the applicable time period there shall be no refund or other credit for the unused service.

The Exchange believes that offering new services to dually listed companies will help them fulfill their responsibilities as public companies and will entice companies to dually list on Nasdaq Texas, which only recently began to list companies. However, no company is required to use these services as a condition of listing. At the end of the complimentary term, companies may choose to renew these services or discontinue them. If a company chooses to discontinue the services, there would be no effect on the company's continued listing on the Exchange. The Exchange represents that the existence of this program will not adversely affect the funding available for the Exchange's regulatory responsibilities.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 104907 (February 27, 2026), 91 FR 10657 (March 4, 2026) (approving SR–BX–2026–004).

[4] Where a company already subscribes to Nasdaq's Market Analytic Tools, the Company could instead elect to receive the service for two new users, which has an approximate value of $26,000.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market because the proposal provides transparency in the types of products and services offered to currently listed and newly listing companies. Products and services are available to all companies listed at the time of approval and all companies that will list on or before March 31, 2027. As such, the Exchange believes that the products and services are equitably allocated among issuers. In addition, the products and services may help issuers to better understand trading patterns and developments associated with their securities.

Nasdaq Texas believes that it is reasonable to limit the period of time when a newly dually listed company can select a complimentary new service until March 31, 2027, because, as described above, the Exchange recently began its operations and initially will only dually list companies already listed on other national securities exchanges. As such, these companies may need additional services to better understand changes that result from their new trading environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal will not burden competition between listed companies because all similarly situated companies are eligible to select a new service, as described above. However, no company is required to use the services as a condition of listing. The proposal also will not burden competition with other national securities exchanges because such exchanges either already offer such services [7] or can elect to compete by doing so.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

[7] *See, e.g.,* Section 907.00 of the New York Stock Exchange Listed Company Manual (Products and Services Available to Issuers); Rule 14.602 of the Long Term Stock Exchange Rules (Products and Services Offered to Companies);

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 Exchange consents, the Commission shall: (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–NasdaqTX–2026–025 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NasdaqTX–2026–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of 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–NasdaqTX–2026–025 and should be submitted on or before June 22, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10666 Filed 5–28–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36165; File No. 812–16008]

JPMorgan Public and Private Credit Fund, *et al.*

May 26, 2026.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under sections 6(c) and 23(c)(3) of the Investment Company Act of 1940 (the ''Act'') for an exemption from rule 23c–3 under the Act.

Summary of Application: Applicants request an order under sections 6(c) and 23(c)(3) of the Act for an exemption from certain provisions of rule 23c–3 to permit certain registered closed-end investment companies to make repurchase offers on a monthly basis in an amount no less than 2% of the common shares outstanding, but in no event for an amount less than 5% or more than 25% of such shares during any three-month period.

Applicants: JPMorgan Public and Private Credit Fund, JPMorgan Tax Aware Opportunities Fund, J.P. Morgan Investment Management Inc. and J.P. Morgan Institutional Investments Inc.

Filing Dates: The application was filed on March 19, 2026 and amended on May 6, 2026.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time, on June 22, 2026, and should be accompanied by proof of service on the Applicants, in the form

[8] 17 CFR 200.30–3(a)(12).

of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Zach Vonnegut-Gabovitch, 277 Park Avenue, New York, New York 10172; and David Bartels, Esq., William J. Bielefeld, Esq., Stephen T. Cohen, Esq., Alexander C. Karampatsos, Esq., Dechert LLP, 1900 K Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, or Kaitlin C. Bottock, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended application, dated May 6, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.*

You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10672 Filed 5–28–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105562; File No. 600–39]

Paxos Securities Settlement Company, LLC; Order Granting an Application for Temporary Registration as a Clearing Agency Under Section 17A of the Securities Exchange Act of 1934

May 27, 2026.

I. Introduction

On July 14, 2025, Paxos Securities Settlement Company, LLC (''PSSC'') filed with the Securities and Exchange Commission (''Commission'') an application on Form CA–1 (''Application'') under Section 17A of the Securities Exchange Act of 1934 (''Exchange Act'') seeking to register as a clearing agency to provide clearance and settlement services as a central securities depository (''CSD'') and securities settlement system.[1] Notice of the Application was published for comment in the **Federal Register** on August 6, 2025.[2] On November 4, 2025, the Commission instituted proceedings pursuant to Section 19(a)(1)(B) of the Exchange Act to determine whether to grant or deny the Application.[3] On January 30, 2026, the Commission designated a longer period for Commission action on the OIP.[4]

On February 27, 2026, PSSC filed an amendment to its Application that, pursuant to Rule 17Ab2–1(d),[5] served as PSSC's consent to extend the time for the Commission's review of the Application to 90 days from the filing of the amendment.[6] Notice of the amendment to the Application was published on March 11, 2026.[7]

The Commission received two comment letters on the Application,[8] as well as a response letter from PSSC.[9] One comment letter expressed support for innovation and competition generally and expressed support for approval of the Application specifically.[10] Another comment letter, by the Depository Trust and Clearing Corporation (''DTCC''), expressed support for the development of innovative solutions to enhance the efficiency and effectiveness of financial markets and also sought clarity regarding PSSC's approach to corporate actions processing, its proposed netting arrangement, and the sufficiency of its recovery and wind-down plans under Commission rules.[11] In its response letter, PSSC explained that it and DTCC are in discussion regarding PSSC's application to become a participant in The Depository Trust Company (''DTC''),[12] and that it welcomes good faith engagement with DTCC regarding its DTC participant application and planned clearing agency operations as a new market entrant.[13] It also addresses each of the topics raised in the DTCC Letter. The comment letters and PSSC's response thereto are discussed further in Part III.

On April 28, 2026, PSSC requested that the Commission grant temporary registration pursuant to Rule 17Ab2–1(c). This order grants PSSC's Application and request for temporary registration as a clearing agency with an exemption from Sections 17A(b)(3)(A) and 17A(b)(3)(F) of the Exchange Act for a period not to exceed 18 months, for the reasons set forth below.

II. Statutory Standard for Registration as a Clearing Agency

Clearing agencies are broadly defined under the Exchange Act and undertake a variety of functions,[14] including providing the services of a CSD.[15] Pursuant to Section 17A of the Exchange Act and Rule 17Ab2–1 thereunder, an entity that meets the definition of a clearing agency must register with the Commission.[16] Section 17A(b)(1) also states that, upon the Commission's motion or upon a clearing agency's application, the Commission may conditionally or unconditionally exempt a clearing agency from any

[1] 15 U.S.C. 78*q*–1. If PSSC determines in the future to provide other clearing agency services or to perform the functions of a clearing agency for transactions in other types of securities, PSSC would need to amend its application on Form CA–1 to so reflect and submit any related proposed rule changes as required under Section 19(b) of the Exchange Act. For a discussion of the securities eligible for settlement by PSSC, see *infra* Part III.A.3.

[2] Release No. 34–103624 (Aug. 1, 2025), 90 FR 37940 (Aug. 6, 2025).

[3] Release No. 34–104174 (Nov. 4, 2025), 90 FR 51416 (Nov. 17, 2025) (''OIP'').

[4] Release No. 34–104757 (Jan. 30, 2026), 91 FR 4974 (Feb. 3, 2026).

[5] 17 CFR 240.17ab2–1(d) (''Rule 17Ab2–1'').

[6] Non-confidential aspects of the Application and the exhibits thereto cited in this order, are available on the Commission's website at *https://www.sec.gov/rules-regulations/other-commission-orders-notices-information/pssc-form-ca-1.* References to the Application throughout this order refer to the Application as amended on February 27, 2026.

[7] Release No. 34–104977 (Mar. 11, 2026), 91 FR 12660 (Mar. 16, 2026) (''Notice of Amendment''). The Notice of Amendment summarizes the changes made to the Application by the amendment, which included modifications to Exhibits C, E, and J.

[8] Letter from Matt Billings, Vice President of Brokerage, President, Robinhood Markets, Inc., dated Oct. 7, 2025 (''Robinhood Letter''); letter from Brian Steele, Managing Director, President, DTCC Clearing & Securities Services, The Depository Trust and Clearing Corporation, dated Mar. 31, 2026 (''DTCC Letter''). The public comment file for the Application is available on the Commission's website at: *https://www.sec.gov/comments/600-39/600-39.htm.*

[9] Letter from Chad Cascarilla, Chief Executive Officer, Paxos Securities Settlement Company, LLC, dated April 16, 2026 (''PSSC Response Letter'').

[10] Robinhood Letter at 1.

[11] DTCC Letter at 1, 2–4.

[12] DTC, a subsidiary of DTCC, is a clearing agency registered with the Commission that provides central securities depository services. *See* DTCC Letter at 1.

[13] PSSC Response Letter at 2.

[14] 15 U.S.C. 78c(a)(23)(A) (providing the definition of ''clearing agency''); *see also* Release No. 34–78961 (Sept. 28, 2016), 81 FR 70786, 70897 (Oct 13, 2016) (''CCA Standards Adopting Release'') (stating that clearing agencies are broadly defined in the Exchange Act and undertake a variety of functions).

[15] *See* 17 CFR 240.17ad–22(a)(2) (defining ''central securities depository'').

[16] 15 U.S.C. 78*q*–1(b); 17 CFR 240.17ab2–1 (''Rule 17Ab2–1'').

provisions of section 17A or the rules or regulations thereunder if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.[17]

In addition to the requirements set forth in Rule 17Ab2–1, Section 19(a)(1) of the Exchange Act establishes the standard for Commission review of an application for registration as a clearing agency. Pursuant thereto, the Commission shall grant registration of a clearing agency if it finds that the requirements of the Exchange Act and the rules and regulations thereunder with respect to the applicant are satisfied.[18] The Commission shall deny such registration if it does not make such finding.[19]

The requirements of the Exchange Act applicable to clearing agencies are set forth in Section 17A of the Exchange Act and the rules and regulations thereunder.[20] Accordingly, to grant PSSC's Application for registration as a clearing agency, the Commission must find that the Application satisfies the requirements of Section 17A(b) of the Exchange Act and rules and regulations thereunder, including the determinations set forth in paragraphs (A) through (I) of Section 17A(b)(3) of the Exchange Act.[21] Pursuant to Rule 17Ab2–1(c), the Commission, upon the request of a clearing agency, may grant registration of the clearing agency but exempt the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to Section 17A(b)(3) of the Exchange Act, provided that any such registration shall be effective only for eighteen months from the date the registration is made effective (or such longer period as the Commission may provide by order).[22]

After a clearing agency's application for registration is granted, the clearing agency must continue to satisfy the requirements of the Exchange Act and the rules and regulations thereunder. In the context of temporary registration, the clearing agency must satisfy the requirements of the Exchange Act and the rules and regulations thereunder, except as to requirements, rules, or regulations to which an exemption has been provided. The Commission has explained that ''[a]n approval of clearing agency registration does not mean that no further modifications of the applicant's rules, systems, procedures, or practices are needed.'' [23] Rather, the Commission stated that a registered clearing agency's obligation to continue to satisfy the requirements of the Exchange Act and the rules and regulations thereunder means that [even] ''[t]he self-regulatory obligations of [a] fully registered clearing agenc[y] cannot end'' after registration.[24] To ensure such compliance, the Commission stated that it ''will continue to use its oversight, inspection, and enforcement authority as necessary and appropriate to further the purposes of the [Exchange] Act.'' [25]

III. Review of Application Under Statutory Standard for Registration

Consistent with the requirements in Sections 17A and 19(a)(1) of the Exchange Act described above, the Commission below analyzes the Application against each of the statutory requirements under Sections 17A(b)(3)(A) through (I) to be registered as a clearing agency.[26]

A. Organization and Capacity

1. Statutory Standard: Section 17A(b)(3)(A)

Section 17A(b)(3)(A) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of the Exchange Act and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of the Exchange Act) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of Section 17A of the Exchange Act.[27]

Consistent with this standard, the Commission does not assess in this order whether PSSC's ultimate implementation of the rules, policies, and procedures set forth in its Application will comply with each of the Commission's rules for clearing agencies, as PSSC is not yet operating as a clearing agency.[28] Rather, the Commission assesses whether PSSC is *so organized* and *has the capacity to* comply with the provisions of the Exchange Act and the rules and regulations thereunder,[29] by analyzing PSSC's organization and governance, as well as its operational arrangements.[30] Under this standard, the registration of

[17] 15 U.S.C. 78*q*–1(b)(1)

[18] 15 U.S.C. 78*q*–1; 15 U.S.C. 78*s*(a)(1).

[19] 15 U.S.C. 78*s*(a)(1).

[20] Rules for registered clearing agencies include recordkeeping requirements, 17 CFR 240.17a–1; the filing process for proposed rule changes, 17 CFR 240.19b–4; rules addressing operations and risk management, governance and conflicts of interest, and plans for recovery and wind-down at, respectively, 17 CFR 240.17ad–22 (''Rule 17Ad–22''), 240.17ad–25 (''Rule 17Ad–25''), and 240.17ad–26 (''Rule 17Ad–26''); and the requirements set forth in Regulation Systems Compliance and Integrity, 17 CFR 242.1000 *et seq.* (''Regulation SCI''). The Commission conducts ongoing monitoring of registered clearing agencies through its supervisory program for registered clearing agencies. The Commission also assesses compliance with Commission rules by conducting examinations and investigations. *See* 15 U.S.C. 78*q*(b); 15 U.S.C. 78*u*(a).

[21] 15 U.S.C. 78*s*(a); 15 U.S.C. 78*q*–1(b)(3)(A)–(I). The determinations are described further below.

[22] *See* 17 CFR 240.17ab2–1(c)(1); *see also, e.g.,* Release No. 34–25740 (May 24, 1988), 53 FR 19839 (May 31, 1988) (granting temporary registration to the Government Securities Clearing Corporation in 1988 for a period of 36 months) (''GSCC Order'').

[23] *See* Release No. 34–69838 (June 24, 2013), 78 FR 39027, 39029 (June 28, 2013) (''FICC Registration'') (approving an application by the Fixed Income Clearing Corporation (''FICC'') for permanent registration as a clearing agency).

[24] *See* Release No. 34–20221 (Sept. 23, 1983), 48 FR 45167, 45171 (Oct. 3, 1983) (approving nine applications for permanent registration as a clearing agency).

[25] *Id.*

[26] *See* 15 U.S.C. 78*q*–1(b)(3)(A)–(I) (describing the statutory determinations that the Commission must make regarding the rules and structure of a clearing agency to grant registration). In 1980, the Commission published a statement of the views and positions of Commission staff regarding the requirements of Section 17A. *See* Release No. 34–16900 (June 17, 1980), 45 FR 41920 (June 23, 1980) (''Standards Release'').

[27] 15 U.S.C. 78*q*–1(b)(3)(A).

[28] *See supra* notes 23–24 and accompanying text (explaining that approval of clearing agency registration does not mean that no further modifications of the applicant's rules, systems, procedures, or practices are needed and that the obligations of a fully registered clearing agency cannot end after registration).

[29] With respect to PSSC's ability to safeguard securities and funds for which it is responsible, the Commission addresses that topic in Part III.E, in conjunction with discussing Section 17A(b)(3)(F) of the Exchange Act, which requires, among other things, that the rules of the clearing agency are 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. With respect to PSSC's ability to enforce compliance by its participants with the rules of the clearing agency, the Commission addresses that topic in Part III.F, in conjunction with discussing Section 17A(b)(3)(G) of the Exchange Act, which requires that the rules of the clearing agency provide that its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency.

[30] In Part III.E, the Commission further analyzes PSSC's capacity to conduct risk management consistent with the statutory requirements for safeguarding securities and funds set forth in Section 17A(b)(3)(F) of the Exchange Act.

a clearing agency ''depends on a prediction about compliance with the law.'' [31] Section 17A assumes that ''an applicant would produce a business plan that, if faithfully executed, would comply'' with the Exchange Act.[32] To make its required statutory determination under Section 17A(b)(3)(A), the Commission must ''find[ ] that the applicant is *able* and *likely* to comply,'' and upon registration and commencement of operations as a registered clearing agency, compliance with Section 17A(b)(3)(A) ''is likely to be carried out.'' [33]

2. Summary of Organization and Governance

PSSC is a limited liability company formed under Delaware law [34] and a wholly owned subsidiary of Kabompo Holdings, Ltd. (''Kabompo''), which is also the holding company for Paxos Holdings LLC (''Paxos Holdings'').[35] Kabompo is the holding company of 20 U.S. and non-U.S. subsidiaries, including PSSC.[36] Kabompo is incorporated in the Cayman Islands.[37]

(a) Board of Directors

PSSC's Board would comprise ten directors.[38] To assist the Board, PSSC would have five Board-level committees and one Participant Advisory Committee (''PAC'').[39] Three of the ten directors would be ''member directors,'' selected by Paxos Holdings. Five directors would be ''public directors,'' initially specified in PSSC's bylaws and thereafter elected annually by the PSSC's Board from among nominees selected by the Board's Governance Committee.[40] Two directors would be ''participant directors,'' affiliated with a PSSC participant and nominated by participant representatives serving on the Board's PAC. PSSC's Board would not initially include the participant directors. PSSC's bylaws provide that within 180 calendar days of PSSC commencing operations and having at least two participants (or a different time that is agreed to by PSSC and its PAC), two participant directors selected by the PAC would be added to the Board.[41] In addition, a Board quorum for conducting business requires at least one participant director and one member director, as well as a majority of directors then serving on the Board. As a result, at no time would the member directors ever have majority voting power to control the Board as a voting block.[42]

(b) Board Committees

To assist the Board in carrying out its responsibilities, PSSC would establish five Board level committees: (i) Governance, Nominating and Policy Committee; (ii) Audit Committee; (iii) Compliance and Risk Management Committee; (iv) Business, Technology and Operations Committee: and (v) Compensation Committee. Each committee would be composed of at least one member director, one public director, and one participant director. As explained in Exhibit C.1, a member director serving as a PSSC corporate officer cannot also serve on a Board committee.

After the admission of the first participant to PSSC, the PAC would be established as a ''non-Board level'' advisory committee.[43] The charter governing the PAC requires the Chairman of the Board (''Chair''), CEO, and Secretary (or their appointees) to attend all meetings.[44] The primary function of the PAC, as specified in the charter, would be to nominate and elect the two participant directors and provide advice and recommendations to the Board regarding the needs and interests of participants, including but not limited to PSSC's governance structure, participation standards, disciplinary practices, margin practices and regulatory compliance matters. Under the charter, the PAC may by majority vote of the PAC representatives call for a meeting with the Board at any time regarding any matter.[45]

(c) Intercompany Agreements

PSSC would maintain a Master Intercompany Services Agreement (''MISA'') under which PTE and PTS would provide certain supplemental vendor support services to PSCC.[46] PTE would provide business continuity and redundancy services, including support services related to legal, compliance, and business continuity. PTS would provide technology services and administrative support services. The technology support services include staffing, computer hardware and software, information security, communications systems, server/mainframe/infrastructure support, engineering and development services, maintenance, and operations. The administrative support services include services related to employment, legal and compliance, business continuity, tax, accounting, human resources, management of insurance needs, marketing and physical office space. The PSCC Application states that all such services would require PTE and PTS to maintain complete and accurate books and records consistent with PSSC's recordkeeping obligation under Exchange Act Rule 17a–1 [47] and Regulation SCI.[48]

PSSC states that the terms of the MISA and its internal control over procurement procedures would be designed to ensure that none of the affiliated service providers would themselves perform clearing agency functions or constitute operating any ''SCI system or indirect SCI system'' of PSSC, or exert material control over

[31] *Bd. of Trade of City of Chicago* v. *SEC.,* 883 F.2d 525, 533 (7th Cir. 1989) (vacating Delta Government Options Corporation (''Delta'')'s temporary registration as a clearing agency and remanding to the Commission to decide whether Delta's proprietary trading system would operate as an unregistered national securities exchange in violation of Sections 5 and 6 of the Exchange Act).

[32] *Id.* at 533–34.

[33] *Id.* at 534 (emphasis in original).

[34] *See* Application, Exhibit E.1. PSSC was formed on June 23, 2020, and subsequently entered into a Limited Liability Company Agreement with Kabompo on October 20, 2021.

[35] *See* Application, Exhibit E.1. Paxos Holdings holds 100% of the membership interest in PSSC. *See id.* Kabompo is the sole member of Paxos Holdings. *See* Application, Exhibit C.1.

[36] *See* Application, Exhibit E.1. The Application describes PSSC as a wholly owned single member limited liability company, operating as a stand-alone entity with no divisions or segregable entities or subsidiaries.

[37] *See* Application, Exhibit C.2. In addition to PSSC, Kabompo, through its ownership of Paxos Holdings, is the parent holding company for a number of other U.S. and non-U.S. subsidiaries, including Paxos Trust Company (''PTC''); Paxos Technology Solutions, LLC (''PTS''); Paxos Technology Limited; Paxos Services Limited; Paxos Canada Inc.; Lomami Intermediacao (dba Paxos Brazil); Bruntal SA (dba Paxos Uruguay); Molopo, Sociedad de Responsabilidad Limitada de CV (dba Paxos Mexico); Kabompo Lending Ltd.; Paxos Digital Singapore Pte. Ltd.; Paxos Lending LLC; Paxos Issuance MENA Ltd.; Paxos Insurance Company Ltd.; Paxos Singapore Pte. Ltd.; Paxos Middle East Ltd.; Paxos Issuance Europe Oy; Castor Pollux Holdings SARL (''Castor''); and HRQ, LLC. Paxos Global PTE, Ltd. (''PTE'') is a wholly owned subsidiary of Castor. In addition, the chairman of PSSC's Board of Directors (''Board'') would also be PSSC's Chief Executive Officer (''CEO'') and is one of the three owners of Kabompo. Another of the three owners of Kabompo is LCV Digital Currency II, LLC. The PSSC CEO is a majority stakeholder in both Kabompo and LCV Digital Currency II, LLC. *See* Application, Exhibits C.1 and C.2. respectively, for more information about each of these affiliates and PSSC's governance and ownership arrangements.

[38] *See* Application, Exhibit C.1.

[39] *See* Application, Exhibit C.2.

[40] *See* Application, Exhibit B.I.

[41] *Id.*

[42] *See* Application, Exhibit C.1, at 12.

[43] Application, Exhibit C.1, at 2; *see* also Application, Exhibit E.10 (providing the PAC charter).

[44] *See* Application, Exhibit E.10.

[45] *Id.* In addition, Exhibit C.1 of the Application also discusses how this governance structure provides fair representation among the shareholder and PSSC participants. *See* Application, Exhibit C.1, at 3–5; *see also infra* Part III.C (further discussing the fair representation standard).

[46] *See* Application, Exhibit C.4.

[47] *See* 17 CFR 240.17a–1.

[48] Application, Exhibit C.4, at 5; *see also* 17 CFR 242.1000 *et seq.* (setting forth the requirements under Regulation SCI).

PSSC's activities.[49] For example, PSSC states that the MISA provides that PTE or PTS would not be permitted to enter into an agreement to provide support services to PSSC unless such an arrangement is approved in writing by PSSC, which may be given by the CEO, Chief Financial Officer (''CFO'') or Chief Technology Officer (''CTO'') of PTE or PTS, provided that such officer is also a co-employee of PSSC.[50]

(d) Role of Member Directors and Dual Employees

In addition to Board participation, the Application indicates that one or more member directors may also serve on Board committees, in management positions within PSSC, or in both capacities.[51] For example, pursuant to PSSC's committee charters, at least one member director would maintain membership on each Board committee.[52] However, as noted above and explained in Exhibit C.1, a member director serving as a PSSC corporate officer cannot also serve on a Board committee.[53] In addition, the Chairman of the Board and the CEO (of which, both positions initially will be held by one individual that is also a member director), as well as the Secretary, also must attend all meetings of the PAC.[54]

The PSSC Application also indicates that several of PSSC's key employees would serve as dual employees of PSSC and one of its affiliates, which currently includes employees acting as Treasurer, General Counsel, Chief Compliance Officer, Chief Information Security Officer, Head of Engineering, Audit and Exam Director, and in Business Development.[55]

3. Summary of Operations

As described below, PSSC would, if PSSC's participant application is approved by DTC, provide clearance and settlement services as a DTC participant and through its Paxos Settlement Service (''PSS''), a private and permissioned system developed and operated by PSSC to conduct delivery versus payment (''DVP'') settlement, on a bilateral basis, of securities transactions between counterparties.[56] The software related to PSS would support a distributed ledger (''Paxos Ledger'') that would record the ownership of participants' eligible securities and cash. Below is a summary description of certain aspects of the Application that relate to the PSS and PSSC's proposed operations more generally.

(a) Counterparty Pairs

PSSC participants would not be permitted to settle settlement obligations with another participant unless the participants are a counterparty pair (''CP Pair'').[57] Only trades received by CP Pairs established pursuant to PSCC rules would be eligible for settlement in PSSC. Prior to commencing participation in PSSC, each participant would be required to notify PSSC in writing of other participants with which it agrees to settle settlement obligations in PSSC. Correspondingly, each existing participant must notify the Company in writing whether it agrees to settle settlement obligations with the new participant. By providing such notices, participants and PSCC would agree between and among themselves that: (i) each participant will be a CP Pair of the other such participant as provided in PSSC Rules for the purposes of settling settlement obligations between them through PSSC; (ii) the settlement obligations are determined by PSSC pursuant to its rules; (iii) each participant in the CP Pair agree to be obligated to the other participant to settle the settlement obligations pursuant to PSSC Rules; and (iv) PSCC and each participant in the CP Pair will have all the rights and obligations as against each other as specified in PSSC Rules.[58]

Existing PSSC participants would be permitted to elect at any time to form a CP Pair with another existing PSSC participant. Any trade submitted to PSSC for settlement that PSCC does not recognize as a CP Pair would be rejected.[59] A participant would be permitted to terminate any CP Pair by providing written notice to PSSC, which would in turn provide corresponding notice to the relevant participants and any relevant trading venue, as necessary.[60]

(b) Deposits of Eligible Securities and Cash

To facilitate settlement of obligations between CP Pair participants, each participant would be required to deposit eligible securities into its PSSC participant account by instructing DTC to move its securities from the PSSC participant's account at DTC to PSSC's account at DTC, which in turn would hold such securities for the benefit of the PSSC participant.[61] Upon receipt, PSSC, through a process called ''securities digitization,'' would create a security entitlement on the Paxos Ledger credited to the relevant participant's account that is a representation of the eligible security held in PSSC's DTC account. Upon instructions from a PSSC participant, PSSC would facilitate a withdrawal of securities from the participant's PSSC account by removing the security entitlement to the securities credited to that participant's account on the Paxos Ledger and initiating relevant instructions through DTC to remove the security from PSSC's DTC account and deliver it to the PSCC participant's DTC account. PSSC would not remove the security entitlement to the securities credited to the participant's PSSC account without also transferring the securities ''in rapid succession'' to a DTC account designated by the PSSC participant.[62]

With regard to the deposit of cash into a PSSC participant account, PSSC would maintain two types of omnibus cash custody accounts for the benefit of participants at a settling bank: (i) an operating cash account (''Operating Cash Account'') which would be used to settle PSSC participant settlement obligations and fees owed to PSSC,[63] and (ii) a margin cash account, which would be used to satisfy PSSC participants' margin obligations (''Margin Cash Account'').[64] Upon

[49] Application, Exhibit C.1, at 4–5.

[50] *Id,* at 6. While a number of PSSC employees are dual employees, only one of those dual employees is also a PSSC Board member (currently Chairman of the Board) and co-owner of Kabompo. *See* Application, Exhibit D.

[51] *See* Application, Exhibits E.3, A, B, and D respectively. Currently, one member director is serving as the Chief Executive Officer. *See* Application, Exhibits A and B.

[52] Exhibit E.3 of the Application provides a general description of participation by member directors in Board committees, and Exhibits E.4 though E.9 provide the charters for each Board committee.

[53] Application, Exhibit C.1, at VI.D.

[54] Application, Exhibit E.10 at II.C.

[55] *See* Application, Exhibit D.

[56] *See* Application, Exhibit J, at 11.

[57] *See* Application, Exhibit E.12 (''PSSC Rules''), at Rule 2.2D; *see also* Application, Exhibit J, at 12.

[58] *See* PSSC Rules, at Rule 2.1D (also providing that, absent such notice, PSSC would not treat the participants as a CP Pair).

[59] PSSC Rules, at Rule 2.2D.

[60] PSSC Rules, at Rule 2.4D; *see also* Application, Exhibit J, at 12.

[61] *See* PSSC Rules, at Rule 4.4.

[62] *Id.*

[63] PSSC Rules, at Rule 4.5.2. PSSC defines the term ''Operating Cash Account'' to mean an omnibus cash custody account at each settling bank that holds operating cash deposited by participant for the purpose of settling obligations to purchase securities from CP Pairs and to settle fees owed to PSSC. PSSC Rules, at Rule 1.

[64] PSSC Rules, at Rule 4.5.3; *see also* PSSC Rules, at Rule 13 (describing eligibility and ongoing obligations of PSSC-approved settling banks). PSSC defines the term ''Margin Cash Account'' to mean an omnibus cash custody account at a settling bank that is maintained in PSSC's name for the purpose of holding cash that represents the margin assets of each participant. PSSC Rules, at Rule 1.

receipt of cash from a participant into the Operating Cash Account or Margin Cash Account, PSSC, through a process called ''cash digitization,'' would create a securities entitlement on the Paxos Ledger credited to the participant account that would be a representation of the cash in the Operating Cash Account or Margin Cash Account, as applicable.[65] Upon instruction from a participant, PSSC would also facilitate the withdrawal of operating cash or margin cash from the participant's account by removing the security entitlement credited to the participant in its account on the Paxos Ledger and initiating a transfer from PSSC to an account designated by the participant. PSSC would not remove the security entitlement to cash without also transferring the cash ''in rapid succession'' to the account designated by the participant.[66]

(c) Trade Submission

Trades submitted to PSSC by CP Pairs would be required to be submitted in accordance with the terms of the operating procedures of any relevant ''eligible trading venue'' [67] on which the transaction was executed or, if there is no eligible trading venue (*i.e.,* the trade is an over-the-counter trade), then in near real-time by the relevant participants upon execution, and in accordance with PSSC Rules.[68] PSSC Rules specify further details regarding submissions of over-the-counter trades, requiring written notification of which participant will be designated as the submission party (''designated trade submission participant''), which in turn would trigger compliance with additional PSSC Rules.[69] If trade information from either an eligible trading venue or designated trade submission participant does not comport with PSSC Rules, PSSC would immediately notify the relevant submission source and would not accept the trade for settlement until the discrepancy is resolved and the trade is properly resubmitted.[70]

(d) Settlement

As mentioned above, PSSC proposes to conduct DVP settlement on a bilateral basis of settlement obligations between pre-determined CP Pairs.[71] PSSC would not serve as a central counterparty to its participants and would not extend any form of intraday or overnight credit.[72] As a result, PSSC participants would have credit exposure to only those participant counterparties that they approve in advance and would have no counterparty credit exposure to PSSC.[73] The Application states that participants would have the ability to process settlements on the trade date that is a Business Day (T+0), on the Business Day after the trade date (T+1), or on any other Business Day after the trade date as they may agree.[74]

Settlement would occur through the movement of cash and eligible securities on the Paxos Ledger between the relevant participant accounts maintained by PSSC.[75] To meet settlement obligations, each participant would be required to have the securities or cash in its participant account with PSSC no later than the ''Daily Settlement Cut-Off Time'' on the relevant settlement date.[76] Participants, however, would not be required to fund securities or cash in advance of the relevant date.[77]

On a continuous basis over the course of the settlement date, beginning at 12:00 a.m. on each given settlement date, PSSC would settle any pending settlement obligation when the relevant security entitlements to cash and eligible securities become available on the Paxos Ledger.[78] At settlement, the entitlements to the relevant cash and eligible securities would be transferred between the participant accounts to record the settlement on the Paxos Ledger.[79] At least daily, each participant would be required under PSSC Rules to reconcile its settlement obligations and any other activity that occurs in PSS based on any related reports made available to the participant from PSSC, and promptly report any discrepancies.[80] Once settlement is final, participants would have immediate access to settlement proceeds and would not need to wait until the end-of-day batch processes have been completed before accessing such proceeds.[81] After settlement, PSSC would permit participants to withdraw the settled cash and eligible securities, while also allowing for any residual cash or securities to remain digitized and available for use to meet the participant's settlement obligation.[82]

On the settlement date, PSSC would use its settlement prioritization rules to determine the order in which to use a participant's available operating cash (*i.e.,* cash from the Cash Operating Account) and securities to settle the participant's outstanding settlement obligations.[83] As described in more detail below, PSSC would first settle all settlement obligations that represent ''Close-Out Liability Obligations.'' [84] Any Close-Out Liability Obligation that PSSC has started to settle but that remains partially settled would be completed before settlement of any Close-Out Liability Obligations that have not been partially settled. If the order of priority for settlement cannot be determined based on whether the Close-Out Liability Obligations have been partially settled, then priority for settlement would be according to the largest remaining Close-Out Liability Obligation ranked in descending order.[85] If the order of priority for settlement cannot be determined based on whether the Close-out Liability Obligations have been partially settled or based on the size of the exposures in descending order, then the priority for settlement would be according to a random order determined in ''lexicographical order'' using an identifier that is assigned by PSSC to each Close-Out Liability Obligation at the time it is recorded on PSSC's books and records.[86]

[65] PSSC Rules, at Rule 4.5.4.

[66] *Id.*

[67] As defined in PSCC Rules, an ''eligible trading venue'' means a trading venue approved by and integrated by PSCC. *See* PSSC Rules, at Rule 1.

[68] PSSC Rules, at Rule 4.7; *see also* Application, Exhibit J, at 14–15. If the submission comports with Rule 4, PSSC would not make any modification to the transaction detail as submitted. *Id.*

[69] PSSC Rules, at Rule 4.7.

[70] *Id.*

[71] All transactions accepted by PSSC would settle bilaterally on a net basis per CP Pair, unless both participants in that CP Pair notify PSSC prior to acceptance of the transaction that the participants have elected to have a specified transaction settled on a gross basis. PSSC Rules, at Rule 4A.

[72] Application, Exhibit J, at 3.

[73] *Id.*

[74] Application, Exhibit J, at 25; *see also* PSSC Rules, at Rule 4.10.

[75] *See* Application, Exhibit J, at 3–4.

[76] PSSC Rules, at Rules 4.9 and 6.1. The term ''Daily Settlement Cut-Off Time'' is defined to mean 3:10 p.m. and is the time by which a participant is required to make sufficient operating cash or securities available in its participant account to facilitate timely settlement of its obligations on settlement date. PSSC Rules, at Rule 1. The definition provides PSSC flexibility to specify a different cut-off time as may be necessary to accommodate exceptional circumstances. Unless otherwise noted, all references to a specific time in the PSSC Rules means Eastern Time. PSSC Rules, at Rule 1A.

[77] *Id.*

[78] Application, Exhibit J, at 3–4 and 25.

[79] Application, Exhibit J, at 4; *see also* PSSC Rules, at Rule 6.1.

[80] *See* PSSC Rules, at Rule 4.13.

[81] Application, Exhibit J, at 2.

[82] *Id.*

[83] Application, Exhibit J, at 26–29; *see also* PSSC Rules, at Rule 6.1.2.

[84] A Close-Out Liability Obligation is defined as a cash settlement obligation created by PSSC that is due to be paid by a failing participant to a non-failing participant in relation to the relevant non-failing participant's ''Close-Out Execution.'' PSSC Rules, at Rule 1.

[85] Application, Exhibit J, at 26; *see also* PSSC Rules, at Rule 6.7.

[86] *Id.; see also* PSSC Rules, at Rule 6.1.2.1.

Second, PSSC would prioritize Settlement Failures, which would be prioritized in descending order from ''oldest age to youngest'' based on the original settlement date.[87] When the settlement obligations that represent a Settlement Failure for which the priority of the fail cannot be determined solely based on age, PSSC would use available cash or securities, as applicable, in the participant's accounts in the following order: (i) any settlement obligation that PSSC has started to settle but remains partially settled would be completed before any settlement obligation that has not been partially settled; (ii) if the order of priority for settlement cannot be determined based on whether the settlement obligations have been partially settled, then priority for settlement will be according to the largest remaining exposure measured by dollar value and ranked in descending order; and (iii) if the order of priority for settlement cannot be determined based on whether the settlement obligations have been partially settled or based on notional exposures measured by dollar value, then the priority for settlement will be according to the random ordering determined in lexicographical order using an identifier that is assigned by the company to each settlement obligation at the time it is recorded on PSSC's books and records.[88]

Third, after all outstanding Settlement Failures have been settled using the available cash or securities in a participant's account, PSSC would next settle all settlement obligations that are not Settlement Failures in the order specified above for Settlement Failures.[89]

(e) Failure To Deliver Cash or Securities and Defaults

The failure of any participant to have sufficient cash or securities in its PSSC account by the Daily Settlement Cut-Off Time on settlement date would constitute a Settlement Failure, which would subject the participant to certain fines as specified under PSSC Rules.[90] In addition, PSSC would impose certain fees and surcharges on responsible participants for Settlement Failures in accordance with its fee schedule[91] and certain margin charges in accordance with its rules.[92] Each Settlement Failure would be allocated to the relevant non-failing participant in the CP Pair following the Daily Settlement Cut-Off Time on settlement date.[93] PSSC would make available to participants in a CP Pair a report that reflects the existence of any Settlement Failure.[94]

Except as otherwise provided in its rules, PSSC would continue to attempt to settle any outstanding Settlement Failure using any operating cash (*i.e.,* cash available in the Operating Cash Account) or securities that become(s) available in the failing participant's account until such time as the settlement obligation has been settled or closed out through a ''buy-in or sell-out'' process (*i.e.,* a close-out execution).[95] A Settlement Failure relating to a participant's obligation to deliver operating cash where there is not any corresponding settlement obligation of a CP Pair to deliver securities to the failing participant (which may arise in connection with the Enhance Netting Process described below) would *not* be governed by PSSC's close-out requirements.[96] Instead such Settlement Failure would be a Close-Out Liability Obligation, subject to PSSC's settlement prioritization process.[97]

PSSC Rules state that the close out requirements are designed to require participants to responsibly manage Settlement Failures.[98] A close-out execution may be either a buy-in (in the case of a Settlement Failure regarding securities) or a sell-out (in the case of a Settlement Failure involving cash) and may be discretionary or mandatory. Unless and until a Settlement Failure is settled, a non-failing participant may close-out the Settlement Failure by the failing participant after delivering notice to PSSC and the failing participant of its intent to close-out the Settlement Failure (''Notice of Intent to Close-Out''), otherwise referred to in PSSC Rules as a ''Discretionary Close-Out Execution.'' [99] A non-failing participant must close-out a Settlement Failure by a failing participant where it receives notice from PSSC that a participant has failed to satisfy a margin requirement, otherwise referred to in PSSC Rules as a ''Mandatory Close-Out Execution.'' [100] In such a case, the non-failing participant must close-out the Settlement Failure not later than the daily settlement cut-off time on the second business day after the notice is provided.[101]

Upon receipt of a Notice of Intent to Close Out for either a Discretionary or Mandatory Close-Out Execution, PSSC would ''as soon as technologically practicable'' cease to attempt to use operating cash or securities that become available in the failing participant's account to settle any outstanding Settlement Failure specified in the Notice of Intent to Close Out. Any non-failing participant effecting a Discretionary or Mandatory Close-Out will provide notice to PSSC and the failing participant immediately following, and in no event more than two hours after, the relevant Close-Out Execution. If the non-failing participant does not complete the Mandatory Close-Out Execution by the Daily Settlement Cut-Off Time on the second business day after the Notice of Intent to Close Out is provided or if for any reason effecting such execution is not permitted (as may be the case if both participants in a CP Pair are defaulting participants), PSSC will fix a cash settlement value for the quantity of the securities not bought-in or sold-out through a Close-Out Execution. The value fixed by PSSC will be final and not subject to review.[102]

Any non-failing participant effecting a Discretionary or Mandatory Close-Out would be required to provide notice to PSSC and the failing participant immediately following, and in no event more than two hours after, the relevant Close-Out Execution (''Close-Out Execution Notice'').[103] Upon receiving a Close-Out Execution Notice [104] from a non-failing participant and/or fixing a cash settlement value pursuant to PSSC

[87] Application, Exhibit J, at 27; *see also* PSSC Rules, at Rule 6.1.2.1. Under PSSC Rule 1, ''Settlement Failure'' means ''a Settlement Obligation for which a Participant fails to make sufficient Operating Cash or Eligible Securities available in its Participant Account on a Settlement Date by the Daily Settlement Cut-Off Time.''

[88] Application, Exhibit J, at 27; *see also* PSSC Rules, at Rule 6.1.2.4.

[89] Application, Exhibit J, at 27; *see also* PSSC Rules, at Rule 6.1.2.3.

[90] Application, Exhibit J, at 25–26; *see also* PSSC Rules, at Rule 6.2.

[91] PSSC Rules, at Rule 6.2.2.

[92] *See* PSSC Rules, at Rules 6.2.3 and 5.4B.

[93] PSSC Rules, at Rule 6.2.

[94] *Id.*

[95] PSSC Rules, at Rule 6.2.1.

[96] Application, Exhibit J, at 26; *see also,* PSSC Rules, at Rule 6.2.1. PSSC distinguishes between close-out requirements, which are governed by Rules 6.3, 6.4, and 6.5, and a Close-Out Liability Obligation, which is governed by Rules 6.6 and 6.7.

[97] *See* PSSC Rules, at Rule 6.1.2.

[98] PSSC Rules, at Rule 6.3.

[99] *Id.; see also* Application, Exhibit J, at 27–29. In both a Discretionary and Mandatory Close-Out Execution, the non-failing participant must provide Notice. The Notice must include specified information, including counterparty, quantity, price, net money paid/received, trade date, settlement date, identification of the Settlement Fail to which the close out relates, (*e.g.,* CUSIPs and money difference between the Settlement Fail and the Close-Out Execution).

[100] *Id.*

[101] *Id.*

[102] Application, Exhibit J at 28–29; *see also* PSSC Rules, at Rule 6.5.

[103] PSSC Rules, at Rule 6.4.2.

[104] The term ''Close-Out Execution Notice'' is defined to mean a notice, which is provided by a participant effecting a Close-Out Execution, to PSSC that must comply with the requirements set forth in Rule 6. PSSC Rules, at Rule 1.

Rules, PSSC would create a Close-Out Liability Obligation due for settlement on the next business day. The Close-Out Liability Obligation would obligate the failing participant to pay the amount of the difference, if any, in favor of the non-failing participant between the value of the Settlement Failure and the value, as applicable, of the Close-Out Execution or cash settlement value fixed by PSSC that is deemed to be the value obtained in a Mandatory Close-Out Execution.[105]

In the event that a Participant incurs a Settlement Failure regarding a Close-Out Liability Obligation, the participant would be considered a ''Defaulting Participant'' under PSSC Rules,[106] and PSSC would immediately use the margin assets of such participant to settle all Close-Out Liability Obligations of the participant. PSSC would apply the margin assets on a pro rata basis across all Close-Out Liability Obligations of the Defaulting Participant in respect of all CP Pairs across any and all applicable non-Defaulting Participant counterparties to settle or partially settle open Close-Out Liability Obligations.[107]

For any Close-out Liability Obligation not fully settled after PSSC has applied available assets, each participant in such CP Pair would have the discretion to pursue recovery of the amount of the final value against the failing participant as between themselves and any such process would not be governed by PSSC Rules.[108] Accordingly, in the event of a counterparty default, non-defaulting participants may need to pursue a private action to seek restitution from their defaulting participant counterparty.

(f) Netting

Although PSSC would not operate as a central counterparty, PSSC proposes as part of its settlement system to provide two types of netting arrangements: (i) bilateral netting in CP Pairs and (ii) enhanced netting across CP Pairs.[109] With the exception of transactions accepted for gross settlement, all transactions accepted by PSS for clearance and settlement would be settled bilaterally on a net basis per CP Pair.[110] Specifically, through the process of bilateral netting, transactions accepted to PSS would create settlement obligations that are netted for each participant such that, for each security in which the participant has activity, the participant will have one obligation to deliver securities or cash for each CP Pair for which there is an obligation.[111]

Participants would be permitted to request that PSSC further net settlement obligations among CP Pairs through a process of ''enhanced netting'' provided that: (i) each participant included in the enhanced netting is part of a CP Pair with each other participant included in the enhanced netting and (ii) the enhanced netting does not result in an increased settlement or margin obligation to any participant.[112] Where enhanced netting is applied, the resulting settlement obligation of each participant would be in the amount and to the participant(s) determined by the enhanced netting process. PSSC has provided several examples as to how the enhanced netting process would work under specific scenarios.[113]

PSSC also would permit gross settlement for any CP Pair. Pursuant to written instructions from each participant in the CP Pair provided to PSSC prior to the acceptance of a specified transaction for clearance and settlement, PSSC would create gross settlement obligations for the participants, which would be due on settlement date.[114]

(g) Risk Management

As noted above, PSSC would not serve as a central counterparty to PSSC participants and would not extend any form of intraday or overnight credit.[115] As a result, the Application states that PSSC participants would have credit exposure to only those participant counterparties that they approve in advance and would have no counterparty credit exposure to PSSC.[116]

Upon commencing participation in PSSC, each participant would be required to deposit and maintain an ''initial margin deposit,'' as determined by the Compliance and Risk Management Committee and in connection with an applicant's admission as a participant.[117] Factors used by the committee to determine the initial margin deposit would include credit worthiness, anticipated or actual settlement obligations, trading strategy and operational capabilities.[118] Participants would also be required to maintain a ''minimum required margin deposit'' of $10,000, which may be increased based on the factors used to determine the initial margin deposit.[119] PSSC would not accept new transactions for settlement unless and until the minimum required margin deposit is met.[120]

Pursuant to PSSC Rules, the ''required margin amount'' (''RMA'') is defined as the greater of the initial margin deposit, the minimum required margin deposit and the ''computed margin requirement'' (''CMR'').[121] Participants would be required to maintain sufficient margin assets to collateralize their RMA.[122] The CMR is defined as the aggregate amount required for a participant to collateralize unsettled settlement obligations with each of its CP Pairs.[123] Each participant's CMR would be calculated by determining a ''preliminary computed margin requirement'' (''PCMR''); [124] and adding to the PCMR any fails charges, excessive fails penalties, or both. PSSC would calculate each participant's CMR at the end of each business day.[125] The PCMR would be calculated by using the following measures: (i) a dynamic spot price; [126] (ii) liquidity exposure requirement; [127] (ii) low-priced

[105] PSSC Rules, at Rule 6.6.

[106] ''Defaulting Participant'' means a Participant that incurs a Settlement Failure of a Close-Out Liability Obligation as described in Rule 6, or a Participant that fails to satisfy a margin call as described in Rule 5C. PSSC Rules, at Rule 1.

[107] PSSC Rules, at Rule 6.7.

[108] PSSC Rules, at Rule 6.7; *see also* Application, Exhibit J, at 29.

[109] *See* PSSC Rules, at Rule 4A.

[110] PSSC Rules, at Rule 4.1A; *see also* Application, Exhibit J, at 15.

[111] PSSC Rules, at Rule 4.1A.

[112] PSSC Rules, at Rule 4.2A.

[113] *See* Application, Exhibit J, at 16–18.

[114] PSSC Rules, at Rule 4.3A.

[115] Application, Exhibit J, at 3.

[116] *Id.*

[117] PSSC Rules, at Rule 5.1.1B.

[118] *Id.*

[119] PSSC Rules, at Rule 5.1.2B.

[120] *Id.*

[121] PSSC Rules, at Rule 5.3B.

[122] *See* PSSC Rules, at Rule 5.3B.

[123] PSSC Rules, at Rule 5.4B. A participant's unsettled settlement obligation due on settlement date may be net or gross. *See* PSSC Rules, at Rule 4A. The CMR would also include fails charges and excessive fails penalties. PSSC Rules, at Rule 5.4B; *see also* Application, Exhibit J, at 18–19.

[124] *See* PSSC Rules, at Rule 5.4.1B.

[125] *See* PSSC Rules, at Rules 5.5B and 5C.

[126] The dynamic spot price is to equal a three standard deviation move of two-day prices for a relevant security. This would be calculated using the implied volatility of the 30-day at-the-money options for the security. If options prices were unavailable for the security, PSSC would use the actual volatility of the security over the past twenty trading days to calculate the standard deviation of price moves. As described more fully in Rule 5B, the PCMR calculated using a ''dynamic spot price,'' may use different prices to determine the dynamic spot price in an enhanced netting arrangement. *See* PSSC Rules, at Rule 5.4.1.1B and Rule 5.4.1.2B.

[127] *See* PSSC Rules, at Rule 5.4.1.3B. An unsettled settlement obligation would be subject to liquidity exposure requirement of five percent if the participant's total unsettled settlement obligation in a security to all of its CP Pairs exceeds the average trading volume in that security over the past thirty trading days. If the unsettled settlement obligation exceeds the average trading volume in a security over the past 30 trading days, by a multiple (*e.g.,* two, three or more times the relevant volume), then the liquidity exposure requirement would increase in corresponding increments. *See id.*

securities requirement; [128] (iii) market capitalization requirement; [129] and (iv) percentage of outstanding shares requirement.[130]

PSSC would also apply a ''credit risk rating'' to each participant.[131] The credit risk rating would be based on PSSC's credit risk rating matrix, which would evaluate the credit risk posed by participants to each other.[132] PSSC Rules also describe the procedures related to the determination and use of the credit risk rating, including the process by which the Board approves such rating, participant appeal rights, access to potential CP Pair credit risk ratings, requests for increased credit risk rating, annual PAC review of rating factors, and Board review of participants' credit risk rating. A participant's credit risk rating might be adjusted upward (indicating a poorer creditworthiness) depending upon specified market conditions based on the VIX volatility index and determinations made by the Compliance and Risk Management Committee.[133]

In the event a participant were to fail to deliver either operating cash or eligible securities on settlement date, the participant would be charged an additional 20 percent of the portion of its CMR that is attributable to the failed settlement obligation.[134] Fails charges would be collateralized for as long as the fail persists. In the event that the total market value of a participant's fails were to exceed specified percentages of that participant's total unsettled settlement obligation to all of its CP Pairs, the participant would also be subject to an excessive fails charge. Participants would additionally be subject to penalties for excessive fails, escalating those charges based on a formula using the percentage of total market value of the participant's fails as compared to the total unsettled settlement obligations, generating a requirement to post margin assets equal to 50% to 100% of the market value of the total pending settlement obligation.[135] In cases where the total market value exceeds 50 percent of the total unsettled settlement obligations, the participant would be subject to PSSC Rules governing cessation of services and terminations, which might cause PSCC to cease to act on such participant's behalf.[136]

In addition to the end-of-the-day CMR calculation, PSSC would recalculate the applicable CMR on a continuous basis throughout the course of the next business day, generating an intraday CMR. The difference between an intraday CMR and the last calculated CMR is referred to as the Intraday Additional CMR. If at any time during the business day, a participant's intraday CMR were to exceed the last calculated CMR requirement by 25 percent and the amount of the Intraday Additional CMR exceeds $10,000, then the participant would be required to post margin assets equal in value to the Intraday Additional CMR. An intraday CMR that results in this obligation to post such margin equal to the Intraday Additional CMR would be substituted as the CMR for the participant. If the resulting CMR for any participant were to be greater than the initial margin deposit and minimum RMA deposit, then the RMA for such participant would be equal to such CMR.[137]

At least once per day, PSSC would conduct backtesting of its margin methodology using predetermined parameters and assumptions.[138] At least once per month, or more frequently during periods of high volatility, PSSC would also conduct a sensitivity analysis of its margin methodology and review of its parameters and assumptions for backtesting.[139] At least annually, PSSC would perform a model validation of its margin methodology.[140]

Between trade date and settlement date, PSSC would calculate and collect margin collateral from its participants in the form of cash.[141] Each participant would be required to maintain sufficient margin assets to collateralize its RMA, as specified under PSSC Rules.

PSSC would determine and communicate to each participant the RMA at least once daily by a cut-off time of 10:00 p.m., or in certain circumstances, not later than 11:59 p.m. on trade date.[142] Each participant would be required to satisfy its RMA by 10:00 a.m. on the following business day, in an amount equal to or greater than the RMA, less any amount of margin assets already credited to the respective participant's Margin Cash Account.[143] PSSC would determine and communicate to each participant the Intraday Additional CMR charges as soon as practicable.[144] Participants would be required to satisfy any Intraday Additional CMR within two hours of communication by PSSC.[145]

Failure to satisfy any margin requirement by the prescribed times would constitute a missed margin call, prompting PSSC to notify each of the CP Pairs of the participant's failure. A participant failing to make any required deposit, including any margin deposit, would establish adequate cause to permit PSSC at its discretion to cease to act for the participant.[146]

Under PSSC Rules, participants would be permitted to withdraw margin assets exceeding the RMA upon request. However, PSSC Rules state that PSSC would have the right to reject any withdrawal request based on: (i) the market price or changes in the market

[128] *See* PSSC Rules, at Rule 5.4.1.4B. The low-priced security requirement would be determined as follows: a participant with an unsettled settlement obligation to receive a security that has a closing price equal to or less than $1.00 would be required to post margin equal to 100 percent of the value of the unsettled settlement obligation. A participant with an obligation to deliver a security that has a closing price equal to or less than $2.50 would be required to post margin equal to 250 percent of the value of the unsettled settlement obligation. *See id.*

[129] *See* PSSC Rules, at Rule 5.4.1.5B. The market capitalization requirement would be determined as follows: a participant with an unsettled settlement obligation in a security with a market capitalization equal to or less than $250,000,000 would be required to post margin equal to 100 percent of the value of the unsettled settlement obligation.

[130] *See* PSSC Rules, at Rule 5.4.1.6B. The percentage of outstanding share requirement would be determined as follows: a participant with a total unsettled settlement obligation to all of its CP Pairs to *receive* shares in a security that exceeds five percent of the total shares outstanding for that security would be required to post margin equal to 100 percent of the value of the unsettled settlement obligation. A participant that has a total unsettled settlement obligation to its CP Pairs to *deliver* shares in a security that exceeds five percent of the total shares outstanding for that security would be required to post margin equal to 250 percent of the unsettled settlement obligation. *Id.*

[131] *See* PSSC Rules, at Rule 2.4.2B. The credit risk rating would be determined by applying to the participant or settlement bank the following factors: (i) the availability of actively traded 5-year credit default swaps applicable to the participant; (ii) credit ratings from any publicly available credit rating service; (iii) capital, assets, earning and liquidity; and (iv) the participant's creditworthiness and operational capabilities.

[132] *Id.* PSSC would assign to each participant a credit risk rating based on certain quantitative, and when available, publicly accessible, credit factors. The credit risk ratings assigned would use a five-point credit rating system, with Tier 1 being the strongest and Tier 7 being the weakest.

[133] *See* PSSC Rules, at Rule 2.4.2B.

[134] Application, Exhibit J, at 22–23; *see also* PSSC Rules, at Rule 5.4B.

[135] *See* Application, Exhibit J, at 23; *see also* PSSC Rules, at Rule 5.4.3B.

[136] *Id.*

[137] *See* PSSC Rules, at Rule 5.5B.

[138] *See* PSSC Rules, at Rule 5.6B. For purposes of its margin methodology rules under Rule 5, the term ''backtest'' means an ex-post comparison of actual outcomes with expected outcomes derived from PSSC's use of the margin model.

[139] *See* PSSC Rules, at Rule 5.7B.

[140] *See* PSSC Rules, at Rule 5.8B.

[141] *See* PSSC Rules, at Rule 5A (discussing collateral), Rule 5B (discussing margin methodology), and Rule 5C (discussing margin procedures); *see also* Application, Exhibit J, at 18–25.

[142] PSSC Rules, at Rule 5.2C.

[143] PSSC Rules, at Rule 5.4C(a).

[144] PSSC Rules, at Rule 5.3C.

[145] PSSC Rules, at Rule 5.4C(b).

[146] PSSC Rules, at Rule 5.5C; *see also* PSSC Rules, at Rule 7 (regarding cessation of services).

price of securities comprising the participant's settlement obligations; (ii) the size of participant's settlement obligations; (iii) the operational capability or financial position of the participant; or (iv) a determination that such actions is otherwise in the interest of the protection of PSSC, its participants, the markets, or the general public.[147]

(h) Technology

In its Application, PSSC describes the technology and procedures it would use to ensure security of its systems, including those related to (i) security of its systems; (ii) safeguarding funds and securities within its control; (iii) backup systems for its automated clearing facilities; and (iv) compliance with Regulation SCI.[148] As described more fully in the PSSC Application, PSSC's infrastructure as it relates to its automated clearing functions would be hosted and maintained entirely on a cloud platform.[149] With respect to any PSSC systems hosted on the cloud, separation mechanisms would be in place to prevent automatic entry to PSSC's infrastructure in the event of a systems ''intrusion'' at the cloud services provider.[150]

The PSSC Application states that PSSC intends to negotiate and execute a service agreement with its cloud services provider such that the contractual terms and conditions would enable PSSC to satisfy the requirements of Regulation SCI for the PSS.[151] Such terms would include PSSC ensuring that the backup systems provided by the cloud service provider are designed to prevent interruptions in the performance of any function from a technical or other malfunction (including with respect to input or output links to the system and precautions with respect to malfunctions in any areas external to the system).[152] For example, PSSC states, it would attempt to negotiate terms and conditions requiring that the cloud services rely on separate availability zones only within the U.S. These availability zones would not rely on the same infrastructure components, such as for water and electric power. PSSC states it believes that such terms would be consistent with the requirements in Regulation SCI regarding geographic diversity.[153]

More generally, PSSC would also seek to negotiate contractual terms and conditions that would obligate the cloud services provider to, among other things, establish, maintain, and enforce written policies and procedures reasonably designed to ensure that each cloud service provided to PSSC has a level of capacity, integrity, and resiliency, availability, and security that is sufficient to allow normal operations at all times.[154] In addition, PSSC would seek to establish a right in contractual agreements with the cloud service provider to request relevant documents and perform regulatory inspections or audits of applicable cloud systems and associated physical locations.[155]

(i) Ramp-Up Period

In the Application, PSSC has proposed steps to ''ramp-up its readiness for commencing operations'' (the ''Ramp-Up Period'').[156] As part of the Ramp-Up Period, PSSC represents that it would not commence operations sooner than ten months from the date of any approval by the Commission of the Application. Once PSSC commenced operations, for a period of not less than 12 months, PSSC would limit the number of participants to ten and not permit enhanced netting across CP Pairs.[157]

PSSC further describes specific steps it will take during the Ramp-Up Period including: (i) implementing ''necessary service provider relationships to help support its operations'' such as becoming a DTC participant and establishing at least one settling bank relationship; (ii) entering contractual and operational arrangements with its initial participants to include testing of its systems; (iii) developing and implementing any necessary policies and procedures to support operations; (iv) publishing its rulebook on its website; and (v) adding human resources (whether through employee, contractor or vendor relationships) to put in place appropriate knowledge, skills and abilities to support commencing operations. PSSC explains that, during the Ramp-Up Period, as a registered clearing agency, PSSC would be subject to the Commission's recordkeeping requirements, examinations, and obligations as to self-regulatory organization proposed rule changes.[158] In addition, PSSC states that it will ''remain in regular [contact] and coordination'' with Commission staff regarding the status of the Ramp-Up Period,[159] consistent with the Commission's supervisory program for registered clearing agencies.

4. Analysis

As described in the Application, material elements of the clearing agency that affect how PSSC would provide its core services for clearance and settlement remain undeveloped, including the establishment of key relationships that will define the way its technology systems and linkages with other clearing agencies function, the policies and procedures that PSSC uses to manage and operate those systems and linkages, and undertakings relating to certain deferred material expenses for capital commitments, human resources, and contractual arrangements, as discussed further in Part IV.

To address this, the Application included a Ramp-Up Period, composed of two phases, during which PSSC intends to undertake multiple actions to address these items and further develop its services. To that end, PSSC requested temporary registration pursuant to Rule 17Ab2–1(c). Accordingly, the Commission is not, at this time, making a determination as to whether PSSC's Application satisfies the requirements of Section 17A(b)(3)(A) of the Exchange Act.

As discussed further below in Part IV, pursuant to Rule 17Ab2–1(c), the Commission is granting PSSC's request for temporary registration with an exemption from Section 17A(b)(3)(A) of the Exchange Act for a period of 18 months to provide PSSC time to complete the actions described in the Ramp-Up Period.[160]

[147] *See* PSSC Rules, at Rule 5.6C.

[148] *See* Application, Exhibits K, L, M.1, and M.4, respectively.

[149] Application, Exhibit M. PSSC will contract with a cloud service provider as a vendor to support core clearing agency services performed by PSSC, including trade capture, pre-settlement processing, margin, settlement, and custody of security entitlements to securities and cash.

[150] Application, Exhibit L.

[151] Application, Exhibit M.4, at 6. PSSC also states that the use of cloud services by registered clearing agencies is a ''relatively'' new and evolving practice, and as such it, intends to rely on the Commission's Division of Trading and Markets FAQ concerning Regulation SCI. PSSC Rules define PSS as the systems used by PSSC to provide clearance and settlement services to participants. *See* PSSC Rules, at Rule 1.

[152] Application, Exhibit M.4, at 6.

[153] *Id.*

[154] Application, Exhibit M.1 at 7.

[155] *Id.*

[156] *See* Application, Exhibit J, at 36–39.

[157] *See id.* at 36–37.

[158] *See id.* at 37–38.

[159] *See id.* at 38.

[160] See 17 CFR 240.17ab2–1(c)(2) (requiring the Commission within nine months of the effective date of the temporary registration of a clearing agency to either make all the determinations required by Section 17A with respect to the registered clearing agency or institute proceedings to determine whether registration should be denied at the expiration of the temporary registration period).

B. Participation Standards

1. Statutory Standard and Analysis: Section 17A(b)(3)(B)

Section 17A(b)(3)(B) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system or the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.[161]

PSSC Rules identify the following persons as those that may be approved for membership provided that they satisfy the applicable qualifications for participation: a broker-dealer registered under the Exchange Act; a bank or trust company organized under the laws of the United States or any state and is a member of the Federal Reserve System; a clearing agency registered under the Exchange Act; an Insurance Company or Insurance Entity; [162] and an investment company registered under Section 8 of the Investment Company Act.[163] In Exhibit O, PSSC further explains that the proposed qualifications for participation are based substantially on the corresponding, approved requirements of the other registered clearing agencies that serve the equities markets.[164] PSSC states that this approach promotes consistency and coordination of access standards and would allow eligible market participants to gain access to multiple clearing agencies that provide services to the same markets based on the same or similar criteria.[165]

Because PSSC Rules specify that each type of person described in Section 17A(b)(3)(B) of the Exchange Act may become a member of PSSC, the Commission has determined that the Application satisfies the requirements of Section 17A(b)(3)(B) of the Exchange Act.

2. Statutory Standard and Analysis: Section 17A(b)(4)(B)

Section 17A(b)(4)(B) of the Exchange Act states that a registered clearing agency may deny participation to, or condition the participation of, any person if such person does not meet such standards of financial responsibility, operational capability, experience, and competence as are prescribed by the rules of the clearing agency.[166] Section 17A(b)(4)(B) also provides that, a registered clearing agency may examine and verify the qualifications of an applicant to be a participant in accordance with procedures established by the rules of the clearing agency.[167]

With respect to the criteria for participation under Section 17A(b)(4)(B) of the Exchange Act, the Application describes how PSSC's participant structure affects its framework of managing risk.[168] Specifically, PSSC has established requirements for applicants' financial resources, operational capacity, creditworthiness, and business experience. With respect to financial resources, the financial responsibility standards for participants vary depending upon the nature of the applicant's business.[169] In addition, PSSC's financial standards require, among other things, that an applicant for participation has sufficient resources to meet all of its anticipated obligations to PSSC and other participants; is in compliance with its regulatory capital requirements; and is not subject to voluntary or involuntary insolvency proceedings.[170] PSSC's operational criteria require prospective applicants to have adequate personnel, books and records, systems and procedures to fulfil its anticipated commitments to and operational requirements of PSSC promptly and accurately as well as to conform to any conditions imposed by PSSC that it reasonably deems necessary for its protection, and an established business history of a minimum of six months, or personnel with sufficient operational background and experience to ensure the ability of the applicant to conduct such business.[171] PSSC Rules also require applicants to have an appropriate risk management framework that is commensurate with its risk profile, net capital and business strategy; sufficient to preserve the integrity of PSSC's systems and services; and reasonably designed to protect other participants from risks associated with the use of PSSC's systems and services.[172]

PSSC may also deny admission to any applicant or cease to act for any participant if, among other things, the applicant is subject to any Statutory Disqualification or similar order issued by a federal or state banking authority or other examining authority or regulator; the applicant or its management is responsible for making a misstatement (or omission) of material fact in connection with an application to be a participant or is responsible for fraudulent acts or a violation of federal or state law; or the applicant or its management has been convicted within the past 10 years of the filing of the application (or any time after the filing of the application) of a criminal offense involving such things as the purchase or sale of a security, or bribery, burglary or conspiracy to commit these offenses.[173]

PSSC participants will be monitored and reviewed for compliance with its qualifications and standards on an ongoing basis.[174] In this regard, PSSC requires its participants to provide it with annual audited financial reports, and, periodically, certain regulatory reports (*e.g.,* the FOCUS reports broker-dealers must file with the Financial Industry Regulatory Authority), among others.[175] PSSC has the authority to conduct due diligence reviews of the financial responsibility and operational capability of any participant,[176] and participants must notify PSSC of any material changes to its organization, operations, or financial condition.[177] Participants must also furnish to PSSC adequate assurances of their financial responsibility and operational capability.[178] In addition, PSSC has the authority to take action with respect to participants that fail to maintain PSSC's participation requirements, including

[161] Section 17A(b)(3)(B) of the Exchange Act also states that the rules of the clearing agency are subject to the provisions of Section 17A(b)(4) of the Exchange Act.

[162] PSSC Rules, at Rules 1.I.2 and 1.I.3.

[163] PSSC Rules, at Rule 2.3A.

[164] Application, Exhibit O.

[165] If the Commission adopted rules under Section 17A(b)(3)(B)(vi) of the Exchange Act regarding other persons or classes of persons designated as appropriate to the development of the national system for clearance and settlement or the prompt and accurate clearance and settlement of securities transactions, each registered clearing agency, including PSSC, would need to submit a proposed rule change to incorporate such person or class of person into its rules for participation.

[166] 15 U.S.C. 78*q*–1(b)(4)(B).

[167] *Id.*

[168] PSSC Rules, at Rule 2.5A.

[169] PSSC Rules, at Rule 2.6A. The rule states that, for example, a broker-dealer applicant shall have at least five hundred thousand dollars ($500,000) in excess net capital over the greater of the minimum capital requirement imposed pursuant to Rule 15c3–1 under the Exchange Act; such higher minimum capital requirement imposed by its designated examining authority; or one million dollars if the applicant clears for other broker dealers. In the case of a bank, maintain a minimum amount of equity capital in the amount of fifty million dollars ($50,000,000) or a guarantee of such amount by a parent bank holding company with its own consolidated capital of this amount.

[170] PSSC Rules, at Rule 2.5.1A.(c).

[171] PSSC Rules, at Rules 2.5.1A.(d), 2.7A, and 2.8A.

[172] PSSC Rules, at Rule 2.5.1A.(e).

[173] PSSC Rules, at Rule 2.5.2A.

[174] PSSC Rules, at Rules 2.1B and 2.4B.

[175] PSSC Rules, at Rule 2.2.1B.

[176] PSSC Rules, at Rule 2.4B.

[177] PSSC Rules, at Rule 2.2.2B.

[178] PSSC Rules, at Rule 2.2C.

disciplinary sanctions such as fines, censure, or limitations on access to PSSC's services (ceasing to act for the participant).[179]

Because PSSC Rules would establish participation requirements that include financial and operational competency standards for participants that clearly denote ongoing compliance obligations and set forth consequences for failing to meet those obligations, the Application demonstrates that PSSC Rules are sufficient to protect PSSC from the risks that can be associated with participants who would not otherwise meet such competency standards.

For the reasons discussed above, the Commission determines that the rules of PSSC regarding participation in the clearing agency are consistent with the standards set forth in Section 17A(b)(4)(B) of the Exchange Act.

C. Fair Representation

1. Statutory Standard: Section 17A(b)(3)(C)

Section 17A(b)(3)(C) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs.[180]

2. Summary of Application and Analysis

As described in Part III.A.2, PSSC's Board would be composed of ten directors: three member directors selected by Paxos Holdings; five public directors, initially specified in PSSC's bylaws and thereafter elected annually by the PSSC's Board from among nominees selected by the Board's Governance, Nominating, and Policy Committee; and two participant directors to be nominated by participant representatives serving on the Board's PAC.[181] PSSC's Board would not initially include the participant directors; under PSSC's bylaws, within 180 calendar days of PSSC commencing operations and having at least two participants (or a different time that is agreed to by PSSC and its PAC), the participant directors, as selected by the PAC, would be added to the Board.[182]

Under Section 17A(b)(3)(C) of the Exchange Act, the Commission considers whether the Application provides fair representation both to shareholders and to participants in the selection of directors and the administration of affairs. In doing so, the Commission undertakes an analysis of the documents in the Application that govern or otherwise affect the selection of directors by the clearing agency and the administration of its affairs. Such documents include, for example, the constitution, articles of incorporation, bylaws, rules, and written policies or procedures. Such analysis considers both qualitative and quantitative factors, including the number of board positions reserved for management or to represent participants, as well as the existence of provisions in governing documents that may impede participation in the selection of directors or the administration of affairs. The Commission also considers the overall organization of the clearing agency, the nature of the products it clears, and the structure of the market it serves, including the nature of existing clearing and settlement arrangements in the market served, the existence of other clearing agencies that would compete to offer services, and the size of the market served by the applicant, to evaluate whether the representation proposed by the applicant is consistent with the requirements of the Exchange Act.[183]

After performing this analysis, the Commission has determined that the Application provides fair representation for the reasons set forth below.

With respect to the fair representation of the shareholders in the selection of its directors and administration of its affairs, Paxos Holdings will hold 100% of the membership interests in PSSC and will be represented on the PSSC Board by three member directors. Paxos Holdings will also participate in the selection of PSSC directors. Specifically, Paxos Holdings will be responsible for selecting the three member directors, and the member directors who are selected by Paxos Holdings will also participate in the selection of the five public directors. Regarding selection of public directors, each public director will be elected from among one or more persons nominated by the Governance, Nominating and Policy Committee, which must be composed, at a minimum, of at least one member director, one participant director, and one public director. In addition, no nominee may be nominated by the committee without approval of at least one member director then-serving. Therefore, Paxos Holdings will participate in the selection of eight of the ten directors on the Board. More generally, the Board will be responsible for the operations of the clearing agency and will have oversight of the executives who are managing PSSC, which also allows the shareholder to obtain fair representation in the administration of PSSC's affairs. Taken as a whole, these provisions assure a fair representation of the shareholders of PSSC in the selection of its directors and administration of its affairs.

With respect to fair representation of the participants of PSSC in the selection of its directors and administration of its affairs, 20 percent of the Board will be participant directors. Each participant director in PSSC will be nominated and selected by the participant representatives to the PAC, and each participant will be entitled to representation on the PAC by one representative. Participant directors will also participate in the selection of the five public directors. At least one participant director will be required to serve on the Governance, Nominating and Policy Committee. Therefore, participants will participate in the selection of seven of the ten directors on the Board (*i.e.,* the two participant and five public directors). Additionally, a Board quorum for conducting business will require at least one participant director and one member director, as well as a majority of the directors then serving on the Board. As a result, at no time would the member directors have majority voting power to control the Board as a voting block. Such ability to influence the selection of directors is an important component of participant representation in the selection of directors and the accompanying ability for participants to participate in the Board-level administration of the affairs of the clearing agency. For these reasons, the governance of PSSC ensures the fair representation of participants in the selection of directors and administration of the affairs of the clearing agency.

In addition, for the reasons discussed III.A.2 above, the Application demonstrates that the PSSC Application is consistent with the requirements related to director independence and board governance provided for in Rule

[179] PSSC Rules, at Rules 7 and 9.

[180] Section 17A(b)(3)(C) of the Exchange Act also states that the Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.

[181] *See* Application, Exhibit E.3; *see also supra* Part III.A.2.

[182] *See* Application, Exhibit E.3; *see also supra* Part III.A.2.

[183] Accordingly, the level of participant representation needed to ensure fair representation consistent with the Exchange Act may vary depending on the facts and circumstances, including the market or markets to which the application is directed.

17Ad–25 under the Exchange Act.[184] The Application also states that PSSC will establish, implement, maintain and enforce written policies and procedures reasonably designed to require the board of directors to solicit, consider and document its consideration of the views of PSSC participants and other relevant stakeholders of PSSC regarding material developments in its risk management and operations on a recurring basis as required by Rule 17Ad–25(j) under the Exchange Act.[185] Such rules, policies and procedures under Rule 17Ad–25 also facilitate participant involvement in the administration of the clearing agency's affairs. Taken as a whole, the provisions of the Application described above assure a fair representation of PSSC participants in the selection of its directors and administration of its affairs.

For the reasons discussed directly above, the Commission determines that the rules of PSSC assure fair representation in the selection of its directors and administration of its affairs consistent with Section 17A(b)(3)(C) of the Exchange Act.

D. Fees

1. Statutory Standard: Section 17A(b)(3)(D) and (E)

Section 17A(b)(3)(D) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.[186] Section 17A(b)(3)(E) of the Exchange Act states that a clearing agency shall not be registered unless the rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.[187]

2. Summary of Application and Analysis

PSSC's Schedule of Fees sets forth the fees that PSSC will charge its participants. Participants will elect in writing to be charged on a price per trade or price per share model.[188] A participant may change its selection by providing PSSC reasonable notice in writing. In addition, for the first three months of participation, PSSC will charge each participant a minimum monthly settlement fee of $5,000. It will also charge a $2.50 daily fee for failures to settle and charges for failure to provide specified data to comply with ongoing participation requirements.

As described in the Application, both the initial minimum monthly settlement fee and the per trade or per share fees apply to all PSSC participants on an equal basis.[189] Further, PSSC's per trade or per share fees are entirely based on each participant's usage, and as such, provides participants with a choice as to the fee model that best suits their particular business considerations. Moreover, if PSSC fees, dues, and other charges are determined unreasonable for any reason by PSSC participants or potential PSSC participants, such participants may choose to use DTC's settlement services instead. In the Commission's view, PSSC's approach provides for equitable allocation of reasonable dues, fees, and other charges amongst its participants. Accordingly, the Commission determines that the Application is consistent with Section 17A(b)(3)(D) of the Exchange Act.

In addition, the Application states that PSSC does not currently fix prices, rates, or fees for services rendered by its participants.[190] The Commission sees no evidence in the Application that PSSC does otherwise, and the Commission therefore determines that the Application is consistent with the requirements of Section 17A(b)(3)(E) of the Exchange Act.

E. Rules Designed To Promote Prompt and Accurate Clearance and Settlement and the Safeguarding of Securities and Funds

1. Statutory Standard: Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency are 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 the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest. It also states that a clearing agency shall not be registered unless the Commission determines that the rules are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by the Exchange Act matters not related to the purposes of this section or the administration of the clearing agency.[191]

2. Summary of Application and Analysis

The Commission has adopted multiple rules that are related to Section 17A(b)(3)(F), in that they establish requirements related to financial risk management, default management and loss allocation, and recovery and orderly wind-down. Specifically, these Commission rules implicate the safeguarding of securities and funds and promoting the prompt and accurate clearance and settlement of securities transactions.[192] Part III.A.3 of this order describes how PSSC proposes to conduct trade submission and settlement, how it would address settlement fails, and how it would perform netting and risk management as part of its service offerings. In the context of these services, the Commission below considers how PSSC Rules safeguard securities and funds to effectuate settlement as part of its CSD and settlement system.[193] The Commission also discusses the comments received as to PSSC's

[184] 17 CFR 240.17ad–25; *see also, e.g.,* Application, Exhibit C.1 at 10 (describing application of Rule 17Ad–25 requirements for conflicts of interest to PSSC directors), 11–12 (describing application of requirements for independent directors to PSSC directors and the nominating committee).

[185] 17 CFR 240.17ad–25(j); *see also* Application, Exhibit C.1.

[186] 15 U.S.C. 78*q*–1(b)(3)(D).

[187] 15 U.S.C. 78*q*–1(b)(3)(E).

[188] *See* Application, Exhibit E.13.

[189] *Id.*

[190] Application, Exhibit Q.

[191] With respect to the provisions in Section 17A(b)(3)(F) of the Exchange Act requiring that the rules of the clearing agency are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency and not regulate by virtue of any authority conferred by the Exchange Act matters not related to the purposes of the Exchange Act or the administration of the clearing agency, those topics have been addressed in Parts III.B and III.G, concerning the statutory requirements for, respectively, participant standards of the clearing agency and addressing the clearing agency's burden on competition. With respect to the provisions requiring that the rules foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, those topics have been addressed in Part III.G, concerning the statutory requirements addressing the clearing agency's burden on competition.

[192] *See* 17 CFR 240.17ad–22(e)(11) (setting forth requirements for CSDs).

[193] For example, PSSC is subject to certain requirements specific to CSDs, such as those set forth in Rule 17Ad–22(e)(11). *See* 17 CFR 240.17ad–22(e)(11).

corporate actions and netting processes, as well as its recovery and wind-down plans.

(a) Safeguarding of Securities and Funds

Part III.A.3 describes the operations that PSSC would employ, and the PSSC Rules that would govern, settlement through PSSC as a CSD and settlement system. As a registered clearing agency and securities intermediary as defined in Article 8 of the Uniform Commercial Code, PSSC would have control over electronic systems used to record security entitlements that it will create on its books and records for the benefit of its participants. These security entitlements concern either certain securities or U.S. dollar cash. Securities in which PSSC grants participants security entitlements will be required under PSSC Rules to be securities that PSSC accepts as eligible for PSSC's services and to which DTC provides book-entry services. U.S. dollar cash in which PSSC grants participants security entitlements will be required under PSSC Rules to be cash that is held at a bank or trust company that is organized under the laws of the United States or any state, that is supervised by Federal or state regulators, and that has been approved as a Settling Bank by PSSC.

Participants will agree to be bound by the PSSC Rules through the participant agreement between PSSC and each participant that each participant will be required to execute prior to accessing PSSC's services.[194] Under the participant agreement, a participant will agree to abide by PSSC's organizational documents, bylaws, rules and relevant policies, procedures, notices, circulars, interpretations, or other directives and/or decisions adopted by PSSC and to establish such arrangements for conducting business with PSSC as PSSC requires.

With respect to the safeguarding of securities, as provided in PSSC Rule 3, PSSC will be required to be a DTC participant and, as provided in PSSC Rule 2.7A, each participant will also be required to be a DTC participant.[195] Eligible securities deposited with DTC for book-entry transfer services are registered in the name of DTC's nominee, Cede & Co. (''Cede''), which is a New York partnership. When the certificates are registered in the name of Cede, DTC acquires legal title to the securities and, when DTC credits interests in these securities to the securities accounts of its participants, the DTC participants, in turn, acquire a beneficial interest in the securities. PSSC will be one such DTC participant. DTC requires participants to reconcile their activity and positions with DTC upon receipt of applicable activity statements at the end of each day and to immediately report any discrepancies. Participants are also required to reconcile their DTC positions on a daily and month-end basis.[196] In addition, the systems that DTC uses to create security entitlements for its participants are subject to the requirements applicable to it as a registered clearing agency under the Exchange Act, including those requirements set forth in the Commission's rules for clearing agencies and Regulation SCI.[197] As a DTC participant itself, PSSC will benefit from safeguarding, capacity, resilience, and integrity required of DTC pursuant to those Commission rules in connection with the security entitlements that DTC credits to PSSC's DTC account. PSSC Participants in turn will benefit from these requirements that apply to DTC and will also apply to PSSC, since PSSC will create security entitlements for its participants based on security entitlements that are credited by DTC to PSSC's DTC account and because PSSC participants will be required to also be DTC participants.

PSSC Rule 4.4.1 provides that upon receipt of eligible securities from a participant into PSSC's DTC account, PSSC will create a security entitlement on its books and records that is credited to the participant account of the relevant participant and that is a representation of the eligible security that is credited by DTC to PSSC's DTC account. PSSC will facilitate withdrawal of eligible securities from the participant account of a participant based on instructions from the participant by removing the security entitlement to the eligible security that is credited to the participant in its participant account on PSSC's books and records and initiating relevant instructions through DTC to remove the eligible security from PSSC's DTC account and to deliver it to a designated DTC account of the participant. To ensure that corporate actions regarding eligible securities are processed by DTC rather than PSSC, each participant will agree, pursuant to PSSC Rule 3A, to provide a standing instruction to PSSC to transfer any eligible security credited to its participant account to the DTC account of that participant before any record date for a corporate action regarding the eligible security.

One commenter, DTCC, stated that PSSC may still encounter corporate actions processing challenges using this approach, explaining that not all corporate actions events are known ex-ante or known with sufficient notice to be handled ex-ante (even as a matter of current normal market practice).[198] DTCC stated that PSSC may be allocated an entitlement (*e.g.,* dividend payment, interest payment, securities payment) instead of the appropriate PSSC participant, should that participant not know ex-ante whether to transfer a given security out of the PSSC environment and back into its own DTC account, and this could require reconciliation and potential claims by the impacted participant. In the PSSC Response Letter, PSSC stated that it looks forward to direct engagement with DTCC on corporate actions processing in connection with its application to become a DTC participant, and PSSC states that it can address any specific examples through revisions as necessary to its operations-level procedures.[199]

With respect to the safeguarding of funds, as provided in PSSC Rules 2.7A and 2.1B, each participant will be required to establish and maintain one or more accounts at a settling bank to facilitate its participation in PSSC. As described in PSSC Rule 4.5, PSSC will also maintain at each settling bank two separate types of omnibus custody accounts for U.S. dollar cash for the benefit of participants. Under PSSC Rules 2.3A(b) and 13.1, a settling bank will be a bank or trust company, including a trust company having limited power, which is organized under the laws of the United States or any state and is a member of the Federal Reserve System or that is supervised and examined by state or Federal authorities having supervision over banks. A settling bank will also be subject to the eligibility, approval and monitoring processes that are described in PSSC Rule 13, including review and approval by PSSC's Compliance and Risk Management Committee of the Board and assignment of a Credit Risk Rating and ongoing monitoring of the settling bank.

Participants will deposit U.S. dollar cash to the Operating Cash Account and the Margin Cash Account through a wire transfer or other funds transfer process acceptable to PSSC.[200] Upon receipt of cash from a participant into the Operating Cash Account or Margin Cash

[194] *See* Application, Exhibit P (providing the PSSC participant agreement).

[195] *See* DTC Rules, *https://www.dtcc.com/-/media/Files/Downloads/legal/rules/dtc_rules.pdf.*

[196] *See id.*

[197] *See supra* note 20 (providing citations to those rules).

[198] DTCC Letter at 2.

[199] PSSC Letter at 3.

[200] PSSC Rules, at Rules 4.5.2 and 4.5.3.

Account, as applicable, PSSC will create a security entitlement on its books and records credited to the participant account of the relevant participant that is a representation of the cash in the operating cash account or margin cash account, as applicable. In accordance with instructions to PSSC from a participant, PSSC will facilitate the withdrawal of operating cash or margin cash, as applicable, from the participant's account by removing the security entitlement to cash credited to the participant's account on the books and records of PSSC and initiating a wire transfer or other funds transfer process acceptable to PSSC from the applicable omnibus account to a designated account of the participant.

(b) Prompt and Accurate Clearance and Settlement

As described in detail in Part III.A.3, PSSC Rules address the failure of a participant to deliver cash or securities, the circumstances of a participant default, and PSSC's settlement prioritization. Although PSSC will not operate as a central counterparty, PSSC Rules establish a margin collection system that collateralizes transactions submitted for settlement.

One commenter stated that, if its understanding was correct, it is unclear how trades submitted for settlement on trade date (T) would be handled should there be no express instruction for gross settlement.[201] The commenter further noted that the Application states netting is expected to occur throughout the day with the creation of an end-of-day bilateral net Settlement Obligation for the participants in the CP Pair for settlement beginning 12 a.m. on each Settlement Day.[202] The commenter stated there did not seem to be information in the Application addressing final settlement of trades that are submitted for end-of-day T settlement and that clarification is likely necessary regarding how trades would be processed and the point at which these trades are considered settled with finality.[203] In its response letter, PSSC stated that the result of the interplay between PSSC Rules 4.11, 4.1.A, and 4.3.A and the daily settlement cut-off time is that same-day settling trades accepted before the cut-off time would be incorporated in a participant's bilateral net settlement obligation with its counterparty pair in that particular security.[204] Furthermore, PSSC stated that it plans to clarify the cut-off time in its procedures and communications with its participants as part of the Ramp-Up Period.[205]

Additionally, the same commenter also posed questions regarding PSSC's approach to enhanced netting.[206] Specifically, the commenter stated that, without a central counterparty to novate netted obligations, the proposed approach to netting would seem to create a potential need to conduct DVP settlement for more than two linked obligations. In its understanding, the commenter believes that, under Commission rules,[207] to achieve DVP for settlement obligations that are calculated through multilateral netting, final settlement of each obligation would be conditioned upon the final settlement of the other obligations (*i.e.,* all linked obligations settle or none do). Based on its understanding of the Application, the commenter states that it is unclear whether such conditioning mechanism is employed (or employed fully), noting that it appears PSSC envisions the ability to partially settle obligations within a netting group for a period of time, should a participant in the group fail to make sufficient cash or securities available by the 3:10 p.m. daily cut off, and these outstanding obligations would then be prioritized in later settlement cycles. The commenter states that, if its understanding is correct, this approach introduces ambiguity in two respects: (1) whether final settlement may proceed as usual for linked obligations within a group that are not affected by the group member(s) who failed to sufficiently prefund while the affected linked obligations are awaiting settlement; and (2) to the extent the affected linked obligations are being processed on later settlement days, it would be unclear how PSSC can demonstrate that it achieves same-day settlement of payment obligations in the relevant currency. The commenter concludes that further clarification is likely necessary regarding how final settlement occurs on a multilateral basis, particularly as the Application generally reference ''bilateral'' DVP settlement by CP Pair. In its response, PSSC cites PSSC Rule 4.2A and Section II.H.(ii) of Exhibit J in the Application that provides a description of enhanced netting and detailed examples of its intended function.[208] PSSC states that these materials explain that enhanced netting would further net bilateral settlement obligations by and among CP Pairs where such netting would not result in any increased settlement obligation or margin obligation to any of the relevant participants. PSSC also acknowledged that its enhanced netting functionality would not be fully implemented until after completion of the Ramp-Up Period, and, more generally, that it plans to clarify cut-off times in procedures and communications with its participants.[209]

The Application also includes PSSC's policies and procedures to manage operational risk. For example, as described in Part III.A.3.h), PSSC has included in its Application policies and procedures that would be consistent with its requirements under Regulation SCI, such as performing periodic assessments of PSSC systems that directly support functionality relating to clearance and settlement, and for processes and programs that, if breached, would be reasonably likely to pose a security threat to such systems. In addition to the required annual SCI Review, PSSC will perform systems health monitoring and vulnerability monitoring and scans on its SCI systems. PSSC also will perform periodic systems capacity testing on the PSS. Because the PSS must be available under extreme market conditions, PSSC will test capacity under extreme assumptions that simulate a load far greater than the estimated maximum capacity need.[210] PSSC also maintains a Business Continuity and Disaster Recovery Plan that will be tested and assessed at least annually.[211]

One commenter stated that PSSC may have conflated the concepts of ''recovery,'' as defined in Commission rules for clearing agencies,[212] and concepts related to business continuity and disaster recovery (''BC/DR'').[213] The commenter states that PSSC's filing seems to address recovery only from the

[201] DTCC Letter at 3.

[202] *Id.; see also* Application, Exhibit J, at 3.

[203] DTCC Letter at 3.

[204] PSSC Response Letter at 4.

[205] *Id.*

[206] DTCC Letter at 3.

[207] *Id.* at 2 (citing 17 CFR 240.17ad–22(e)(7), (8), and (12)).

[208] PSSC Response Letter at 5.

[209] *Id.* at 4.

[210] *See* Application, Exhibit M.4 (summarizing its policies for compliance with Regulation SCI).

[211] *See* Application, Exhibit M.5 (summarizing the Business Continuity and Disaster Recovery Plan).

[212] *See, e.g.,* 17 CFR 240.17ad–26(b) (providing a definition of ''recovery'' to mean ''the actions of a covered clearing agency, consistent with its rules, procedures, and other *ex ante* contractual arrangements, to address any uncovered loss, liquidity shortfall, or capital inadequacy, whether arising from participant default or other causes (such as business, operational, or other structural weaknesses), including actions to replenish any depleted prefunded financial resources and liquidity arrangements, as necessary to maintain the covered clearing agency's viability as a going concern and to continue its provision of core services'').

[213] DTCC Letter at 3–4.

BC/DR perspective and orderly wind-down planning only with respect to the procedures it would take to wind down its operations but not also the financial resources it would hold to fund such a wind down, and further clarification is likely necessary around PSSC's recovery and orderly wind-down planning. In response, PSSC stated that it agrees with the commenter's observation that covered clearing agencies have certain different requirements that address financial risk scenarios and operational risk scenarios; PSSC then stated it is difficult to respond to the conflation comment without a more detailed explanation of the basis for the comment, citing that the commenter did not give any specific example of conflation that may exist in the Application.[214]

(c) Analysis

As described immediately above and earlier in Section III.A.3.d), PSSC Rules state PSSC would conduct DVP settlement on a bilateral basis of settlement obligations between CP Pairs.[215] Settlement would occur through the movement of cash and eligible securities on the Paxos Ledger, and each participant would be required to have the securities or cash in its account no later than the relevant cut-off time.[216] PSSC Rules also provide for the priority of settling outstanding settlement obligations.[217]

However, as previously discussed in Part III.A.4, material elements of the clearing agency that affect how PSSC would provide its core services for clearance and settlement remain undeveloped. In developing and implementing these core services, PSSC may also need to develop additional rules and policies and procedures to ensure that its participants will be able to make use of the services and systems described in its Application. In the PSSC Response Letter, for example, PSSC states that it appreciates comments received regarding its corporate actions processing, and intends to engage with DTCC so that example cases can be addressed in its operations-level procedures during the DTC participant onboard process.[218] PSSC also states, for example, that it plans during the Ramp-Up Period to clarify cut-off times in its procedures and in communications with participants.[219] Accordingly, the Commission is not, at this time, making a determination as to whether PSSC's Application satisfies the requirements of Section 17A(b)(3)(F) of the Exchange Act.

As discussed further below in Part IV, pursuant to Rule 17Ab2–1(c), the Commission is granting PSSC's request for temporary registration with an exemption from Section 17A(b)(3)(F) of the Exchange Act for a period of 18 months to provide PSSC time to complete the actions described in the Ramp-Up Period.

F. Participant Discipline

1. Statutory Standard and Analysis: Section 17A(b)(3)(G)

Section 17A(b)(3)(G) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to Sections 17(d) or 19(g)(2) of the Exchange Act) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

With respect to discipline and sanctions, PSSC Rules provide that PSSC may discipline a participant for a violation of the rules or any of the participant's agreements with PSSC, or for errors or delays, by imposing sanctions including termination,[220] ceasing to act (including through a summary action of suspension),[221] fines (as set forth in PSSC's Fee Schedule), censure, and any other fitting sanction.[222] In addition, in response to a violation of the rules or any of the participant's agreements with PSSC, PSSC may require cash or other deposit by the participant as is necessary or appropriate to protect PSSC and the other participants.[223]

To monitor for potential violations, PSSC Rules include various requirements regarding the ongoing monitoring of participants, in which participants must comply with the detailed ongoing informational, financial, and operational requirements.[224] A participant's failure to furnish information and/or comply with the requirements of the rule may subject the participant to a restriction on access to PSSC's services, disciplinary proceedings, or PSSC ceasing to act for the participant.[225] PSSC has also delegated to its PAC the responsibility to provide advice and recommendations to management and the Board on matters including participant standards and disciplinary practices regarding participants.[226]

As described above, PSSC includes procedures for enforcing its rules and disciplining participants that are consistent with the requirements of the Exchange Act. PSSC Rules provide it with the authority to discipline participants for rule violations and to impose each of the sanctions enumerated in the Exchange Act. Accordingly, the Commission determines that PSSC Rules provide that its participants shall be appropriately disciplined for violation of any provision of the PSSC Rules consistent with the requirements of Section 17A(b)(3)(G) of the Exchange Act.

2. Statutory Standard and Analysis: Section 17A(b)(3)(H)

Section 17A(b)(3)(H) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any persons seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.[227]

When a participant application is submitted to PSSC, the PSSC Compliance and Risk Management Committee (''CRM Committee'') will review and approve or disapprove the application.[228] If the CRM Committee is considering denying an application, the CRM Committee will provide the applicant with a written statement describing the reasons why the CRM Committee is considering denying the application and will notify the applicant of its right to request a hearing to determine whether the application should be denied.[229] Even though a hearing can be requested in most circumstances, PSSC Rules clarify that PSSC can deny an application if there are any factors or circumstances about

[214] PSSC Response Letter at 6.

[215] PSSC Rules, at Rule 4A.

[216] PSSC Rules, at Rule 4.9.

[217] PSSC Rules, at Rule 6.1.2.

[218] PSSC Response Letter at 3.

[219] *Id.* at 4.

[220] PSSC Rules, at Rules 7.6 and 9.1.

[221] PSSC Rules, at Rules 7, 9.1, and 9.4. PSSC may cease to act for a participant at any time with respect to particular transactions or services or with respect to all transactions and services generally. PSSC Rules, at Rule 7.2.

[222] PSSC Rules, at Rule 9.1.

[223] PSSC Rules, at Rule 9.2.

[224] PSSC Rules, at Rules 2.1–2.4.

[225] PSSC Rules, at Rule 2.4C.

[226] Application, Exhibit E.10, at 4.

[227] Section 17A(b)(3)(H) of the Exchange Act also states that the rules of the clearing agency must be in accordance with the provisions of Section 17A(b)(5) of the Exchange Act.

[228] PSSC Rules, at Rule 2.9.

[229] PSSC Rules, at Rule 2.10.1A.

the applicant that may impact the financial or operational ability of the applicant, including the ability to meet settlement obligations to other participants and to meet margin requirements to PSSC or any other adverse factors specified in Rule 2.5.2A.[230]

Once an entity is a participant, PSSC Rules require PSSC to send a notice to participants when PSSC proposes to impose any sanction under the PSSC Rules. PSSC will send the participant a notice (''Penalty Notice'') containing a written statement describing the reason for the proposed sanction and notifying the participant that the participant has five business days to respond or PSSC will impose the sanction.[231] PSSC Rules explain that the right to contest a decision before it is imposed will not apply to cases in which PSSC summarily suspends or terminates the accounts of a participant pursuant to Section 17A(b)(5)(C) of the Exchange Act.[232]

Once notice has been received, a participant or applicant (''Interested Person'') may request a hearing by filing a written request, within the applicable time period, that details the action or proposed action by PSSC with respect to which the hearing is requested and the name of the Interested Person and its representative who may be contacted with respect to the hearing.[233] An applicant requesting a hearing due to denial, must submit the written request to PSSC within thirty calendar days of the receipt of the denial notice, and a participant must submit the written request to PSSC within five business days of PSSC's decision to take any of the following actions: cease to act for or terminate the participant pursuant to its rules, propose to impose a disciplinary sanction, determine that the issuer's Eligible Security will cease to be an Eligible Security, or set a credit risk rating for the participant.[234]

Within seven business days after the filing of the written request, or three business days in the case of summary action taken against a participant, the Interested Person will submit to PSSC a written statement detailing: (a) the action or proposed action with respect to which the hearing is requested; (b) the basis for objection to such action; (c) whether the Interested Person intends to attend the hearing; and (d) whether the Interested Person chooses to be represented by counsel at the hearing. If the written statement contests PSSC's determination that the Interested Person has violated a PSSC Rule, the statement must specifically admit or deny each violation and detail the reasons why the rule alleged to have been violated is being contested. Any alleged violation not specifically denied will constitute an admission to that violation. PSSC may reject the statement if it fails to set forth a prima facie basis for contesting the violation. The failure of an Interested Person to submit the written statement within the time period specified above will constitute a waiver by the Interested Person of its right to a hearing. Once a hearing is scheduled, PSSC will notify the Interested Person in writing of the date, place, and hour of the hearing at least five business days prior to the hearing.[235] If the violation an Interested Person disputes is a fine, PSSC will automatically conduct a review of the disputed fine after the Interested Person files a written request and a written statement. PSSC may examine the written statement submitted and/or arrange a meeting with the Interested Person to discuss the disputed fine. If PSSC decides to waive the fine, it will notify the Board of the decision. The Board, or an authorized Committee of the Board, may in its reasonable discretion, determine to reinstate any fine waived by PSSC. PSSC will notify the Interested Person of the result of this review process and the Interested Person, if it disputes the outcome, will be entitled to a hearing.[236]

Hearings requested for a violation of PSSC Rules in which PSSC is imposing a fine equal to or less than $2,500 (''Minor Rule Violation'') will be held before a panel, composed of three officers of PSSC. One of the members of the panel will act as chairman and conduct the hearing. At the hearing, an officer of PSSC will present the case against the Interested Person. The Interested Person will have an opportunity to be heard and may be represented by counsel. A record will be kept of the hearing. No later than ten business days after the conclusion of the hearing, the panel will provide the Interested Person with a decision. An Interested Person may request a further hearing for any adverse decision by filing a written request within five business days of receipt of the adverse decision. PSSC will notify the Interested Person of the date, time and place of the hearing at least five business days prior to the hearing. The failure of the Interested Person to submit the written request within the required time period will be deemed an election to waive the right to any further hearing.[237]

Any hearing requested in connection with a matter that is not a Minor Rule Violation or an appeal of a Minor Rule Decision will be held before a panel selected from the Board or their designees, with the Chairman of the Board selecting the panel members and

[230] PSSC Rules, at Rule 2.10.2A and Rule 2.5.2A. The reasons for denial in Rule 2.5.2A include: (a) the applicant is subject to any Statutory Disqualification as per Section 3(a)(39) of the Exchange Act, or an order of similar effect issued by a federal or state banking authority, or other examining authority or regulator; (b) the applicant is responsible for (i) making a misstatement of a material fact or omitting a material fact to PSSC in connection with its application to become a Participant or (ii) fraudulent acts or a violation of federal or state law; (c) the applicant or its controlling management has been convicted within the last ten years preceding the filing of the application, or at any time thereafter, of: (i) any criminal offense involving the purchase, sale or delivery of any security, or bribery, burglary or conspiracy to commit any offense referred to in this subparagraph (c); (ii) the larceny, theft, robbery, embezzlement, extortion, fraudulent conversion, fraudulent concealment, forgery or misappropriation of funds, securities or other property; (iii) any violation of Sections 1341, 1342 or 1343 of Title 18 of the U.S. Code; or (iv) any other criminal offense involving breach of fiduciary obligation, or arising out of the conduct of business as a broker, dealer, investment company, adviser or underwriter, bank, trust company, fiduciary, insurance company or other financial institution; (d) the applicant or its controlling management has been permanently or temporarily enjoined or prohibited by order, judgment or decree of any court or other governmental authority of competent jurisdiction from acting as a broker, dealer, investment company, advisor or underwriter, bank, trust company, fiduciary, insurance company or other financial institution, or from engaging or in continuing any conduct or practice in connection with any such activity, or in connection with the purchase, sale or delivery of any security, and the enforcement of such injunction or prohibition has not been stayed; or (e) the applicant has been expelled or suspended from or had its participation terminated by an SRO, or has been barred or suspended from being associated with any member of such an SRO.

[231] PSSC Rules, at Rules 9.3 and 10.1. PSSC Rule 10.1 specifies the request for a hearing will apply to instances where PSSC: (a) proposes to deny the Applicant's application to become a participant pursuant to Rule 2A; (b) summarily ceases to act for or terminates the participant pursuant to Rule 7; (c) ceases to act for or terminate the participant pursuant to Rule 7 other than by summary action; (d) proposes to impose a disciplinary sanction pursuant to Rule 9 (other than to cease to act or terminate as described in (b) and (c) above); (e) determines that the issuer's Eligible Security will cease to be an Eligible Security; or (f) sets a Credit Risk Rating for the participant as described in Rule 5B. PSSC Rules, at Rule 10.1.

[232] PSSC Rules, at Rule 9.4. As set forth in the Application, Section 17A(b)(5)(C) of the Exchange Act permits PSSC summarily to suspend and close the Participant Accounts of a participant that (a) has been and is expelled or suspended from any SRO; (b) is in default of any delivery of funds or securities to PSSC; or (c) is in such financial or operating difficulty that PSSC determines and so notifies the appropriate regulatory agency for such participant that such suspension and closing of Participant Accounts are necessary for the protection of PSSC, its participants, creditors or investors.

[233] PSSC Rules, at Rules 10.1 and 10.2.1.

[234] PSSC Rules, at Rule 10.2.2.

[235] PSSC Rules, at Rule 10.2.3.

[236] PSSC Rules, at Rule 10.3.

[237] PSSC Rules, at Rule 10.4.1.

panel chairman. The panel will not include any person representing the Interested Person or any person who was responsible for imposing the sanction. At the hearing, the Interested Person will be afforded an opportunity to be heard and may be represented by counsel. A record will be kept of any hearing held. The panel will advise the Interested Person of its decision in writing within ten business days of the conclusion of the hearing. The decision of the panel will be communicated in a notice detailing the reasons upon which the decision is based to the Interested Person (''Notice of Decision''). A copy of the Notice of Decision will also be given to the Chairman of the Board. Decisions of the panel are final, but the Board may in its reasonable discretion modify any sanction or reverse any decision that is adverse to the Interested Person.[238]

Any action or proposed action of PSSC in which an Interested Person has the right to request a hearing will be deemed final: (a) when the Interested Person stipulates to the taking of the action by PSSC, at which time PSSC will provide the Interested Person with a notice of decision; (b) upon the expiration of the applicable time period provided in the PSSC Rules for the filing of a written request or a written statement, at which time any such proposed action will become effective and PSSC will provide the Interested Person with a notice of decision; or (c) if a hearing has been held, upon PSSC furnishing the Interested Person with a Notice of Decision.[239]

As described above, PSSC has in its rules established procedures to ensure that any participant assessed with a rule violation receives notice of the alleged violation, and is afforded an opportunity to contest the allegations, including by requesting a hearing at which the participant may be represented by counsel. PSSC's procedures address the disciplining of participants, denial of participation, and prohibitions or limitations imposed by the clearing agency with respect to access to services offered by the clearing agency. The Commission therefore determines that PSSC Rules provide a fair procedure consistent with Section 17A(b)(3)(H) of the Exchange Act.

G. Burden on Competition

1. Statutory Standard: Section 17A(b)(3)(I)

Section 17A(b)(3)(I) of the Exchange Act states that a clearing agency shall not be registered unless the Commission determines that the rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[240] In addition, Section 17A(a)(2) of the Exchange Act directs the Commission, having due regard for the maintenance of fair competition among brokers, dealers, clearing agencies, and transfer agents, to use its authority under the Exchange Act to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (''National System'') and to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions in securities.[241]

2. Summary of Application and Analysis

As described throughout this order, PSSC proposes to operate a registered clearing agency from within another registered clearing agency and to offer a novel settlement system within that structure. In assessing whether the rules of a clearing agency impose or do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act under Section 17A(b)(3)(I) of the Exchange Act, the Commission considers the impact of the Applicant's rules on competition among brokers, dealers, clearing agencies, and transfer agents, and on competition between the Applicant and these entities.[242] Where there is a burden on competition, the Commission must determine if that burden is necessary or appropriate consistent with the determination required by Section 17A(b)(3)(I) of the Exchange Act.[243] In so doing, the Commission assesses the benefits that arise from the applicant acting as a registered clearing agency in the National System and the necessity or appropriateness of any burdens on competition that the applicant may impose on the National System.[244]

The Application states that the technology and data processing techniques represented by its settlement system have the potential to provide unique advancements in the clearance and settlement of securities transactions, including facilitation of more efficient settlement, immediacy of access to settlement proceeds, greater data accuracy and transparency, advanced security and increased levels of availability and operational efficiency.[245] Specifically, PSSC identifies benefits such as (i) participants' ability to process settlements on a variety of timeframes (*e.g.,* T, T+1, or longer), (ii) PSSC providing DVP settlement finality by exchanging cryptographically secure digital representations of eligible securities and cash, which are memorialized in immutable records written to the Paxos Ledger, and after final settlement, settlement proceeds and need not wait until end of day batch processes have been completed; (iii) lower operating costs, which will deliver significant cost efficiencies to participants; (iv) participants having credit exposures to only those other participant counterparties they have approved in advance and having no exposure to PSSC itself; and (v) participants' margin requirements would be highly transparent and, because of PSSC's bilateral settlement model, reduced from current industry levels, thereby freeing up capital for its participants.[246]

The Commission received two comment letters on the Application, one of which expressed general support for its impact on innovation, the

[238] PSSC Rules, at Rule 10.4.2.

[239] PSSC Rules, at Rule 10.5.

[240] 15 U.S.C. 78*q*–1(b)(3)(I).

[241] 15 U.S.C. 78*q*–1(a)(2).

[242] *See, e.g.,* GSCC Order, 53 FR at 19845.

[243] *See Bradford Nat'l Clearing Corp.* v. *SEC.,* 590 F.2d 1085 (D.C. Cir. 1978) (explaining that Congress intended to give the Commission ''exceptionally broad powers'' to determine the precise structure of the National System and placed ''slightly more emphasis on rapid development and national availability'' with respect to the National System than the national market system).

[244] In assessing benefits and burdens, the Commission can consider a variety of factors, such as the efficiency and costs of the current National System, emerging operational innovations, emerging technologies, new business models and entrants, and investor protections. For example, Commission staff have previously observed that, to the extent consolidation and heightened regulation of current clearing agencies may serve as barriers to entry in the market for clearance and settlement—further raising the potential for a clearing agency to be the sole provider of a given service—new technologies, such as distributed ledger technology, may present opportunities to mitigate the risk of resulting single points of failure. *See, e.g.,* Staff Report on the Regulation of Clearing Agencies, at 23–24 (Oct. 2020). Distributed ledger technology may have the potential to reduce certain risks in clearance and settlement, and it also can introduce new questions regarding scalability, information security, interoperability, governance, and the application of Commission rules for clearing agencies. *See, e.g.,* The Depositary Trust Company, SEC Staff No-Action Letter (Dec. 11, 2025), *https://www.sec.gov/files/tm/no-action/dtc-nal-121125.pdf;* Paxos Trust Company, LLC, SEC Staff No-Action Letter (Oct. 28, 2019), *https://www.sec.gov/divisions/marketreg/mr-noaction/2019/paxos-trust-company-102819-17a.pdf;* DTCC, Project ION Case Study (May 2020), *https://www.dtcc.com/~/media/Files/Downloads/settlementasset-services/user-documentation/Project-ION-Paper-2020.pdf.*

[245] *See* Application, Exhibit J.

[246] Application, Exhibit J, at 3. In this order, the Commission does not intend to predict the degree to which the benefits described by PSSC in its Application may materialize.

prospective benefits of PSSC's services to the market, and its impact on competition.[247] The commenter stated that approval of the Application would represent an important step forward in modernizing U.S. capital markets and enable flexibility in clearing cycles through the advent of sophisticated real-time netting and settlement capabilities, which would present an alternative to clearing through the registered clearing agency subsidiaries of DTCC.[248] This competition, the commenter stated, can help lower costs, accelerate the transition toward real-time settlement, and ultimately reduce expenses for retail investors. Additionally, the commenter stated that the presence of a ''technologically advanced'' clearing agency could incentivize ''legacy'' providers to modernize and improve services, and that timely competition and technological advancement are essential to protecting market integrity and investor interests.

The Commission agrees with the commenter generally that PSSC presents an alternative to other clearing agencies through which market participants clear and settle their transactions, and that competition and technological advancement may facilitate improved efficiencies and lower costs in the National System, which is an essential component to protect market integrity and investor interests. The benefits derived from PSSC operating in the National System, however, need to be balanced against any burdens on competition imposed by PSSC Rules, including the ability to access PSSC's services, the denial or conditioning of participation in the clearing agency, the allocation of fees, dues and charges among its participants, and the impact of PSSC's operations on other non-PSSC member market participants in the National System, including brokers, dealers, and other clearing agencies.

The Application states that all qualifications for participation identified in its Application pertaining to participant eligibility, initial and ongoing participant standards, and assurances of financial responsibility and operational capability are based substantially on the Commission approved rules of other registered clearing agencies.[249] PSSC states that this would promote consistency and coordination of access standards within the National System and allow eligible market participants to gain access on substantially similar terms to multiple clearing agencies that provide services within the market for U.S. equities.[250] PSSC believes that its approach reduces compliance burdens that would arise that would arise if different standards applied within the same market.[251]

As discussed in Part III.B, PSSC Rules establish standards for initial and ongoing participation as a PSSC participant. PSSC Rules permit all of the participant categories required by Section 17A(b)(3)(B) of the Exchange Act to be PSSC participants.[252] As contemplated by Section 17A(b)(4)(B), PSSC Rules also state that PSSC may deny participation, or condition participation on: (i) legal and regulatory standing; (ii) financial responsibility standards; (iii) general operational capabilities; (iv) adequacy of personnel; (v) risk management framework; (vi) business history evidencing experience and competence. Furthermore, each PSSC participant must comply with ongoing informational, financial and operating requirements set forth in PSSC Rules.[253]

PSSC Rules may impact competition among market participants by providing access to its clearing services primarily to those market participants that already have accounts at DTC because PSSC Rule 2.7A states that an applicant for participation in PSSC will be qualified if it is a DTC participant that maintains a DTC Account that is eligible for book-entry services.[254] For that reason, market participants that are not already themselves DTC participants may be discouraged from participation in PSSC due to the potential costs associated with establishing and maintaining an account at DTC; alternatively, access to PSSC services may incentivize market participants that do not currently maintain a DTC account to establish participation at both clearing agencies. In either case, such a burden on competition can be consistent with, the Exchange Act, including Exchange Act Sections 17A(b)(3)(B), 17A(b)(4)(B), and 17A(b)(3)(F) thereof.[255] Establishing initial and ongoing participant standards, particularly those related to financial and operational competency, help ensure that PSSC Rules are designed to sufficiently protect PSSC and its participants from risks associated with failure to meet those competencies. Such participation requirements also enable PSSC to manage, mitigate, and where possible, reduce the risk it faces in its capacity as a clearing agency.

As discussed above, one of PSSC's initial participation standards requires that an applicant for PSSC participant status also be a DTC participant that maintains a DTC account eligible for book-entry services.[256] According to the Application, the purpose of this dual membership is to facilitate movement of eligible securities to and from PSSC's own DTC account.[257] Since the DTC participation requirements also will apply to all market participants seeking to become a participant of PSSC, PSSC Rules may impact competition among market participants to the extent they provide participants in PSSC, DTC, or other clearing agencies a choice among different clearing services. Such choice presents opportunities for innovation in the provision of clearing agency services to market participants.[258]

While access to these services is necessarily limited to those market participants that are also PSSC and DTC participants, this potential burden on competition would be alleviated to the extent the benefits accruing from the addition of PSSC to the National System extend to the market generally. For example, market participants can still use PSSC services indirectly as a customer of a PSSC participant, and as such may benefit from efficiencies and cost savings that may arise from use of PSSC. Market participants also may benefit generally from any efficiencies or reduced operational, risk management, and regulatory costs that arise from such attempts at innovation when using the services of DTC indirectly as well.

With regard to the impact of PSSC's fees, dues, and other charges, as discussed in Section III.D above, on competition, the Application provides its ''Schedule of Fees'' that include settlement fees, failure to settle charges, and certain fines for failure to provide reports and information.[259] PSSC also states that it believes that the fees contained in its service provider contracts are reasonably designed to allow PSSC to satisfy the requirements of Exchange Act Section 17A(b)(3)(D) that its rules must provide for the equitable allocation of reasonable dues,

[247] Robinhood Letter at 1.

[248] *Id.*

[249] Application, Exhibit O.

[250] *Id.*

[251] *Id.*

[252] PSSC Rules, at Rule 2.A.

[253] *See* PSSC Rules, at Rules 2, 2.A, 2.B, and 2.C; *see also supra* Part III.B (describing PSSC's initial and ongoing participation standards and compliance with Section 17A(b)(3)(B) of the Exchange Act).

[254] *Cf.* Robinhood Letter at 1 (stating that PSSC's capabilities present an alternative to clearing through DTCC and that this competition can help lower costs).

[255] 15 U.S.C. 78*q*–1(b)(3)(B), (b)(4)(B), (b)(3)(F).

[256] PSSC Rules, at Rule 2.7A.

[257] *Id.*

[258] *See supra* note 244 (describing recent steps both PSSC and DTC have taken regarding their use of innovative clearing agency services).

[259] *See* Application, Exhibit E.13.

fees, and other charges, which in part requires management of the costs incurred by the clearing agency in service relationships to ensure that the fees charged to participants are reasonable.[260] Additionally, PSSC indicates that it does not fix any prices, rates or fees for services rendered by its Participants.[261] Given that PSSC's dues, fees, and other charges are assessed on a quantitative or activity-based methodology, and that the Application states that PSSC does not currently fix any prices, rates, or fees for services provided by its participants to their customers, PSSC Rules do not impose a burden on its participants that is not necessary or appropriate.[262]

Finally, the Commission must assess whether PSSC imposes a competitive burden on other clearing agencies. While PSSC has established its own membership standards and operational and risk management rules, the Application explains how various aspects of PSSC's operations also rely on DTC to perform certain services and functions that would otherwise need to be performed by PSSC. As discussed more fully in Section III.A, B, and F, PSSC relies on, among other things, DTC's participant eligibility determinations, securities eligibility standards and determinations, certain depository functions, corporate action processing, and risk management.[263] For example, PSSC Rules provide that (i) only DTC participants are eligible for admission as a PSSC participant; (ii) only securities eligible for deposit at DTC are eligible for clearance and settlement services at PSSC; and (iii) all corporate actions must be processed using DTC services and systems.[264] Therefore while the cost of DTC's services, operations, and regulatory compliance is borne by all DTC participants, those DTC participants that are also PSSC participants benefit the most directly from the potential lower cost of settlement at PSSC.[265] The benefit of these lower costs to PSSC participants, however, may be offset by the cost of having to be a participant in two clearing agencies (*i.e.,* DTC and PSSC) and, as such, bear the cost of complying with rules of both clearing agencies.

Clearing agencies, including DTC, retain the ability to adapt services in response to the use of PSSC's clearing agency so long as any related changes are consistent with the Exchange Act.[266] For example, pursuant to Section 19(b)(4) and Rule 19b–4 under the Exchange Act, a clearing agency whose participants are also clearing agencies could consider proposed rule changes related to their standards and qualifications for participation or to the risk monitoring or management tools to better address the risks and other effects of having clearing agencies as their participants.[267] Registered clearing agencies are also obligated by the Exchange Act and Commission rules to facilitate linked and coordinated systems for clearance and settlement, and to manage the risks that may result from such linkages.[268] In the case of PSSC and DTC specifically, DTC and PSSC may use the DTC participant application process to address concerns associated with any PSSC Rules, policies, or procedures that could impact the obligations of DTC, PSSC, or both to comply with their obligations as registered clearing agencies under the Exchange Act or Commission rules. DTC has established a variety of participant membership categories, including for clearing agencies as participants, and as such has rules, policies, and procedures to address specialized circumstances associated with clearing agency participants, and these rules, policies, and procedures would necessarily assist PSSC in its review of PSSC's participant application.[269]

As set forth in Section 17A(a)(1) of the Exchange Act, new data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement, and linking of clearance and settlement facilities and the development of uniform standards and procedures will reduce unnecessary costs and increase the protection of investors.[270] Accordingly, the Commission has long supported innovations in technology and operations, and in particular, those that promote risk mitigation, efficiencies and cost reductions in the National System and that further the objectives of Section 17A of the Exchange Act.[271] Competition often helps to produce such results, and the requirements of the Exchange Act and Commission rules thereunder help facilitate this competition and innovation consistent with the purposes of the Exchange Act, such as facilitating a linked and coordinated National System and the prompt and accurate clearance and settlement of securities transactions.

As noted above, the Application and PSSC Rules pertaining to participant eligibility, initial and ongoing participant requirements, and dues, fees, and other charges meet the standards set forth in Section 17A(b)(3) of the Exchange Act, and as such, to the extent they impose a burden on competition, impose one that is

[260] Application, Exhibit C.1, at 6.

[261] *See* Application, Exhibit Q.

[262] The Application also states that, as of the time of filing, there are no prohibitions or limitations on access to services offered by PSSC participants. *See* Application, Exhibit R.

[263] In addition, the DTCC Letter also describes PSSC as ''leverag[ing] participation in DTC to enable [PSSC's] clearance and settlement operations. *See* DTCC Letter at 2.

[264] As explained more fully in Sections III.A and E above, PSSC does not provide corporate action processing. As a result, securities held in PSSC account at DTC on behalf of PSSC participants that are subject to a corporate action will have to be moved out of PSSC's account at DTC and into the PSSC participant's account at DTC for processing. Upon completion of the corporate action processing, the PSSC participant would need to instruct DTC to move such securities back to PSSC's account at DTC for the benefit of the PSSC participant. *See also* DTCC Letter at 2 (providing its views regarding PSSC's proposed approach to corporate actions based in DTC's experience with corporate actions processing).

[265] PSSC's approach to settlement may enable PSSC participants to submit to PSSC transactions that carry relatively lower market, credit, or liquidity risk, while continuing to submit to NSSC and/or DTC transactions with comparatively higher market, credit, or liquidity risk.

[266] The Commission's announcement of the standards to be used by the Division of Market Regulation (now the Division of Trading and Markets) in connection with the registration of clearing agencies discussed the Division's belief that a clearing agency's registration should qualify it for participation in (or interface with) other registered clearing agencies. The Division recognized, however, that the contra clearing agency has as interest in assuring itself that the participant clearing agency will be able to meet its obligations. For this reason, the Division determined that clearing agencies may require reasonable assurances of another clearing agency's ability to meet its obligations or the obligations of its participants, provided any such requirement is designed and administered in a manner that facilitates the establishment of the National System and that it does not unfairly discriminate among clearing agencies or in appropriately burden competition among them. Standards Release, *supra* note 26, at 419. Each clearing agency would appear to be well situated to propose safeguards necessary an appropriate to minimize its exposure to the particular risks presented by another clearing agency in an interface arrangement. Release No. 34–76514 (Nov. 24, 2015), 80 FR 75401, 75420 (Dec. 1, 2015).

[267] Rule 19b–4 and Form 19b–4, Section 4, requires any proposed rule changes filed by an SRO to include to include a statement on the burden on competition. Specifically the filing must (i) state whether a proposed rule change will have an impact on competition and if so, whether it will relieve any burden on or otherwise promote, competition and (ii) specify the particular categories of persons and kinds of business on which any burden will be imposed and the ways in which the proposed rule change will affect them. *See* 17 CFR 240.19b–4.

[268] *See* 17 CFR 240.17ad–22(e)(20).

[269] *E.g.,* DTCC Letter at 2 (describing aspects of the process for reviewing and onboarding new DTC participants).

[270] 15 U.S.C 78*q*–1(a)(1).

[271] *See, e.g.,* Release No. 34–78961 (Sept. 28, 2016), 81 FR 70786, 70867 (Oct. 13, 2016) (explaining that the Commission is scoping the elements of Rules 17Ad–22(d) and (e) to preserve the potential for the continuing development of the National System and maintaining innovation in the operation of registered clearing agencies).

necessary or appropriate in furtherance of the purposes of Section 17A of the Exchange Act. To the extent PSSC's intention to use the services of another clearing agency imposes any burden on competition, such burden could be managed or mitigated by such other clearing agency, such as when considering applications for participation or considering proposed changes to its rules pursuant to the Section 19(b) rule filing process. Because of the potential for new business models and new technologies to promote efficiencies or innovations that contribute to the ongoing development of the National System that can benefit market participants, investors, and the public, the potential burden on competition with respect to other clearing agencies can be necessary and appropriate when such business models and technologies also are consistent with the rules and requirements applied to registered clearing agencies in the Exchange Act and Commission rules thereunder. Accordingly, for the reasons discussed above, and based on the facts and circumstances presented by this Application, the Commission determines, pursuant to Section 17A(b)(3)(I) of the Exchange Act, that the Application, and PSSC's registration as a clearing agency, do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 17A of the Exchange Act.[272]

IV. Request for Temporary Registration

PSSC has requested, pursuant to Rule 17Ab2–1(c), that the Commission grant PSSC temporary registration as a clearing agency, which would enable PSSC to undertake the actions described as part of the Ramp-Up Period and in the PSSC Response Letter.[273] For the reasons discussed below, pursuant to Section 17A(b) of the Exchange Act and Rule 17Ab2–1(c) thereunder, the Commission is granting PSSC's request for temporary registration as a clearing agency and finds that an exemption from the requirements of Sections 17A(b)(3)(A) and (F) is consistent with the public interest, the protection of investors and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.[274]

As discussed throughout this order, the Application includes novel elements. Among others, these include its planned approach to operate as a registered clearing agency as a participant of another clearing agency (*i.e.,* DTC), its use of new technologies to facilitate securities and cash ''digitization'' on the Paxos Ledger through a cloud services provider, a settlement system oriented around CP Pairs, and the use of both margin collection and an optional netting functionality outside of the typical central counterparty structure. The Commission is mindful that PSSC's Application is one among a number of efforts exploring the ways in which the tokenization of securities may advance the development and adoption of new technologies that can reduce costs and improve efficiency while continuing to promote investor protection.[275] If successful, such efforts may unlock new efficiencies consistent with the Congressional findings in Section 17A of the Exchange Act, which state that new data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement. PSSC has explained in its description of the Ramp-Up Period the material elements of the work that remains before it can begin operations. Including the detailed description of the Ramp-Up Period alongside the information and documents required to be provided as part of Form CA–1 provides sufficient evidence that PSSC would attempt to ''faithfully execute[]'' those steps to initiate operations of its clearing agency.[276] Consistent with the Congressional findings that begin Section 17A of the Exchange Act, the Commission has, since the enactment of the Securities Act Amendments of 1975, supported the further development of a national system for clearance and settlement that promotes innovation and the development of new technologies, operational systems, and business models that increase efficiency and reduce costs consistent with the purposes of the Exchange Act, including investor protection.[277]

Nevertheless, in promoting innovation, the Commission also must continue to ensure that any innovative developments within the National System continue to promote the prompt and accurate clearance and settlement of securities transactions and the establishment of linked and coordinated facilities in the National System, while at the same time, maintaining due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and the maintenance of fair competition among brokers, dealers, and clearing agencies. As described in Part III.A.3.i), PSSC has committed to completing the specific actions described in the Ramp-Up Period, during which the Commission can assess PSSC's progress in completing the development of its core services for clearance and settlement, including any relationships, systems, operations, and policies and procedures necessary to ensure it is able and likely to comply with the requirements set forth in Sections 17A(b)(3)(A) and (F) of the Exchange Act.[278] During the Ramp-Up Period, PSSC has included limitations on its activity to ensure that the development of its service supports the public interest and the protection of investors: specifically, PSSC states that it would not commence operations sooner than ten months from the date of any approval of its Application while it completes certain actions, and then, for a period of not less than 12 months, it would limit the number of participants to ten and not permit enhanced netting.

In addition, while it undertakes to complete these steps as a registered clearing agency, PSSC must continue to satisfy its obligations under Rule 17Ab2–1 and Form CA–1, including submission of any amendments to its Form CA–1 application as it completes the actions described in the Ramp-Up Period. For example, consistent with the requirements of Rule 17Ab2–1(e), and the instructions on Form CA–1, PSSC is required to amend its Application following any material changes to the descriptions in its Application, including but not limited to any modifications to the descriptions of the Ramp-Up Period.

As a registered clearing agency and self-regulatory organization, PSSC also will be obligated during the Ramp-Up Period to file changes to its rules, policies, and procedures pursuant to Section 19(b) and Rule 19b-4 under the Exchange Act.[279] In so doing, its efforts

[272] 15 U.S.C. 78*q*–1(b)(3)(I).

[273] *See supra* notes 33, 218–219, and accompanying text. In addition, as discussed further in Part III.E.2.c), PSSC also will need to demonstrate that its corporate actions processing and netting service fully address the comments received.

[274] See 15 U.S.C. 78*q*–1(b)(1).

[275] *See supra* note 244 (describing other efforts, including a tokenization pilot by DTC).

[276] *See supra* notes 31–32 and accompanying text (quoting *Bd. of Trade of City of Chicago* v. *SEC.*).

[277] *See, e.g.,* GSCC Order, 53 FR at 19843.

[278] *See, e.g.,* PSSC Response Letter at 2, 4 (explaining that PSSC would engage with DTCC regarding its DTC application, address any examples identified by DTCC for its corporate actions processing in its operations-level procedures, and clarify the cut-off times in its procedures and in communications with PSSC participants during the Ramp-Up Period).

[279] *See id.; see also* 15 U.S.C. 78*s*.

under the Ramp-Up Period will be the subject of public comment and specific processes to ensure that the final development of its clearing agency is consistent with the Exchange Act. PSSC also would be subject to recordkeeping requirements, Commission supervision as a registered clearing agency, and examinations under the Exchange Act. Therefore, the Commission is granting PSSC's request for temporary registration with an exemption from the requirements of Sections 17A(b)(3)(A) and (F) for a period of 18 months.[280]

V. Conclusion

For the reasons discussed above, pursuant to Section 17A(b) of the Exchange Act and Rule 17Ab2–1(c) thereunder, the Commission is exempting PSCC from the requirements of Sections 17A(b)(3)(A) and (F) and has determined that PSSC's Application otherwise satisfies the requirements of Section 17A of the Exchange Act and the rules and regulations thereunder. Accordingly, the Commission is granting PSSC's request for temporary registration for a period of 18 months.[281]

It is therefore ordered, pursuant to Sections 17A and 19(a) of the Exchange Act and Rule 17Ab2–1(c) thereunder, that the application for temporary registration as a clearing agency filed by Paxos Securities Settlement Company, LLC (File No. 600–39) be, and hereby is, *approved,* and that PSSC is granted exemptions from the requirements in Sections 17A(b)(3)(A) and (F) of the Exchange Act for the reasons described in this order and subject to the terms and other qualifications set forth in the Application, to be effective for not more than 18 months from the date of this order.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–10808 Filed 5–28–26; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 13026]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Modernity and Opulence: Women of the Wiener Werkstätte'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Modernity and Opulence: Women of the Wiener Werkstätte'' at The Jewish Museum, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–10721 Filed 5–28–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 13022]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''The Statue of Liberty from Bartholdi to Warhol'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''The Statue of Liberty from Bartholdi to Warhol'' at the Amon Carter Museum of American Art, Fort Worth, Texas; the Denver Art Museum, Denver, Colorado; the Munson, Utica, New York; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–10720 Filed 5–28–26; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36873]

Union Pacific Corporation and Union Pacific Railroad Company—Control—Norfolk; Southern Corporation and Norfolk Southern Railway Company

AGENCY: Surface Transportation Board.

ACTION: Decision No. 21 in Docket No. FD 36873 Notice of Acceptance of Revised Application and a Related Filing; Holding Proceedings in Abeyance; Requiring Supplemental Information; and Ruling on a Communications Motion Related to the Proceedings.

SUMMARY: The Surface Transportation Board (the Board) is, among other things, accepting for consideration the revised, primary application filed on April 30, 2026 (the Revised Application), by Union Pacific Corporation (UPC) and Union Pacific Railroad Company (UP) (collectively, Union Pacific) and Norfolk Southern

[280] The requirements of Sections 17A(b)(3)(A) and (F) are discussed above in Part III.A and Part III.E. respectively.

[281] 15 U.S.C. 78*q*–1(b)(2).

Corporation (NSC) and Norfolk Southern Railway Company (NS) (collectively, Norfolk Southern) (Union Pacific and Norfolk Southern collectively, Applicants). The Revised Application seeks Board approval for (i) the acquisition of control by UPC of NSC, and through NSC of NS and NS's rail carrier subsidiaries, and (ii) the resulting common control by UPC of UP and NS and the consolidation of the rail operations of UP and NS. This proposal is referred to as the Transaction. The Board is also accepting a related application. This decision embraces *Union Pacific Corp.—Control—Peoria & Pekin Union Railway,* Docket No. FD 36873 (Sub–No. 1). However, the Board will hold both proceedings, including the environmental review of the Transaction, in abeyance pending further Board order and will seek supplemental information from Applicants by July 27, 2026.

DATES: The effective date of this decision is May 28, 2026. Applicants must provide the information discussed below by July 27, 2026.

ADDRESSES: Any filing submitted in the primary or related proceeding, referring to Docket No. FD 36873, must be filed with the Board either via e-filing on the Board's website or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of each filing must be sent (and may be sent by email only, if service by email is acceptable to the recipient) to each of the following: (1) Secretary of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3109, Department of Justice, Washington, DC 20530; (3) UP's representative, Michael L. Rosenthal, Covington & Burling LLP, One CityCenter, 850 Tenth Street NW, Washington, DC 20001; (4) NS's representative, Raymond A. Atkins, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005; (5) any other person designated as a Party of Record on the service list; [1] and (6) the assigned administrative law judge (ALJ), the Hon. Jenifer Soulikias, at *alj.soulikias.inbox@stb.gov.*

[1] The Board has received numerous submissions through its e-filing system that do not include the required certificate indicating that parties of record have been served. Submissions without a certificate of service will not appear as filings and will not be considered by the Board. *See Union Pac. Corp.—Control—Norfolk S. Corp.,* FD 36873 et al., slip op. at 1–2 (STB served Mar. 17, 2026). Commenters who need assistance with the Board's filing requirements may contact the Board's Rail Customer and Public Assistance service at *rcpa@stb.gov* or (202) 245–0238.

FOR FURTHER INFORMATION CONTACT: Nathaniel Bawcombe at (202) 915–3555. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: On July 30, 2025, Applicants filed a notice of intent to file their original application (the Application). By decision served August 28, 2025, the Board found the Transaction to be a ''major'' transaction under 49 CFR 1180.2(a), as it is a control transaction involving two or more Class I railroads. UPC presently controls UP, a Class I railroad, and proposes to acquire common control of NS, also a Class I railroad. *See Union Pac. Corp.—Control—Norfolk S. Corp.* (*Decision No. 3*), FD 36873, slip op. at 2 (STB served Aug. 28, 2025). The Board took other actions in *Decision No. 3* including (1) assigning Judge Soulikias as ALJ to provide initial resolution of discovery disputes and (2) requiring Applicants to file additional information, generally, concerning their systems, traffic, and interchange commitments. *Id.* at 2–4.

Applicants filed the Application on December 19, 2025, seeking authority for the Transaction. Stakeholders filed comments concerning completeness, and Applicants filed a response.

The Board rejected the Application in a decision served on January 16, 2026, finding that it was incomplete because it did not contain certain information required by the Board's regulations. *See Union Pac. Corp.—Control—Norfolk S. Corp.,* (*Decision No. 9*), FD 36873 et al., slip op. at 1 (STB served Jan. 16, 2026). Specifically, the Application was incomplete because the impact analyses proffered to satisfy 49 CFR 1180.7(b) did not contain market share projections for the entity to be created by the Transaction that were consistent with the claims elsewhere in the Application that the new entity would experience growth by diverting traffic from trucks and other rail carriers. *Id.* at 1–2. The Application was also incomplete because it did not contain the entire merger agreement required by 49 CFR 1180.6(a)(7)(ii), including certain documents that were expressly defined to be part of the merger agreement and that defined Applicants' obligations under it. *Id.* at 2. The Board also rejected two related applications through which Applicants sought to acquire control of the Peoria and Pekin Union Railway Company (PPU) in Docket No. FD 36873 (Sub–No. 1) and the Terminal Railroad Association of St. Louis (TRRA) in Docket No. FD 36873 (Sub–No. 2). *Id.*

The Board stated that its rejection was without prejudice to Applicants filing a revised application. *Id.* The Board provided that, if Applicants were to refile, they must also clarify a number of smaller and technical issues not raised by commenters. *Id.* at 2 n.3, Technical App. The Board also noted that Applicants could make ''additional changes to improve their Application now that they have received comments from other stakeholders.'' *Id.* at 12.

On March 18, 2026, the Board, among other things, sought transaction-related documents to facilitate its review. *See Union Pac. Corp.—Control—Norfolk S. Corp.,* FD 36873 et al. (*Decision No. 13*), slip op. at 5–7 (STB served Mar. 18, 2026). Applicants filed responsive materials on April 7, 2026. BNSF Railway Company (BNSF) replied with a motion to enforce *Decision No. 13,* arguing that Applicants likely possess more documents responsive to *Decision No. 13* than were produced, given the magnitude of the Transaction. (BNSF Mot. 2–3, Apr. 27, 2026.) Canadian Pacific Railway Company d/b/a Canadian Pacific Kansas City and CPKC (CPKC) filed in support of BNSF's motion on April 28, 2026. On May 8, 2026, Applicants replied in opposition to BNSF's motion and CPKC's response, arguing that they complied with *Decision No. 13.*

On April 30, 2026, Applicants filed the Revised Application, asserting that it contains the additional information requested in *Decision No. 9* as well as supplemental analyses in response to comments received on the Application. (Rev. Appl. 1–12.) [2] On the same date, the Board issued a decision permitting comments, limited to whether the Revised Application contains the information required in 49 CFR part 1180, to be filed by May 8, 2026, and permitted Applicants to file a reply by May 12, 2026. *See Union Pac. Corp.—Control—Norfolk S. Corp.* (*Decision No.*

[2] Citations to the Revised Application refer to the volume number and page number that appear on the bottom right-hand corner of each page. For example, ''Rev. Appl. 1–12'' refers to Revised Application, Volume 1, page 12. Citations to an entire component of the Revised Application refer to the Revised Application volume number and exhibit number, if applicable. For example, ''Rev. Appl., Vol. 4, Ex. 7 (Form S–4)'' refers to the entirety of exhibit 7.

While attempting to avoid references to confidential or highly confidential information in Board decisions, the Board reserves the right to rely upon and disclose such information in decisions when necessary. *See Consumers Energy Co.* v. *CSX Transp., Inc.,* NOR 42142, slip op. at 1 n.2 (STB served Jan. 11, 2018). In this case, the Board determined that it could not adequately present its findings with respect to the issues without disclosing certain information designated as confidential.

17), FD 36873 et al., slip op. at 2 (STB served Apr. 30, 2026).[3]

The Transaction. As Applicants explain in the Revised Application, they are seeking approval under 49 U.S.C. 11323–25 [4] for (i) the acquisition of control by UPC of NSC, and through NSC of NS and NS's rail carrier subsidiaries, and (ii) the resulting common control by UPC of UP and NS and the consolidation of the rail operations of UP and NS. (Rev. Appl. 1–12.)

UP operates approximately 32,880 miles of railroad in 23 states, primarily in the western United States. (*Id.* at 1–68, 1–70.) It has eight principal routes. (*Id.* at 1–70.) [5] Three of these routes are anchored in Chicago, Ill., and extend between Chicago and Granger, Wyo., before branching to the ports and terminals of Seattle, Wash., and Portland, Or., in the Pacific Northwest; Oakland in northern California; and Los Angeles in southern California. (*Id.* at 1–70 to 1–71.) UP also has three routes anchored in Los Angeles including UP's main line between Los Angeles and El Paso, Tex., before branching to Chicago via Kansas City, Mo., and St. Louis, Mo.; Memphis, Tenn., via central Texas and Shreveport, La.; and New Orleans, La., via south Texas. (*Id.* at 1–71.) UP also has a route between border crossings in Mexico and Chicago via Memphis and St. Louis, and a route between Seattle and Los Angeles. (*Id.*)

UP also has secondary routes between Denver, Colo., and Salt Lake City, Utah; between Denver and Kansas City; and between Minnesota/Iowa and Texas. (*Id.*) Additionally, UP has a network of feeder lines in northern Iowa, Minnesota, and Wisconsin, and feeder lines in Idaho and Montana, including a line to the Canadian border at Eastport, Idaho. (*Id.*)

NS operates approximately 19,200 route miles in 22 eastern states and the District of Columbia. (*Id.*) Three of its four principal routes form a triangle covering the eastern United States and extend between (1) Chicago and Atlanta, Ga.; (2) Atlanta/Chattanooga, Tenn., and the Northeast; and (3) the Northeast and Chicago. NS also has a route between Chicago and Norfolk, Va. (*Id.*) Furthermore, NS serves gateways that connect to these principal routes, including in New England and parts of the south and central United States. (*Id.*) Finally, NS has feeder routes that serve origins or destinations including Birmingham, Ala.; Mobile, Ala.; Charleston, S.C.; and Savannah, Ga. (*Id.*)

The Transaction involves UPC's acquisition and exercise of control of NSC and its direct and indirect rail carrier subsidiaries. (*Id.* at 1–29.) To carry this out, UPC, Ruby Merger Sub 1 Corporation (Merger Sub 1, a direct, wholly owned subsidiary of UPC), Ruby Merger Sub 2 LLC (Merger Sub 2, a direct, wholly owned subsidiary of UPC), and NSC are parties to a merger agreement, which they have included with the Revised Application. (*Id.* at 1–29; *id.,* Vol. 4 Agreement and Plan of Merger.) Upon satisfaction of certain conditions and Board approval, the merger agreement calls for UPC to acquire NSC through the merger of Merger Sub 1 with and into NSC (First Merger). (*Id.* at 1–29.) NSC will survive the First Merger and become a direct, wholly owned subsidiary of UPC. (*Id.*) Upon completion of the First Merger, NSC will merge with and into Merger Sub 2, with Merger Sub 2 surviving as a direct, wholly owned subsidiary of UPC. (*Id.*)

Upon consummation of the Transaction, UP and NS rail operations will be consolidated as set forth in the Operating Plan and Service Assurance Plan, both included with the Revised Application. (*Id.* at 1–30; *id.,* Vol. 2, Ex. 13, Operating Plan; *id.,* Vol. 2, Service Assurance Plan.)

Terminal Railroads and TTX Company. Applicants note that they collectively own more than 50% of the shares of two terminal railroads, (a) PPU, which is owned 12.5% by UP and 40.64% by NS, and (b) TRRA, which is owned 42.84% by UP and 14.29% by NS. (*Id.* at 1–30.) Applicants filed related minor applications to control PPU and TRRA with the Application filed in December but, in *Decision No. 9,* the Board concluded that the related TRRA transaction should be classified as a ''significant'' transaction under the Board's regulations. *Decision No. 9,* FD 36873 et al., slip op. at 11. In that decision, the Board acknowledged that Applicants had stated their intention to divest NS's ownership interest in TRRA to reduce their collective ownership to below 50% but noted that Applicants did not offer to condition the transaction on such divestiture. *Id.*

In the Revised Application, Applicants again submit a ''minor'' application for control of PPU in Docket No. FD 36873 (Sub–No. 1).[6] Applicants explain that they still intend to divest as much of NS's ownership interests and governance rights in PPU as is required so that the combined UP/NS would not permanently have a controlling stake in PPU, unless PPU's other current owner declines to acquire the additional shares. (Rev. Appl. 1–32.) However, Applicants state that they might need authority to control PPU before divestiture can occur or if PPU's other current owner declines to acquire the necessary shares. (*Id.*) Applicants state that, if they are unable to divest shares before a decision permitting consummation of the Transaction, they are willing to accept conditions on their acquisition of control to ensure that (1) PPU's owners have equal access to PPU's rail lines and other facilities, (2) PPU is operated without discrimination toward any railroad, and (3) the acquisition of control would not otherwise have any anticompetitive effects. (*Id.* at 1–81.)

The Revised Application does not include a related application for authority to control TRRA. Instead, Applicants state that they are ''definitively committing not to acquire control of TRRA.'' (*Id.* at 1–16.) Applicants indicate that they voluntarily commit to divest or otherwise relinquish control of sufficient ownership interests and governance rights in TRRA in connection with consummating the Transaction. (*Id.* at 1–31.) They ask that the Board expressly impose this ''TRRA Commitment'' as a condition on any approval authority, and to condition their consummation of the Transaction on the TRRA Commitment. (*Id.* at 1–31, 1–78, 1–79.) [7]

Applicants state that, through the Transaction, they would collectively own 50% of a third terminal railroad, Kansas City Terminal Railway (KCT). (Rev. Appl. 1–32.) They claim, however, that this change would not give them control of KCT and thus does not require a control application or other authorization. (*Id.* at 1–32, 1–84 to 1–86.)

Additionally, Applicants explain that while they would acquire more than 50% ownership of TTX Company (TTX), a noncarrier rail car-pooling entity jointly owned by Class I carriers, they have no interest in controlling TTX

[3] The Board subsequently adjusted this comment deadline to a later time on May 8, 2026. *See Union Pac. Corp.—Control—Norfolk S. Corp.,* FD 36873 et al. (STB served May 5, 2026).

[4] These proceedings are governed by those provisions as well as the Board's regulations, including 49 CFR part 1180. *See Major Rail Consol. Procs.* (*Major Merger Rules*), 5 S.T.B. 539 (2001).

[5] Applicants provide a map indicating the lines of their respective systems, shortline connections, other rail lines in the territory, and the principal geographic points in the region traversed. (*Id.,* Vol. 1, App. A (Ex. 1, Map); *see* Applicants Errata, May 13, 2026.)

[6] The Board rejected the original application for control of PPU because it was purely incidental to the original Application that the Board rejected. *See Decision No. 9,* FD 36873 et al., slip op. at 2.

[7] Applicants state that TRRA has made clear that TRRA's management reserves all rights and takes no position at this time on the merits of the Transaction. (Rev. Appl. 1–79 n.76.)

and therefore commit to divest sufficient shares of TTX to reduce their collective ownership to 49%. (*Id.* at 1–32 to 1–33.)

Financial Arrangements. Applicants explain that, under their merger agreement, UPC will acquire the outstanding stock of NSC in a stock and cash transaction. (*Id.* at 1–36.) NSC shareholders will be entitled to receive one share of UPC common stock and $88.82 in cash, without interest, for each share of NSC common stock they hold immediately prior to the completion of the First Merger. (*Id.*) [8]

Applicants add that, in the aggregate, approximately 72.2% of the consideration for the Transaction will be in the form of UPC stock and 27.8% in cash. (Rev. Appl. 1–36.) UPC will fund the stock portion of the consideration through an exchange of one share of UPC common stock (out of its treasury stock) for one share of NSC common stock. (*Id.*) The cash portion of the consideration, together with all related fees and expenses, is expected to total $20.1 billion, and UPC anticipates it will fund this amount through a combination of cash on hand and new debt. (*Id.*) It expects to raise the new debt by (a) issuing senior unsecured notes on substantially similar terms to its outstanding unsecured notes and (b) establishing one or more new credit or other facilities with various banks or other parties and/or certain existing credit facilities. (*Id.*)

Applicants state that the new debt will add ''modestly'' to UPC's fixed charges. (*Id.* at 1–37.) They anticipate, however, that UPC will have no difficulty absorbing these additional fixed charges and reference pro forma financial statements included with the Revised Application. (*Id.* at 1–37; *id.,* Vol. 1, Exs. 16, 17, 18.)

Passenger Service Impacts.

National Railroad Passenger Corporation (Amtrak) Operations. Applicants' Operating Plan discusses several Amtrak services hosted by UP including the California Zephyr, Capitol Corridor, Cascades, Coast Starlight, Gold Runner, Lincoln (Illinois), Missouri River Runner and Lincoln/Missouri River Runner, Pacific Surfliner, Sunset Limited, Texas Eagle, and the Winter Park ski train. (*Id.* at 2–757 to 2–763 (Ex. 13, Operating Plan).)

NS also hosts Amtrak services including the Blue Water, Cardinal, Carolinian, Crescent, Floridian (a temporary combination of the Capitol Limited and Silver Star services), Lake Shore Limited, Mardi Gras, Pennsylvanian, Pere Marquette, Piedmont, Richmond/Newport News/Norfolk, Roanoke, and Wolverine. (*Id.* at 2–764 to 2–775 (Ex. 13, Operating Plan).)

Other Passenger Rail Operations. Applicants also host other passenger rail services including the Altamont Corridor Express, Caltrain, Metra, Metrolink, Trinity Railway Express, Rocky Mountaineer, and the Virginia Railway Express. (*Id.* at 2–775 to 2–780 (Ex. 13, Operating Plan).) Although Applicants plan to add freight trains to a number of these shared lines, they expect that the shared lines have sufficient capacity to handle the increase. (*Id.*)

Discontinuances/Abandonments. Applicants do not contemplate any abandonments, discontinuances, or line divestitures. (*Id.* at 1–540, V.S. Parkerson 4.)

Public Interest Considerations and Applicants' Claims Concerning Enhanced Competition.

Public Benefits. According to Applicants, the Transaction would create a transcontinental railroad and ''drive growth'' by merging two ''complementary networks,'' one anchored in the West (UP) and one anchored in the East (NS). (*Id.* at 1–12.) Currently, UP and NS have central interchange gateways in Chicago, St. Louis, Memphis, and New Orleans, but the Transaction would eliminate those interchanges. (*Id.* at 1–13.) The new service would span coast-to-coast and connect major metropolitan areas and approximately 100 ports in the United States. (*Id.* at 1–60.) It would also provide ''single-line service opportunities for more than 88,000 county-to-county lanes nationwide, including 45,000 lanes in the watershed'' region. (*Id.* at 1–38.) [9]

According to Applicants, single-line service would eliminate operational and commercial frictions between carriers. (*Id.* at 1–38.) Applicants assert that the more streamlined service stemming from the Transaction would therefore reduce transit time and delay, improve reliability, and lower logistics costs. (*Id.*) They also claim that these benefits would be attractive to customers and hence increase competition between rail carriers. (*Id.*) Applicants expect to attract additional traffic by optimizing existing train and blocking plans and offering new train services that take advantage of service and efficiency made possible by the Transaction. (*Id.* at 1–60.)

Furthermore, Applicants assert that the Transaction would be attractive to those who currently ''default'' to trucking goods in the watershed markets due to rail service and pricing inefficiencies. (*Id.* at 1–44.) The Transaction, according to Applicants, would give those shippers access to single-line service and open new markets with what Applicants assert is a lower-cost and safer option. (*Id.* at 1–45.) They estimate that shippers will divert 2.1 million truckloads and save approximately $3.5 billion annually. (*Id.* at 1–14.)

Applicants acknowledge that they would need to expand capacity. (*Id.* at 1–59.) They anticipate that the cost of capacity expansion and other measures necessary to implement the Transaction would exceed $2 billion. (*Id.*) Nonetheless, they believe the new entity would have no difficulty in financing the investment. (*Id.*)

At bottom, according to Applicants, the Transaction would create a more accessible, sustainable, and lower-cost supply chain option for shipping numerous goods, including food products, petroleum products, and building materials. (*Id.* at 1–14, 1–50; *see also id.* at 1–309 to 1–325, V.S. Rocker/Elkins 35–51.) Applicants anticipate that the Transaction would therefore aid in American industrial development and help American manufacturers compete internationally. (*Id.* at 1–48.) Manufacturers in the eastern U.S. would gain single-line access to West Coast ports and western border crossings, and manufacturers in the western U.S. will gain access to East Coast ports and eastern border crossings. (*Id.* at 1–48 to 1–49.) Additionally, Applicants expect environmental benefits due to diverting trucks from highways. (*Id.*) According to Applicants, the reduction in truck traffic would also lead to less highway congestion and lower repair costs. (*Id.* at 1–20.)

In total, Applicants estimate public benefits would be approximately $6.385 billion in a normal year, including $1.784 billion in net revenues from traffic attracted from trucks and other rail carriers, $965 million in operating efficiencies and cost savings to Applicants, $133 million in capital savings, and $3.504 billion in shipper truck-to-rail savings. (*Id.* at 1–35; *see id.* at 1–120 (App. B, Summary of Benefits Ex.); *see also id.* at 1–497 to 1–498, V.S. Janke 2–3 (listing nonquantifiable benefits).) They also argue that the

[8] Applicants ask the Board to find the terms under which UPC will acquire NSC's common stock are fair to the shareholders of UPC and NSC. (Rev. Appl. 1–37); *see Schwabacher* v. *United States,* 334 U.S. 182, 198–99, 201 (1948); *Zatz* v. *STB,* 149 F.3d 144, 147 (2d Cir. 1998).

[9] Applicants define the ''watershed'' region as any county within approximately 250 miles of Chicago, St. Louis, Memphis, and New Orleans. (*Id.* at 1–13; *id.* at 2–406 to 2–407, V.S. Hunt 19–20.)

public benefits cannot be achieved without a merger. (*Id.* at 1–41; *id.* at 1–338 to 1–339, V.S. Rocker/Elkins 64–65; *id.* at 2–188 to 2–189, V.S. Israel 8–9.) For example, they assert that an alliance with unaffiliated carriers would leave partners with their own separate interests and shareholders. (*Id.* at 1–41.)

Applicants state that more than 2,000 shippers, smaller railroads, ports, public officials, labor unions, and other rail industry stakeholders have submitted statements supporting the UP/NS combination. (*Id.* at 1–66.) Volume 3 of the Revised Application contains these statements.

Public Harm and Voluntary Conditions. Applicants argue that the Transaction would not risk harm to the public interest. (*Id.* at 1–21.) They claim that the Transaction is an end-to-end merger joining ''two complementary rail networks.'' (*Id.* at 1–50.) Applicants assert that UP and NS serve no more than four 3-to-2 shipper facilities and that they found no corridors where they were the only two rail options. (*Id.* at 1–51 to 1–52.) They add that there is ''little potential'' for horizontal effects in the few corridors where UP and NS were two of only three options and conclude that there are ''no meaningful geographic competition concerns.'' (*Id.* at 1–52.) They also claim that concerns about foreclosure or reductions in independent routings are ''remote.'' (*Id.*)

Although they state five shippers would lose access to a second Class I carrier, Applicants commit to providing those entities with access to a Class I carrier other than UP/NS. (*Id.* at 51; *id.* at 1–395 to 1–397, V.S. Novak 22–24.) Applicants also make other commitments to reduce potential competitive harms, including that they would keep all existing gateways open for eligible traffic on commercially reasonable terms, and would provide gateway reporting analogous to that imposed as a condition on the transaction creating CPKC. (*Id.* at 1–52, 1–91); *Canadian Pac. Ry.—Control—Kan. City S.,* FD 36500 et al., slip op. at 81–82 (STB served Mar. 15, 2023). Additionally, Applicants state UP/NS would also preserve competitive options involving the use of build-outs or build-ins and would not create new regulatory bottlenecks that could limit customer access to rate relief through the Board. (Rev. Appl. 1–91.)

Enhanced Competition. Applicants argue that the Transaction would not have ''an adverse effect on competition among rail carriers,'' but rather would ''substantially enhance'' competition with other rail carriers and trucks. (Rev. Appl. 1–53.) To address the Board's policy statement on enhanced competition in *Major Merger Rules* and 49 CFR 1180(1)(d), Applicants propose a framework called Committed Gateway Pricing (CGP). (Rev. Appl. 1–53.) According to Applicants, CGP would extend the benefits of the Transaction to certain customers who would otherwise not benefit from the new single-line service. (*Id.* at 1–377, V.S. Novak 4.) More specifically, eligible customers shipping to or from facilities served solely by BNSF or CSX Transportation, Inc. (CSXT), or facilities on a shortline interchanging traffic solely with BNSF or CSXT, would have access to ''rates that reflect the benefits of the UP/NS merger for traffic shipped through mid-continent gateways to or from facilities served solely by UP/NS or facilities on a shortline interchanging traffic solely with UP/NS.'' (*Id.*)

Applicants propose that CGP terminate at the end of the Board's oversight period. (*Id.* at 2–256, V.S. Israel 76.) However, they note that, if anticipated public benefits do not materialize in a timely manner, the Board could extend the period the CGP program is in place. (*Id.* at 1–92 to 1–93; *id.* at 1–392, V.S. Novak 19.)

Schedule for Consummation. Applicants state that they would consummate the Transaction as quickly as possible after the Board's final grant of approval. (*Id.* at 1–34.) They add that full integration of operations is expected to be completed within three years. (*Id.*) Applicants provide additional information regarding implementation in their Service Assurance Plan. (*Id.*)

Environmental Impacts. Applicants acknowledge that environmental review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4370m–11, is necessary in this proceeding. As discussed below, the increased traffic that would result from the Transaction would exceed the Board's thresholds for environmental review. Due to the potentially significant impact that the Transaction may have on the quality of the human environment in the affected area, the Board will prepare an Environmental Impact Statement (EIS). Applicants have also prepared a Safety Integration Plan (SIP), pursuant to the Board's regulations at 49 CFR part 1106 and FRA's regulations at 49 CFR part 244, which will be addressed during the EIS process. In the SIP, Applicants specify how they would ensure safe operations during the acquisition and implementation process. In addition, Applicants have prepared information on what measures they plan to take to address potentially blocked crossings as a result of merger-related changes in operations or increases in rail traffic as required by 49 CFR 1180.8(a)(2).

Historic Impacts. As part of the review process, the Board must evaluate the potential impacts of the Transaction on historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108; the Section 106 implementing regulations, 36 CFR part 800; and the Board's environmental regulations, 49 CFR part 1105. Applicants state that there are no plans to dispose of or alter properties that are 50 years old or older as part of the Transaction. (Rev. Appl. 1–72.) They also state that the Transaction does not require any construction that would require Board authorization under 49 U.S.C. 10901, nor are any abandonments anticipated because of the Transaction. (UP Resp. to OEA Info. Request No. 1, at 4, Dec. 18, 2025; Rev. Appl. 2–691, 2–1009 n.185.) However, Applicants propose to make certain capital improvements, including adding double track, extending sidings, upgrading an existing NS–UP connection, upgrading a bridge, and expanding yards and terminals along the combined network, which are subject to review under Section 106 of the NHPA. (Rev. Appl. 2–895 to 2–930.)

Labor Impacts. Applicants state that Omaha, Neb., where Union Pacific is headquartered, would serve as the headquarters for the combined company but that Atlanta, Ga., where Norfolk Southern is headquartered, would continue to serve as a regional operating center. (*Id.* at 1–64.) Applicants assert that employee reductions would involve management positions in general and administrative functions at NS's Atlanta headquarters, ''driven by operational synergies and the elimination of overlapping positions.'' (*Id.*) Applicants expect there would be movement of individuals from both companies amongst various positions to ensure optimal placement. (*Id.* at 1–528, V.S. Perkes 3.) They provide specific estimates concerning the effect on management employees at NS's current headquarters and offices, (*Id.* at 1–529, V.S. Perkes 4), as well as UP's headquarters and offices, (*Id.* at 1–532, V.S. Perkes 7). Applicants add, however, that ''adjustments will occur gradually over three years, primarily through natural attrition and phased implementation, with critical roles preserved until integration is complete.'' (*Id.* at 1–533, V.S. Perkes 8.)

As to craft employees, Applicants expect efficiencies described in the Operating Plan will reduce the number of positions required to perform certain functions by 1,156 jobs by the end of

Year 3. (*Id.* at 1–541, V.S. Parkerson 5.) However, Applicants commit to providing employment opportunities for all current craft employees and state that reductions will be realized through attrition or relocating employees to other employment opportunities.[10] (*Id.*) Despite these reductions, Applicants anticipate that growth resulting from the Transaction would ultimately add a net 1,229 craft jobs by the end of Year 3. (*Id.* at 1–541, V.S. Parkerson 5.)

Furthermore, Applicants note that the Transaction would be subject to the employee conditions adopted in *New York Dock—Control—Brooklyn Eastern District Terminal,* 360 I.C.C. 60 (1979). (Rev. Appl. 1–64 to 1–65.) They state that they would also honor the obligations established in the ''cramdown'' agreements reached in 2000 and 2001 with certain labor organizations that represent certain classes of union-represented employees of UP and NS. (*Id.* at 1–65.)

Downstream Effects. Applicants argue that they ''cannot predict'' downstream merger proposals. (*Id.* at 1–95.) They note that the CEO of BNSF's owner, Berkshire Hathaway, has stated that the company ''has been clear'' it is not interested in acquiring another Class I carrier, but Applicants assert that even if BNSF were to seek to acquire CSXT and form another transcontinental railroad, that development would not diminish the public benefits of the Transaction. (*Id.*) Applicants add that similar end-to-end Class I mergers would ''not result in any harm'' if conditions like Applicants' gateway commitments are imposed on any such future transactions. (*Id.*)

Furthermore, Applicants do not believe that any of the conditions the Board might impose on the Transaction would need to be altered, or that any new conditions would need to be imposed on the Transaction, if the Board were to approve future rail mergers. (*Id.* at 1–96.) They add that a second transcontinental railroad would ''be fully aligned with the public interest.'' (*Id.* at 1–97.)

Service Assurance Plan. As required by 49 CFR 1180.10, Applicants have included a Service Assurance Plan. (*Id.* at 1–103; *id.,* Vol. 2 (Service Assurance Plan).) They assert that it describes the integration of operations post-consummation as well as how the benefits of the Transaction would be realized for the shipping public. (*Id.* at 1–104.) They also claim it would ensure that service would not be undermined during the transition to one operator. (*Id.*)

Transnational and Other Information Requirements. Applicants state that UP operates almost exclusively in the United States, crossing the Canadian border only to facilitate interchange at Kingsport, B.C. (*Id.* at 1–105.) Similarly, NS also operates entirely in the United States except for trackage rights over approximately 1.9 miles of track between the U.S.-Canada border at Buffalo, N.Y., and CN's Fort Erie Yard in Fort Erie, Ont. (*Id.* at 1–106.) Although Applicants doubt operations over this segment would affect United States operations, they state that UP/NS would cooperate with relevant authorities in both countries, including the FRA, as necessary. (*Id.*) They add that neither UP nor NS are affected by any restrictions or preferences under the laws of Mexico or Canada that could affect their commercial decisions and that they also do not have any applicable ownership restrictions. (*Id.* at 1–107.)

Revised Application and Related Application Accepted. As noted above, the Board permitted comments on whether the Revised Application contains the information required in 49 CFR part 1180, and a reply from Applicants. *See Decision No. 17,* FD 36873 et al., slip op. at 2.

The Board received comments from Grand Trunk Corporation, on behalf of itself and its U.S. rail operating subsidiaries (collectively, CN), BNSF, CPKC, CSXT, New Jersey Transit Corporation (NJ Transit), the New York Department of Transportation (NY DOT), the National Grain and Feed Association (NGFA), Houston Super Neighborhood 64 and 68, M4 Railcar Group, the NYC Department of Sanitation (DSNY), the Eastwood Civic Association, Atlantic Systems, Supply Chain Acumen LLC (SCA), and a number of individuals, including Lindsay Williams, Ruth Tines, J. Vann Cunningham, and Colin Finney.[11] Applicants filed a reply on May 12, 2026.

Although the Revised Application does not contain the level of detail on certain issues that the Board would have preferred, particularly given the benefit of Board decisions and stakeholder comments after the original Application, the Board has determined that the Revised Application is complete, and the issues raised in the comments do not warrant rejecting the Revised Application. As discussed below, many of the issues pertain to the merits of the Revised Application and will be further developed in the supplement the Board will require prior to the submission of comments on the Revised Application or, as appropriate, at a later stage of the proceeding.[12] In addition, commenters raise concerns regarding missing or temporarily inaccessible items, such as a map or workpapers. The Board concludes that those deficiencies, while concerning in their frequency and magnitude, do not warrant rejection. Applicants are remedying those deficiencies, and the Board is requiring additional steps to improve the process for submitting, replacing, cataloguing, and validating workpapers. And, as discussed later in this decision, the Board will not deem that the Revised Application is incomplete based on assertions that Applicants have failed to comply with the information request in *Decision No. 13.*

A number of commenters challenge the market impact analyses from Dr. Elizabeth Bailey and Dr. Mark Israel as well as the rail-to-rail and truck-to-rail diversion study sponsored by David Hunt. These comments, however, implicate the merits of the analyses, not the completeness of the Revised Application. While commenters take issue with the quality, depth, and scope of the work, the Revised Application does include analysis of the market impact of the Transaction as required by the Board's regulations: Bailey provides what Applicants state are the actual market shares, and Hunt purports to provide the projected market shares. Both Bailey and Israel discuss the competitive impacts of the Transaction, including the potential impact of competitive enhancements offered by Applicants. Commenters' substantive concerns are properly addressed to the Transaction's merits. And although there remain issues with supporting workpapers, these issues can be corrected during the supplementation and abeyance period discussed below, and commenters would have the benefit

[10] Applicants state that they ''have not yet reached implementing agreements with unions representing UP and NS employees, but they have begun preliminary conversations with unions.'' (Rev. Appl. 1–65.) Indeed, UP states that it has entered into preliminary job-preservation agreements with the International Association of Sheet Metal, Air, Rail and Transportation Workers—Transportation Division; the National Conference of Firemen & Oilers; the Brotherhood of Railroad Carmen; the International Brotherhood of Boilermakers; the United Supervisors Council of America; and the American Train Dispatchers Association. (*Id.* at 1–14, 1–65; *id.* at 1–538, V.S. Parkerson 2.)

[11] The Board also received a number of late-filed comments, which will not be considered here.

[12] Although some commenters also raise concerns about potential environmental impacts, such issues will not be considered in this decision. Comments involving environmental issues should be submitted to the Board's Office of Environmental Analysis (OEA) and will be considered during the environmental review process.

of those corrections when commenting on the Revised Application's merits.[13]

Additionally, CN argues that the Revised Application is incomplete because Applicants have not identified all shippers that would suffer a loss of competition, primarily because Applicants treat access to another Class I carrier through a shortline railroad the same as having direct access. While the Board has questions about Applicants' analysis (as discussed below in the supplementation discussion), Applicants have provided sufficient information for completeness. Section 1180.7(b)(ii) gives Applicants leeway in defining the points used to assess competition loss, at least from a completeness perspective. Likewise, while BNSF questions the type of relief to be provided shippers who would lose access to another Class I carrier, that issue relates to the merits rather than completeness.

Other commenters question whether Applicants' CGP program would enhance competition, and some claim it would harm some shippers. As discussed below, the Board has questions regarding CGP that Applicants will be required to address in a supplement. But the Board concludes that Applicants have provided information sufficient to comply with 49 CFR 1180.6(b)(10) at the completeness stage. That regulation requires Applicants to propose measures to enhance competition, which Applicants have at least purportedly done here with their CGP program. *Major Merger Rules* provided applicants flexibility to craft a proposal and did not dictate a particular approach to enhanced competition proposals. *See Major Merger Rules,* 5 S.T.B. at 570. The questions raised here concerning the efficacy or impact of Applicants' proposal do not render the Revised Application incomplete.

Additionally, some commenters assert that Applicants have not provided a thorough analysis of the downstream effects of the Transaction. *See* 49 CFR 1180.6(b)(12). The Board finds that Applicants have done enough for completeness purposes to at least ''initiate a commentary'' about potential responsive merger applications, as the rule requires. *Major Merger Rules,* 5 S.T.B. at 582. As such, Applicants have complied with 49 CFR 1180.6(b)(12) from a completeness perspective, even though there may be criticisms regarding the robustness of the initial analysis.

NGFA claims that Applicants have not provided a sufficient plan in writing to address the steps they would take to ensure adequate service and have not provided service benchmarks below which concrete consequences would be triggered. The Board concludes that Applicants do provide benchmarks adequate for completeness, (*see, e.g.,* Rev. Appl. 2–1092 n.234; *id.* at 2–1093 n.235), and while the steps to address shortcomings of projected benchmarks post-merger may be thin, they satisfy the requirements of the regulations for the purposes of completeness.[14] Further, while NGFA claims the Revised Application is incomplete based on Applicants' proposed arbitration program, an arbitration program is not explicitly required, and questions about its value are better addressed during the merits phase of the proceeding.

Some commenters argue that Applicants failed to submit related applications to control TRRA and TTX, claiming that Applicants' plans to divest control are too vague. As discussed below, although commenters raise valid questions regarding the merits of Applicants' TRRA and TTX proposals that warrant supplementation, the Board concludes that these issues do not render the Revised Application incomplete. Moreover, some commenters suggest that Applicants should have filed a control application for KCT, but the Board concludes that the lack of such an application does not render the Revised Application incomplete.

TRRA. TRRA is a Class III terminal and switching carrier that operates approximately 170 miles of rail line in and around St. Louis, Mo., including two bridges over the Mississippi River. *Decision No. 9,* FD 36873 et al., slip op. at 9. TRRA is owned 42.84% by UP and 14.29% by NS, with CSXT, BNSF, and CN (via Illinois Central Railroad Company) owning the rest. (Rev. Appl. 1–30, 1–77.)

As explained above, the Board rejected the previous Application as incomplete in part because Applicants should have filed a control application for TRRA as a ''significant'' transaction instead of a ''minor'' transaction. *See Decision No. 9,* FD 36873 et al., slip op. at 9–11. Rather than refile the TRRA application, Applicants have offered to condition consummation of the Transaction on divesting whatever ownership or governance interests are necessary so that the combined company will not control TRRA. (Rev. Appl. 1–30 to 1–31.)

BNSF and CSXT both argue that 49 CFR 1180.6(a)(7)(ii), which requires merger applicants to ''[s]ubmit a copy of any contract or other written instrument entered into, or proposed to be entered into, pertaining to the proposed transaction,'' required Applicants to submit a copy of a proposed agreement to divest their interests in TRRA. (BNSF Comments 4, May 8, 2026; CSXT Comments 7, May 8, 2026.) The Board concludes that Applicants' failure to do this does not render the Revised Application incomplete. For purposes of completeness, the section 1180.6(a)(7) requirement does not include divestiture agreements that may ultimately be necessary but have not been negotiated.

As BNSF, CSXT, and CN point out, the Revised Application does not provide many details about the divestiture, including timing, price, and the impact on NS's outstanding liabilities to TRRA. (*See, e.g.,* CN Comments 32–36, May 8, 2026; BNSF Comments 4, May 8, 2026; CSXT Comments 7, May 8, 2026.) CSXT also argues that Applicants' commitment to modify TRRA's board and governance documents to avoid control ''may be illusory'' because non-applicant owners of TRRA would have to agree, and the Board cannot impose conditions on non-applicants as a condition of the Transaction. (CSXT Comments 7, May 8, 2026.) CN argues that shares of TRRA are expressly nontransferable (unless they are transferred back to TRRA), casting doubt on Applicants' ability to transfer the shares to other entities. (CN Comments 33–35, May 8, 2026.) Applicants respond that all of these concerns go to implementation, not completeness, and that they have committed to addressing them as a condition of consummation. (Applicants Reply 22, May 12, 2026.)

Although the Board agrees that the Revised Application leaves many questions about how the proposed divestiture can be accomplished, Applicants have provided sufficient information to satisfy completeness. The details of how their TRRA proposal would be accomplished can be addressed in the supplement being required by the Board and later in the proceeding.

TTX. TTX is a railcar pooling company that owns and manages fleets of railcars. (Rev. Appl. 1–87.) These

[13] SCA asserts that Applicants do not include any sensitivity analysis on how the Transaction would affect the combined entity if the anticipated growth does not happen, but such a study is not explicitly required by the Board's part 1180 regulations. Applicants have also explained how the debt they would incur affects fixed charges, and the merits of their claims can be examined as part of the merits process.

[14] DSNY contends the Revised Application fails to provide the required discussion of the effect of the Transaction on the adequacy of municipal solid waste service, but there is no requirement that Applicants specifically discuss the issue.

include ''a fleet of flatcars that are used in rail transportation of containers, truck trailers, automobiles, lumber, extra-dimensional loads, and other commodities,'' as well as ''pools of boxcars and gondolas,'' pursuant to Board-approved pooling agreements. (*Id.* at 1–87 to 1–88.)[15] TTX owns over half of the well cars that are used for intermodal traffic. (BNSF Comments 5, May 8, 2026.) TTX is owned by seven railroads: UP (37.03%), NS (19.78%), CSXT, (19.78%), BNSF (17.4%), CN (3.2%), CPKC (2.2%), and Ferromex (0.6%). (Rev. Appl. 1–87.)

Although the combined shares of UP and NS in TTX exceed 50%, Applicants state that they are not required to file a control application for TTX because it is a noncarrier. (*Id.* at 1–89.) They also say that the TTX-pooling agreements, which are subject to Board approval, would prevent them from using a controlling interest in an anticompetitive way. (*Id.* at 1–88 to 1–89.) To avoid ''distraction,'' however, they say that they will commit to divesting shares to reduce their combined ownership interest to no greater than 49% ''at such time as they are able to do so on commercially reasonable terms.'' (*Id.* at 1–89.)

BNSF and CSXT argue, as they did with TRRA, that Applicants were required by 49 CFR 1180.6(a)(7)(ii) to file a copy of a proposed divestiture agreement for TTX. (BNSF Comments 5, May 8, 2026; CSXT Comments 7 n.2, May 8, 2026.) As explained above, section 1180.6(a)(7)(ii) does not require Applicants to file a divestiture agreement that has not yet been negotiated for their Revised Application to be complete. The Board will, however, require Applicants to provide more details about their intended divestiture, as discussed below.

BNSF also argues that the Revised Application is incomplete because it does not address ''the competitive impacts of the transaction'' with respect to TTX, such as Applicants' claim that ''they will divert 1.58 million annual intermodal units to their combined railroad, a market segment where TTX owns over half of the underlying well cars.'' (BNSF Comments 5, May 8, 2026.) While the Board will scrutinize such competitive impacts during its review of the Transaction, Applicants' presentation is sufficient to satisfy completeness.

KCT. KCT is a terminal railroad located in Kansas City, Mo., and Kansas City, Kan., that owns and dispatches approximately 95 miles of track. (Rev. Appl. 1–81.) It is owned by UP, BNSF, CPKC, and NS, all of whom can use KCT to interchange traffic with each other. (*Id.*) KCT also provides switching access to certain shippers. (*Id.*)

Some commenters suggest that Applicants' combined interest in KCT requires a control application. While the Board has questions regarding Applicants' proposal to retain a 50% interest in KCT, the Board is unpersuaded on this record that Applicants' combined 50% ownership of KCT would give them control post-merger within the meaning of 49 U.S.C. 10102(3) and the Board's current precedent, and therefore concludes that Applicants have satisfied completeness with regard to KCT.

Applicants' combined ownership of KCT will increase to 50% as a result of the Transaction, with BNSF and CPKC each holding 25%. (Rev. Appl. 1–81 to 1–82.) Applicants did not file a control application for KCT, explaining that they will not control KCT post-merger because their 50% share does not constitute a majority. Moreover, they say that several factors will ensure that their share will not constitute de facto control of KCT. First, the combined entity would have the right to appoint only half of KCT's directors. (*Id.* at 1–82.) Second, authority to manage the day-to-day operations of KCT rests in a General Manager who must be appointed by a majority of the board. (*Id.* at 1–82 to 1–83.) Third, Applicants note that this is not a situation where the other stockholdings are widely dispersed, since there are only two other owners with 25% each. (*Id.* at 1–82.) Fourth, they say that KCT's governing documents ensure that KCT cannot act in a discriminatory manner. (*Id.* at 1–83 to 1–84.) Applicants argue that, under agency precedent, a shareholder's 50% share does not constitute control when the shareholder does not control the board of directors and when the entity's operating agreement ensures impartiality. (*Id.* at 1–84 (citing *Burlington N., Inc.—Control & Merger,* 366 I.C.C. 862, 865–66 (1983), *aff'd sub nom. Bhd. of Ry. & Airline Clerks* v. *Burlington N., Inc.,* 722 F.2d 380 (8th Cir. 1989)).[16]

BNSF and CPKC argue that Applicants' combined 50% interest in KCT *could* constitute control, and they ask the Board to reject the Revised Application as incomplete if the Board concludes that Applicants would control KCT. (BNSF Comments 5, May 8, 2026; CPKC Comments 13–14, May 8, 2026.) CPKC argues that ''ownership of 50% or less can entail control when there is not another equal 50% owner, and that the power to veto proposed initiatives of the other owners, which UP's 50% position would provide, constitutes 'negative' control even if it does not mean that the controlling entity can dictate every aspect of the organization's day-to-day operations.'' (CPKC Comments 13, May 8, 2026.) BNSF similarly argues that 50% ownership can give rise to control under some circumstances and that the combined UP/NS would have the power to block any proposal made by BNSF and CPKC that requires majority support. (BNSF Comments 5, May 8, 2026.)

It is not clear at this stage of the proceeding that Applicants would gain control over KCT under the Board's current precedent given the lack of a majority ownership stake, combined with the lack of a majority of the board of directors and provisions in KCT's governing documents requiring KCT's operation on a non-discriminatory basis.[17] Without making any determinations regarding the potential competitive effects associated with UP/NS's proposed 50% ownership of KCT, the Board concludes that Applicants have satisfied completeness with regard

[15] *See TTX Co.—Appl. for Approval of Pooling of Car Servs. with Respect to Flatcars,* FD 27590 (Sub-No. 4), at 2 (STB served Oct. 1, 2014) (renewing approval of flatcar pool); *Am. Rail Box Car Co. & Trailer Train Co.—Pooling,* 347 I.C.C. 862 (1974) (approving boxcar pool); *Railgon Co. & Trailer Train Co.—Pooling of Car Serv. Regarding Gondola Cars,* FD 29121 (ICC served Mar. 17, 1980) (approving gondola pool).

[16] Applicants cite other cases in support of their position that 50% ownership does not constitute control, at least absent indicia that are not present at this stage of the proceeding. (Rev. Appl. 1–85 to 1–86 & n.86 (citing, inter alia, *CSX Corp.—Control—Conrail Inc.,* 3 S.T.B. 196, 349 (1998), *aff'd sub nom. Erie-Niagara Rail Steering Comm.* v. *STB,* 247 F.3d 437 (2d Cir. 2001); *Burlington N.—Merger—Santa Fe Pac.,* 10 I.C.C.2d 661, 673 n.17 (1995), *aff'd sub nom. W. Resources, Inc.* v. *STB,* 109 F.3d 782 (D.C. Cir. 1997); and *Borealis Infrastructure Trust Mgmt., Inc.—Acquis. Exemption—Detroit River Tunnel Co.,* FD 33984, slip op. at 5 (STB served Dec. 19, 2001)).)

[17] The cases cited by CPKC to support its claim that a 50% share equals control involved circumstances much different than those present here. *See, e.g., Norfolk & W. Ry. & N.Y., Chi. & St. Louis R.R. Merger,* 324 I.C.C. 1, 32 (1964) (holding that 30% stock ownership constituted control when the remaining stock ownership was widely dispersed, with the stock owner regularly constituting a majority of shares that actually voted at meetings for the election of directors); *Transcon. Bus Sys., Inc.* v. *Greyhound Corp.,* 104 M.C.C. 524, 526 (1968) (finding that an option held by 45% owner to purchase remaining stock ''could be used as one of several weapons held by Greyhound to keep [the other shareholders] in line''). And while the power to control may indeed not ''depend on ownership of a majority of a carrier's stock,'' (CPKC Comments 13–14, May 8, 2026 (citing *Greyhound Corp.—Control—Tex. N. M. & Okla. Coaches, Inc.,* 101 M.C.C. 655, 667 (1967))), that does not mean that 50% ownership or less in a cooperative venture necessarily creates control where the entity is otherwise structured to prevent that carrier's domination.

to KCT.[18] But the Board recognizes that Applicants' 50% ownership could give them the ability to veto proposals requiring a majority vote, and that effect of this veto power could be consequential. Thus, although Applicants will not be required to file a control application for KCT as a prerequisite for the completeness of the Revised Application, the Board will request more information regarding Applicants' proposal regarding KCT, which could shed light on potential competitive effects and future influence regarding KCT decision-making.

In sum, the Board finds that Applicants have provided sufficient information to satisfy the completeness requirements for a ''major'' transaction application, and the completeness issues raised by commenters do not warrant rejecting the Revised Application. The Board is also accepting the related application concerning PPU.

Additional Material and Abeyance. Although Applicants have included sufficient information to satisfy the fairly narrow procedural question of completeness, there are several aspects of the Revised Application that are unclear or underdeveloped and require supplementation at this stage of the proceeding so that the Board may have the information necessary to thoroughly evaluate—and the public has an adequate opportunity to comment on—whether the Transaction is in the public interest. *See* 49 CFR 1180.1(a)–(c) (stating that the Board's evaluation is governed by the public interest criteria in 49 U.S.C. 11324, and that ''the Board does not favor consolidations that reduce the transportation alternatives available to shippers unless there are substantial and demonstrable public benefits that cannot otherwise be achieved'').[19] *Major Merger Rules,* 5 S.T.B. at 549.

The Board is committed to conducting a thorough and fair review based on evidence and argument in this proceeding. Under the statute, parties offering views on the merits of a proposed merger, including by requesting conditions and proposing responsive applications, have a limited opportunity, early in a proceeding, to make their principal case to the Board. Based on the Board's initial assessment, the Board concludes that information in the Revised Application lacks clarity and detail and does not yet afford parties a meaningful opportunity to comment on the merits of the Transaction. And the Board's own review of the Transaction's consistency with the public interest, including its consideration of the contours of potential conditions, would suffer.

This Transaction is the first proposed merger evaluated under new rules forged following real-world consequences emanating from a 1990s wave of major mergers. Such consequences cannot be ignored, assumed away, or overlooked based on vague intentions or promises, particularly given the possible implications of subsequent mergers for the long-term future of the national rail network. Therefore, the current rules establish a ''heavier burden'' for applicants, with new provisions concerning competitive enhancement, benefit estimate integrity, service assurance, and downstream effects. *See Major Merger Rules,* 5 S.T.B. at 546 (explaining that, under the new rules, ''applicants bear a heavier burden to show that a major rail combination is consistent with the public interest''). Indeed, in revising its major merger rules in 2001, the Board raised concerns about the prospect of further Class I railroad consolidation and explained that the new rules reflect a ''more skeptical, 'show me' attitude toward claims of merger benefits and toward claims that no transitional service problems would occur.'' *Id.* at 549. The rules also strengthened consideration of a merger's impacts on communities, employees, shortline railroads, ports, and others. In turning to the merits of the Transaction, the Board will not launch a procedural schedule that in effect places undue burden on the commenting parties to ascertain and evaluate important information about the Transaction and how it corresponds to the new framework.

Accordingly, given the questions raised by the Board's initial review of the Revised Application, the unprecedented scope of this Transaction, the possible consequences of this and any potential future major mergers for the nation's supply chains, the first-time application of these rules, and the benefits of additional information on this record, the Board will require Applicants to supplement their Revised Application with the information detailed below by July 27, 2026,[20] and will hold the proceedings in abeyance pending submission and Board review of the supplemental information. 49 U.S.C. 1321(b)(3); *see Canadian Pac. Ry.—Control—Kan. City S.,* FD 36500 et al., slip op. at 3 (STB served Mar. 16, 2022) (directing applicants to address an apparent inconsistency in data submissions and suspending the procedural schedule). The Board's assessment of the supplemental filing may include an evaluation as to whether Applicants have presented a prima facie case.[21] In a future decision, the Board will establish an appropriate procedural schedule for the remainder of the proceeding.

Abeyance of the proceedings does not affect discovery, including in proceedings before the ALJ. *See Decision No. 17,* FD 36873 et al. Continued discovery is essential to developing a record that allows for full consideration of this unprecedented proposed Transaction, and the Board is troubled by comments highlighting Applicants' purported unwillingness to engage in discovery. (*See, e.g.,* BNSF Comments 8, May 8, 2026; CPKC Comments 19, May 8, 2026.) However, while disputes remain to be addressed by the ALJ, Applicants have expressed interest in entering discovery guidelines to ''ensure that discovery proceeds smoothly and disputes are resolved efficiently,'' and the Board expects that Applicants and other parties will adhere to any discovery guidelines imposed and expeditiously respond to discovery requests. (Applicants Mot. to Enter Prop. Discovery Guidelines 1, May 4, 2026.)

Applicants will be required to provide supplemental information as discussed below. But the following supplemental information requirement is not intended to be an exhaustive list of potential questions or concerns the Board may have in assessing the Revised Application. Nor does the list below limit the subjects Applicants may address in their supplement. Given the scope of the Board's questions, it is important for Applicants to have the flexibility to improve or explain broad and interdependent aspects of the Revised Application. For example, if Applicants' supplement changes the

[18] The Board could in the future direct Applicants to file an application for control of KCT, or take other appropriate action, should evidence come to light during this proceeding that they would in fact obtain control of KCT post-merger. Regardless of the control issue, and as discussed below, the Board will direct Applicants to provide information regarding the potential competitive effects of any post-merger ability they may acquire to veto proposals requiring a majority vote of KCT's owners.

[19] (*See also* BNSF Comments 1–2, May 8, 2026 (arguing that Applicants fail to demonstrate that the proposed transaction is in the public interest, which shifts the burden to the Board and parties ''to answer the tough questions'' that Applicants have dodged); CPKC Comments 20, May 8, 2026 (''On many of the key public interest questions raised by the proposed transaction, Applicants have presented at best a barebones treatment . . . .'').)

[20] The Board recognizes the detailed nature of the questions and would entertain a request for a 30-day extension.

[21] *See* 49 CFR 1180.4(c)(8); *see also R.R. Consol. Procs. Expedited Processing,* 363 I.C.C. 767, 769 (1980).

Revised Application's calculation of public benefits or proposed conditions, Applicants should submit revised or updated portions of the Revised Application, including expert analysis, as appropriate.

Enhanced Competition. The Board's major merger rules reflect a policy shift that ''places greater emphasis in the public interest assessment on enhancing competition while ensuring a stable and balanced rail transportation system.'' *Major Merger Rules,* 5 S.T.B. at 546. This is in part due to the Board's concern that ''it is increasingly difficult to remedy certain competitive harms directly and proportionately'' and that future major mergers present an ''increased likelihood of transitional service problems.'' *Id.* at 554; *see id.* at 550 (explaining that ''offering some new or enhanced rail-to-rail competition or other competitive benefits is likely to be necessary to resolve substantial difficulties so as to tip the balance in favor of the public interest''). Although the Board did not specify precise competitive enhancements that would tip the balance in future proceedings, it explained that applicants could focus ''on enhancing intramodal (rail-to-rail) competition, for example, by the granting of trackage rights, the establishment of shared or joint access areas, the removal of 'paper' and 'steel' barriers, and other techniques that would enhance railroad-to-railroad competition.'' *Id.* at 554 (stating that provisions for competitive enhancement would be ''given substantial weight'' and ''are likely to be extremely important to [the Board] in determining whether to approve a particular application''); *see id.* at 547 (''Ultimately, the quantity and quality of competitive enhancements that would be required would depend upon the circumstances of a particular case.''). Thus, the Board's rules highlight the importance of competition-enhancing conditions. *See* 49 CFR 1180.1(a) (explaining that consolidations that reduce transportation alternatives available to shippers are not favored absent substantial and demonstrable public benefits, such as enhanced competition); *see also id.* at 1180.1(c)–(d), 1180.6(b)(10)–(11).

Several commenters argue that the Revised Application provides only a superficial or highly limited discussion of enhanced competition. Many question whether CGP—the sole competitive-enhancing condition proposed in the Revised Application—will provide much, if any, competitive enhancements given its many exclusions and limitations. (*See* CN Comments 26, May 8, 2026; BNSF Comments 7, May 8, 2026; CSXT Comments 10–12, May 8, 2026; NGFA Comments 2–5, May 8, 2026; Cunningham Comments 10, May 6, 2026.) As commenters note, Applicants describe CGP as applying only to manifest carload shipments between UP/NS sole-served facilities (and facilities on shortlines interchanging solely with UP/NS) and BNSF or CSXT sole-served facilities (and facilities on shortlines interchanging solely with BNSF or CSXT) that are interchanged in Chicago, St. Louis, Memphis, or New Orleans. CGP does not apply to intermodal or unit train shipments, shipments of finished vehicles, shipments to and from storage-in-transit facilities or facilities owned by rail carriers or their affiliates, or certain specialized shipment types that present heightened operational capacity and risk concerns. (Rev. Appl. 1–384 to 1–385, V.S. Novak 11–12.) Further, CGP would extend only through the oversight period absent a Board extension. (*Id.* at 1–92.)

CN argues that ''CGP cannot be what the Board intended under the new rules when it adopted the requirement that applicants propose competitive enhancements,'' as it applies to less than 1% of rail traffic and may harm shippers regardless of their eligibility for CGP. (CN Comments 25–26, May 8, 2026 (citing Rev. Appl. 2–256 to 2–257, V.S. Israel 76–77 (discussing the potential incentive for UP/NS ''to compete less aggressively and transact at rates higher than would otherwise occur absent the gateway rate mechanism'')).) Similarly, BNSF argues that CGP does not remedy vertical foreclosure or enhance competition, as it applies ''to a small subset of traffic and is shot through with caveats and limitations.'' (BNSF Comments 7 n.5, May 8, 2026 (arguing that CGP ''covers less than 1% of traffic, is limited to four gateways, and excludes intermodal, autos, unit trains, TIH/PIH, dimensional shippers, and Canadian carriers'').) CSXT argues that CGP excludes shippers with direct rail-to-rail competition and thus does not enhance such competition. (CSXT Comments 10–11, May 8, 2026.) Commenters also raise concerns about the proposed limited duration of CGP, (*see* BNSF Comments 7 n.5, May 8, 2026; Cunningham Comments 10, May 6, 2026), and whether there would be any benefit to extending CGP's duration if anticipated public benefits fail to materialize, (*see* CSXT Comments 12, May 8, 2026).

While the major merger rules repeatedly emphasize competitive enhancements as important to the Board's public interest calculus, the sole competitive enhancement Applicants propose—CGP—appears to exclude a significant amount of traffic hauled or proposed to be hauled by Applicants, terminates with the conclusion of the Board's oversight period, and may harm some shippers by incentivizing UP/NS to compete less aggressively for some traffic. (*See* Rev. Appl. 2–256 to 2–257, V.S. Israel 76–77.) At this stage in the proceeding, the Board will not engage in any weighing of CGP against other effects of the Transaction. However, Applicants' policy choices underlying CGP and Applicants' own claims as to its effects raise substantial questions that must be addressed early in this proceeding. Further information from Applicants will facilitate meaningful public comment and the Board's review of CGP's effects, including as relevant for considering any conditions pertaining to the program or other potential competitive enhancements.

Specifically, the Board directs Applicants to:

- [EC–1] For each proposed CGP exclusion or limitation,[22] (a) applying Israel's model, quantify the degree to which inclusion in CGP would generate consumer surplus for the excluded group; (b) explain the rationale for excluding or limiting that group from CGP eligibility; and (c) where the exclusion or limitation is for operational reasons, estimate the costs of any operational modification required to make the excluded group CGP-eligible. While some traffic may fall in multiple excluded groups, Applicants shall address and compare the potential public benefits and costs of making each individual excluded group CGP-eligible, rather than address all groups in aggregate.
- [EC–2] For the proposed time limitation of CGP, (a) address the extent to which any harms of the Transaction, which CGP may be intended to offset, are permanent; (b) applying Israel's model, explain the selection of CGP's termination date on public interest grounds, factoring in any potential consumer surplus from extending the program; and (c) address whether the proposed time limitation of CGP reduces the net benefits of the Transaction as compared to a longer duration or permanent condition.

[22] For purposes of this directive, Applicants' analysis shall include, but is not limited to, the following proposed exclusions or limitations: unit trains, TIH/PIH, intermodal, automotive, interchange points outside of the four covered gateways, connecting carriers other than BNSF and CSXT, and shippers with direct rail-to-rail competition. Each exclusion or limitation shall be considered an excluded group and addressed individually (*e.g.,* unit trains shall be addressed individually).

• [EC–3] For the set of carloads identified as eligible for CGP but not identified as potentially benefitting from CGP, (*see* Rev. Appl. 2–261, V.S. Israel 81, Fig. 14), quantify any potential harm [23] and discuss whether and how the design of CGP maximizes net benefits for CGP-eligible traffic.

• [EC–4] Discuss the extent to which Applicants propose any specific measures (*e.g.,* specific service benchmarks with clear timeframes) against which CGP service performance will be measured relative to comparable single-line traffic moving in UP/NS service, and detail any specific enforcement mechanisms to ensure non-discriminatory handling of traffic moving under CGP. (*See* Rev. Appl. 1–390, V.S. Novak 17.)

• [EC–5] For sole-served shippers served by either UP or NS on a single-line basis,[24] (a) quantify, by commodity group and Business Economic Area, the amount of traffic that is potentially disciplined by geographic competition; and (b) explain the extent to which any proposed conditions (*e.g.,* CGP, gateway protections, access remedies) provide a meaningful offset for any loss in any geographic competitive constraint for this traffic.

• [EC–6] Discuss the extent to which CGP would enable shippers to have competitive choice to help reduce or avoid use of the merged carrier during service disruptions, should transitional service problems occur.

Access: 2-to-1 and 3-to-2 Shippers. Protection against a reduction in the number of railroads serving a shipper facility is not new. Indeed, the Board's major merger rules state that the Board ''consistently impose[s] conditions to preserve two-railroad service'' and will impose remedies to preserve competition on a case-by-case basis where a shipper's rail access is reduced from three carriers to two. *Major Merger Rules,* 5 S.T.B. at 548–49 & n.10. In comments on the new rules, UP itself endorsed a case-by-case analysis for 3-to-2 situations and argued that the Board should examine each situation on its facts, and, if the evidence demonstrates that a competing railroad would be ineffective in constraining the merged carrier, introduce a third competitor. *Id.* at 691. Recent Board precedent (in a minor transaction) addresses the competitive impact of a proposed transaction on 3-to-2 shipper facilities. *See Canadian Nat'l Ry.—Control—Iowa N. Ry.,* FD 36744 et al., slip op. at 7–11 (STB served Jan. 14, 2025) (''There can still be a significant lessening of competition even where the merging parties are not the only, or even the two largest, competitors in the market.''). The major merger rules call for applicants to list 2-to-1 and 3-to-2 shippers. *See* 49 CFR 1180.7(b)(2).

While Applicants' treatment of 2-to-1 and 3-to-2 shipper facilities does not fail the minimum informational requirements for completeness,[25] the Board's review of the merits of Applicants' proposed access remedies would benefit from additional information, and such information would also aid in enabling meaningful public comment from affected parties. Indeed, the Board's experience in imposing and enforcing past major merger conditions protecting against a reduction in serving railroads indicates the benefits of ascertaining and evaluating the specifics of potential remedies early in the merger review process.[26]

As such, the Board directs Applicants to:

• [A–1] List each 2-to-1 and 3-to-2 shipper facility—including each shipper facility that would face a 2-to-1 or 3-to-2 reduction in direct access to Class I carriers [27]—and, for each facility listed, address how pre-merger competition among carriers will be maintained.

• [A–2] For each 3-to-2 shipper facility, explain why the Board should not remedy a reduction in carriers serving the facility. For each facility for which Applicants maintain no condition should be imposed, detail how any alternative competitive constraint would fully protect against competitive harm from a loss of a competitive intramodal option.

• [A–3] For each 2-to-1 and 3-to-2 shipper facility, provide any contracts or agreements, and any supporting details relevant to the Board's examination of the arrangement, pertaining to access or competition protection, and—if no contract or agreement has been entered into—describe Applicants' most recent proposal to provide access or competition protection to such facility and the status of any negotiations on such proposal.

• [A–4] Confirm that Applicants do not intend to take any action to reduce or eliminate the access of any Class II carrier, Class III carrier, or a port to a Class I carrier following the Transaction, including, for example, through changes involving interchange commitments, lease arrangements, routing, or service.

Public Benefits: Diversion Analysis. Applicants' public-interest analysis relies principally on the proposed diversion of approximately 2.1 million truckloads of traffic from long-haul trucking to rail, which Applicants' expert estimates will save customers approximately $3.5 billion annually and result in cascading benefits to multiple stakeholders. (Rev. Appl. 1–14.) One of the goals of the Board's *Major Merger Rules* was to align an application's projections for the benefits of a merger with the realized transaction and to provide means to alleviate any inconsistencies. *See* 49 CFR 1180.1(c)(1) (''To ensure that applicants have no incentive to exaggerate the projected benefits to the public, the Board expects applicants to propose additional measures that the Board might take if the anticipated public benefits fail to materialize in a timely manner.''); *Major Merger Rules,* 5 S.T.B. at 579–581. The Board requires additional information to evaluate, and for the public to have a meaningful opportunity to comment on, Applicants' projected diversions and the accompanying asserted public benefits.

Specifically, the Board requires Applicants to:

• [PB–1] Confirm whether Applicants' diversion analyses and public benefit summaries reflect Applicants' assumption that no competitive response, by any market participant, in any form, will occur during the first three years after consummation. If Applicants' analyses and summaries incorporate a competitive response, detail how that response was incorporated into the model and affects the diversion and benefit estimates.

• [PB–2] Taking into account analyses reflected in the documents produced in response to *Decision No. 13,* identify and describe the most likely competitive responses from any mode of transportation to the proposed Transaction and how each of those responses would impact Applicants' ability to attract new traffic. For each

[23] Applicants shall present the quantification of any harms in the same format as the quantification of projected benefits. (*See* Rev. Appl. 2–261, V.S. Israel 81, Fig. 14.)

[24] For purposes of this directive, Applicants shall include shippers served by a Class II or Class III carrier interchanging solely with UP or NS.

[25] Applicants detail the steps they took to develop their list of 2-to-1 and 3-to-2 shipper facilities but acknowledge that their original method fell short of identifying all of the necessary facilities. (Rev. Appl. 1–394 to 1–397, V.S. Novak 21–24.) Applicants acknowledge that there may be further facilities they have yet to identify. (*Id.* at 1–397, V.S. Novak 24.)

[26] *See BNSF Ry.—Terminal Trackage Rts.—Kan. City S. Ry.,* FD 32760 (Sub-No. 46), slip op. at 9 (STB served July 5, 2016) (analyzing requested terminal trackage rights using a public interest standard to determine if they were necessary to effectuate the merger conditions imposed decades earlier).

[27] For purposes of Applicants' responses to A–1, A–2, and A–3, direct access to a Class I carrier does not include access via a Class II or III carrier that connects to a Class I carrier.

competitive response identified, Applicants shall (a) provide a quantitative estimate or, if a quantitative estimate is not feasible, a detailed qualitative assessment of the potential reduction in projected diversions; [28] (b) provide the resulting impact on Applicants' projected net revenues and annual public benefits; and (c) discuss the impact on Applicants' earnings available for fixed charges. *See* 49 CFR 1180.6(a)(2)(ii) & (iii).

- [PB–3] Provide any document generated by or for UP or NS since July 30, 2024, that contains diversion projections under competitive response scenarios that are materially lower than Hunt's estimates and, if any such projections exist, explain any material differences.
- [PB–4] Confirm whether Applicants' diversion analysis and public benefit summaries reflect any impact from CGP.
- [PB–5] Given that Applicants state that they do not currently have sufficient capacity to support the projected traffic growth, (*see* Rev. Appl. 1–59), (a) explain how Applicants will achieve the projected benefits of the Transaction within the first three years after consummation considering the time needed for Applicants and shippers, as applicable, to construct the infrastructure (*e.g.,* new sidings, siding extensions, new mainline track, yard expansions, shipper facility investments) and deploy operational assets (*e.g.,* containers, cars, and chassis) needed to generate and handle projected traffic growth; and (b) provide a quantitative estimate or, if a quantitative estimate is not feasible, a detailed qualitative assessment as to the extent to which Applicants' projected benefits are dependent on shipper investment.
- [PB–6] Beyond the conversion of routes to single-line service, elaborate on the extent to which other changes to business or commercial strategies or practices (including with respect to pricing) are planned or modeled to achieve the projected traffic diversions. Applicants shall specify (a) the extent to which rate adjustments (outside of the CGP) are planned to achieve projected diversions and (b) the extent to which Applicants' modeled revenue projections reflect any reduction in revenue per carload (or other pricing adjustment) for any shipper or group of shippers (outside of CGP).
- [PB–7] Provide a discussion of (a) any proposed oversight framework for both diversions and the related public benefits projected by Applicants and (b) if the anticipated public benefits fail to materialize in a timely manner after consummation,[29] any proposed measures that could be enacted swiftly [30] and any proposed measures that could be available for shippers that are excluded from CGP (as referenced in EC–1 above). For each CGP-excluded group, identify any mechanism that would provide relief or generate other benefits should Applicants' projected benefits fail to materialize.
- [PB–8] Given the significant length-of-haul opportunities identified in Hunt's truck-to-rail diversion analysis that go beyond the watershed area,[31] (a) elaborate on what efforts have been made in the area of joint-line agreements between UP and NS regarding these opportunities from January 1, 2023, to present and (b) specify the reasons the traffic did not convert to rail without a merger.

Service Assurance Plan. The Board's major merger rules envision proactive steps to address service issues surrounding the implementation of a merger. *See* 49 CFR 1180.1(h)(1) (''The quality of service is of vital importance. Accordingly, applicants must . . . [identify] the precise steps they would take to ensure adequate service and to provide for improved service . . . [A]pplicants will be required to provide service benchmarks, describe the extent to which they have entered into any arrangements with shippers and shipper groups to compensate for service failures, and establish contingency plans that would be available to mitigate any unanticipated service disruption.'').

In *Major Merger Rules,* the Board ''strongly encouraged applicants to make a commitment in the application to submit to arbitration all claims of merger-related service failures,'' and the Board provided an example of an arbitration process with specific standards for a service failure and a system for compensating shippers harmed by failures such that disputes could be ''readily handled'' by an arbitration should an affected shipper elect to use arbitration. *Major Merger Rules,* 5 S.T.B. at 580.

The Revised Application proposes an arbitration system for service failures. Specifically, Applicants propose to provide arbitration, on complaint by a shipper, when Applicants fail ''to provide reasonable service due to merger implementation problems during the statute of limitations period.'' (Rev. Appl. 2–1141 (Service Assurance Plan).) Applicants propose to require a customer to demonstrate ''substantial deterioration in service.'' (*Id.*) Under the proposal, Applicants would ''have the right to cure the alleged failure to provide reasonable service'' within a 30-day period, and the proposed arbitration process would terminate three years after the effective date of the Board's approval of the Transaction. (*Id.* at 2–1141, 43 (Service Assurance Plan).) While Applicants provide the information required for the purposes of completeness, additional information is needed to assess the usefulness of the proposed arbitration process and allow parties to understand rights and remedies associated with the proposal. (NGFA Comments 5, May 8, 2026 (''Applicants must submit a precise, detailed Service Assurance Plan that provides the Board and industry stakeholders in advance with a written plan to which the Applicants can be held to account when any post-merger service disruptions occur.'').)

Accordingly, the Board directs Applicants to:

- [SA–1] Elaborate on the terms ''substantial deterioration in service,'' ''reasonable service,'' and ''cure,'' and explain any criteria (*e.g.,* specific measurable benchmarks and clear timeframes) that would be used when evaluating those terms in the context of individual shipper claims.
- [SA–2] Explain the compensation available to shippers under the proposed arbitration system, including how Applicants envision the compensation will be calculated and what forms it might take (*e.g.,* direct payment, rate reductions). (Rev. Appl. 2–1142 (Service Assurance Plan).)
- [SA–3] Explain any remedies available for traffic Applicants have

[28] For purposes of PB–2, Applicants' analysis shall include, at a minimum, carload and intermodal on an individual basis, and rail-to-rail and truck-to-rail on an individual basis.

[29] The Board notes that there is history of prior major mergers that have fallen short of truck-to-rail conversion projections on past applicants' timelines. For example, in the most recent Class I merger, *Canadian Pacific—Kansas City Southern,* the applicants forecasted converting 64,000 trucks per year from highway to rail. *See Canadian Pac. Ry.—Control—Kan. City S.,* FD 36500 et al., slip op. at 21 (STB served Mar. 15, 2023). Three years after consummation, that goal has not yet been realized. *See* CPKC's Jan. 2026 Traffic Diversion Submission 6, *Canadian Pac. Ry.—Control—Kan. City S. (Gen. Oversight),* FD 36500 (Sub-No. 6) (filed Jan. 15, 2026). Applicants here project substantially more diversions—2.1 million truck-to-rail conversions. (*See* Rev. Appl. 1–14.)

[30] The Board notes that an extension of the CGP could be years after the timeline on which Applicants project benefits would materialize. (*See* Rev. Appl. 1–92 to 1–93 (discussing the possibility of the Board extending CGP ''if the other anticipated public benefits of the merger fail to materialize in a timely manner'').)

[31] In Hunt's truck-to-rail diversion analysis, the data shows that *average* length-of-haul is 2,070 door-to-door miles for the 1.203 million annual trucks to be converted to intermodal rail. (Rev. Appl. 2–450, V.S. Hunt 63.) Nearly 80% of the truck-to-rail diversions are 1,500 miles and longer. (Rev. Appl. 2–451, V.S. Hunt 64.)

designated as ineligible for the proposed arbitration system, including exempt commodities and traffic moving under contract, and describe the process for shippers of such traffic to obtain such remedies.

Issues Involving Gateways and Car Supply (TRRA, KCT, and TTX). Absent conditions, the Transaction, if approved, would result in the combined UP/NS holding 50% or more of the ownership interests in various entities, including terminal railroads at important gateways (TRRA in St. Louis and KCT in Kansas City) and the rail car-pooling company, TTX. As discussed above, though the Transaction would lead to Applicants' majority ownership of TRRA and 50% ownership of KCT, Applicants assert that they will divest sufficient interests in TRRA rather than acquiring control, and that their combined 50% ownership interest in KCT would not constitute control. Applicants would also gain majority control of TTX and, as with TRRA, propose to divest their interests below 50%. Thus, through various mechanisms, the Revised Application states that Applicants will not control these three entities, with differing commitments as to certainty of divestiture, resulting ownership, and timelines for TRRA and TTX.

Even if Board authority for control of these entities is not required at this time based on the current record, Applicants' substantial ownership interests in these entities may have competitive impacts that the Board may consider in determining whether the Transaction is consistent with the public interest. *See* 49 CFR 1180.1(c); *see also TTX Co.—Appl. for Approval of Pooling of Car Serv. with Respect to Flatcars,* FD 27590 (Sub-No. 4) (STB served Oct. 1, 2014) (approving TTX's flatcar pooling authority for 15 years). The Board's rules contemplate conditions that would enhance competition in ways that strengthen and sustain the rail network as a whole, including portions of the network operated by Class II and Class III carriers, 49 CFR 1180.1(d), and require evaluation of impacts on network links, including Class II and III carriers, 49 CFR 1180.7(b).

In *Decision No. 9,* the Board determined that Applicants' acquiring control of TRRA would be a ''significant'' transaction because, on the record presented, the Board could not find that any anticompetitive effects of the transaction (which, as the Board held, were possible) would clearly be outweighed by the anticipated public benefits. *Decision No. 9,* slip op. at 10–11. In addition to concerns about TRRA, commenters have raised potential public interest concerns related to KCT (*see, e.g.,* CPKC Comments 13–14, May 8, 2026) and TTX (*see, e.g.,* BNSF Comments 5–6, May 8, 2026.) The Board requires additional information regarding Applicants' planned disposition of their interests in TRRA and TTX and retention of their 50% interest in KCT at the outset of the proceeding to facilitate the Board's assessment of, and public comments on, the public interest implications.

Specifically, the Board directs Applicants:

- For TRRA:
  - [TRRA–1] Explain Applicants' proposal for receiving Board review and confirmation that any divestiture has been sufficient to avoid legal control requiring Board authority, such that any express condition requiring divestiture before consummation has been satisfied.
  - [TRRA–2] Provide additional details regarding TRRA-related corporate documents that may affect the implementation of Applicants' proposal to divest shares and Board seats sufficient to avoid majority control by Applicants. For each such document, explain what changes would be required, and whether in Applicants' view such changes must be pursued under state law or whether preemption under 49 U.S.C. 11321(a) may apply.
  - [TRRA–3] Given Applicants' proposed operational changes at the St. Louis Gateway, which include re-routing traffic that historically has been interchanged with TRRA (*see, e.g.,* Rev. Appl. 2–874 (Service Assurance Plan)), provide additional details regarding Applicants' plans and incentives to invest in, and assume the liabilities of, TRRA.
- For KCT:
  - [KCT–1] Identify any decision-making mechanism, including in KCT's governance documents, that would resolve any deadlock on KCT decisions, including investment decisions.[32]
  - [KCT–2] Given Applicants' proposed operational changes at the Kansas City Gateway, which include adjusting current interchanges with KCT (*see, e.g.,* Rev. Appl. 2–874 to 2–875 (Service Assurance Plan)), provide additional details regarding Applicants' plans and incentives to invest in, and assume the liabilities of, KCT.
  - [KCT–3] Should the Board identify competitive impacts resulting from Applicants' 50% ownership interest in KCT that must be remedied by divestiture, provide any additional details regarding KCT-related corporate documents that may impact the implementation of any divestiture of shares and board seats.
- For TTX:
  - [TTX–1] Confirm whether Applicants would consummate the Transaction without first divesting from TTX. If so, provide additional details regarding Applicants' commitment to divest ''at such time as they are able to do so on commercially reasonable terms.'' (*Id.* at 1–89.) This response shall discuss Applicants' proposal for how the Board can evaluate, and confirm, whether TTX's divestment commitment has been satisfied, including what standards would govern the Board's adjudication of a claim that Applicants failed to divest after receiving a ''commercially reasonable'' offer[33] and whether any deadlines or specific timing constraints apply to Applicants' commitment that they will divest ''at such time as they are able.''
  - [TTX–2] Provide additional details regarding TTX-related corporate documents that may impact the implementation of Applicants' proposal to divest shares and Board seats sufficient to avoid majority control by Applicants. For each such document, explain what changes would be required, and whether in Applicants' view such changes must be pursued under state law or whether preemption under 49 U.S.C. 11321(a) may apply.
  - [TTX–3] Explain the potential impacts on competition of (a) Applicants' control interests if divestiture is not consummated and (b) Applicant's proposed 49% control of TTX, if implemented.

Market Share Projections. Under 49 CFR 1180.7(b), Applicants are required to submit ''full system'' impact analyses that include any operations in Mexico and Canada. For major mergers, these analyses must meet certain ''minimum requirements'' to ensure that such applicants ''supply the types of information we have found most helpful in assessing harm to competition or to essential services . . . .'' *Major Merger Rules,* 5 S.T.B. at 599. Among other things, the analyses must ''demonstrate the impacts of the transaction—both adverse and beneficial—on competition within regions of the United States and this nation as a whole . . . .'' 49 CFR 1180.7(b). They must account for ''inter- and intramodal competition, product competition, and geographic

[32] The Board notes that Applicants propose to keep a 50% ownership interest in KCT and, therefore, apparently, the power to veto proposals from KCT's other owners, and have not committed to divesting ownership *below* 50%.

[33] Although the Board does not expect Applicants to predict the specific terms of any offer, Applicants shall address the definition of ''commercially reasonable'' as necessary for the Board to consider the enforceable parameters of their proposed condition.

competition.'' *Id.* They ''should reflect the consolidated company's marketing plan.'' *Id.* at 1180.7(a). They ''must'' provide actual and projected market shares of (i) originated and terminated traffic by railroad for each major point on the combined system and (ii) revenues and traffic volumes for major interregional or corridor flows by major commodity group. *Id.* at 1180.7(b)(2)–(3). And ''[f]or each major commodity group, an analysis of traffic flows indicating patterns of geographic competition or product competition across different railroad systems, showing actual and projected revenues and traffic volumes.'' *Id.* at 1180.7(b)(4). These detailed market-share projections are required because ''[a]ny railroad combination,'' including an end-to-end combination, ''entails a risk that the merged carrier would acquire and exploit increased market power.'' *Id.* at 1180.1(c)(2)(i). In *Decision No. 9,* the Board concluded that the Application was incomplete because the full-system impact analyses did not contain Applicants' ''projected market shares'' as required by 49 CFR 1180.7(b), including the failure to account for merger-related traffic growth, diversions, or future changes to market conditions. In the Revised Application, Applicants assert that they have addressed the Board's prior basis for rejection by deriving post-merger market share projections that incorporate traffic that Applicants anticipate attracting from trucks and other railroads. (Rev. Appl. 1–16.)

The Board requires additional information to evaluate Applicants' projected market shares, and such information will also benefit the public's opportunity for comment. Specifically, the Board directs Applicants to:

- [MS–1] For each route on which Applicants' combined market share will increase if the Transaction is approved, elaborate on the potential impact on competing or alternative routes, including whether those competing or alternative routes' viability may be jeopardized due to insufficient post-Transaction traffic, (*see, e.g.,* NS_STB_00001186; NS_STB_00001321).
- [MS–2] Because the diversion analysis does not account for industry changes since 2023 from transactions involving CP–KCS, CSXT-Pan Am, and CN-Iowa Northern, (Rev. Appl. 2–457, V.S. Hunt 70), discuss the impact of these transactions on Applicants' ability to achieve the truck-to-rail and rail-to-rail diversions modeled by Hunt's diversion and projected market share analysis.[34]

Downstream Merger Impacts. As addressed above, the Board received comments arguing that Applicants did not thoroughly address potential downstream merger applications. *See* 49 CFR 1180.6(b)(12). BNSF argues that Applicants ''dismiss[ ] the analysis as impossible'' in the Revised Application, but that documents produced pursuant to *Decision No. 13* ''tell quite a different story.'' (BNSF Comments 6, May 8, 2026.) BNSF states that the lack of candor concerning Applicants' '' 'end game' assessments'' deprives the Board of ''even the most basic tools to wrestle with those industry-shaping issues.'' (*Id.* at 6–7.) Similarly, CN argues that Applicants do not provide a commentary on potential downstream mergers even though Applicants clearly considered such impacts. (CN Comments 23–24, May 8, 2026.)

While the Board's rules do not require specific benefit calculations based on the potential for possible downstream merger responses, the Board can fully analyze the effects of major mergers on the current landscape only if Applicants provide ''preliminary evidence about the evolving structure of the industry that would likely result from their proposal and others like it; if they address the merits of such a structure; if they provide their views on how to deal with potential problems that structure could cause to service, efficiency, and competition,'' and if other parties then express their concerns on a full record. *Major Merger Rules,* 5 S.T.B. at 582. Accordingly, to further this critical discussion, Applicants should provide further discussion about the potential for downstream merger applications, including further consolidation of the Class I railroads, including the Canadian carriers.

Specifically, the Board directs that:

- [DS–1] Because Applicants have taken the position that any additional Class I mergers would not likely result in harm if they are ''essentially end-to-end,'' (Rev. Appl. 1–95), Applicants shall specifically discuss whether any subsequent mergers—involving BNSF, CSXT, CN, or CPKC—would be ''end-to-end,'' and if not, provide their view on how to deal with potential problems resulting from further consolidation.
- [DS–2] Elaborate on the extent to which subsequent major mergers involving BNSF, CSXT, CN, or CPKC could cumulatively reduce geographic competition and impact market power, and discuss any implications for the Board's use of its conditioning authority in this proceeding.
- [DS–3] For each condition proposed in the Revised Application (including but not limited to CGP, open gateway commitments, access protections, and divestiture commitments), identify whether the condition would be rendered less effective by a subsequent major merger involving BNSF, CSXT, CN, or CPKC.

Passenger Rail. There appears to be one passenger rail route for which the Revised Application does not include a 49 CFR 1180.8(b)(2) passenger rail impact analysis. According to FRA's Intercity Passenger Rail Service Quality and Performance Reports, UP has hosted the Amtrak Heartland Flyer's northbound trains for 60 minutes each train run from October to December since at least 2021. *See* Federal Railroad Administration, FY26 Q1 Host Runtime Metric, *https://railroads.dot.gov/elibrary/fy26-q1-host-runtime-metric.*

Further, NJ Transit and NY DOT claim the Revised Application does not include several passenger rail services where NS has trackage rights on the lines used by those passenger services. (NJ Transit Comments 1–2, May 8, 2026; NY DOT Comments 2–7, May 7, 2026.) In reply, Applicants argue that the Board's regulations only require an impact analysis for passenger services that are operated ''over the lines of applicant carriers,'' which does not include lines where an applicant carrier only has operating rights. (Applicants Reply 37–38, May 12, 2026 (citing 49 CFR 1180.8(b)(2), 1180.3(b)).) Moreover, Applicants state that most of the services raised by NJ Transit will not be affected because there is no projected increase in trains due to the Transaction. (*Id.* at 39.) This includes the Pascack Valley Line, Bergen Line, Main Line, Montclair-Boonton Line, Morristown Line, Gladstone Branch, and Raritan Valley Line. (*Id.*) Likewise, Applicants state that the ''Southern Route'' and the ''Port Jervis line,'' both raised in NY DOT's comments, will not be affected because no additional trains are projected on those lines as a result of the Transaction. (*Id.* at 36, 41.)

Additionally, Applicants assert that the UP and NS lines used to host passenger services have sufficient capacity to support the projected freight increase while maintaining the current passenger service levels. (Rev. Appl. 2–757 to 2–763 (Ex. 13, Operating Plan).) But the only information provided to support that assertion is a worksheet showing the maximum daily capacity of rail line segments. (*See, e.g., id.* at 2–757

[34] *See, e.g.,* the Falcon Premium intermodal service offered by UP, CN, and Grupo México, and the intermodal service provided by BNSF, Grupo México, and J.B. Hunt.

n.100 (Ex. 13, Operating Plan).) The maximum daily train capacity does not explain how passenger trains will actually be affected. Passenger trains have specific schedules and are likely to travel at greater speeds than freight traffic. Applicants' Road Volume Capacity Summary worksheet does not illustrate how passenger and freight traffic will interact.

Thus, the Board directs Applicants to:

- [PR–1] Provide a passenger impact analysis for the Heartland Flyer service or explain why such an analysis is not needed.
- [PR–2] Because Conrail's Lehigh Line, over which NS has trackage rights, is projected to have a significant increase in train traffic, provide a passenger rail impact analysis for the Lehigh Line as Applicants prepared for NS- and UP-owned lines that carry passenger routes.
- [PR–3] Address, in the passenger impact analysis and SAP, how the UP and NS lines used to host passenger services have sufficient capacity to support projected freight increases while maintaining current passenger service levels. Supplemental information could include, for example, a dispatching plan for handling post-merger traffic increases, train modeling evidence showing passenger rail impacts (or the lack thereof), and an analysis of the anticipated freight traffic schedules and how they impact the existing passenger services.

Workpaper Issues. On May 14, 2026, BNSF filed a letter expressing concern with the quality and sufficiency of the workpaper submissions by Applicants. BNSF notes instances of outdated scripts and missing workpapers. BNSF argues that Applicants should have provided complete workpapers with the Revised Application and that their failure to do so compromises the integrity of the Board's proceedings. BNSF asks that the Board require Applicants to certify compliance with *Decision Nos. 3, 8, and 9.* On May 15, 2026, CPKC filed a letter joining in BNSF's concerns and arguing that Applicants had still yet to provide a complete and usable set of workpapers.

Applicants filed a response to CPKC and BNSF on May 15, 2026, stating that they believe all legitimate issues that have been identified have been resolved. Applicants commit to continue responding promptly to any additional issues raised by other parties. Subsequently, CPKC filed an additional letter on May 19, 2026, asserting that it has discovered further deficiencies in Applicants' workpapers and arguing that the time it takes for other parties to process and begin analysis of the Revised Application anew is untenable.

The Board appreciates the complexity and magnitude of the workpaper production in this proceeding, but the manner in which Applicants have managed the workpaper submission process has raised legitimate concerns that parties and the Board may not have a reliable and static set of workpapers to use in assessing and responding to the Revised Application. Therefore, with the upcoming submission of supplemental information, Applicants will be required to submit a new, complete set of workpapers and certify compliance with the requirements of *Decision Nos. 3, 8, and 9,* and the further guidance below. Continued significant issues regarding the workpaper submission process could delay the proceeding to the extent they impede the ability to respond to or analyze the Revised Application and supplement.

With the supplement and going forward, Applicants' workpaper submissions must follow the guidance in *Decision Nos. 3, 8, and 9,* as amended to comply with the below. To improve the process of submitting, replacing, cataloguing, and validating workpapers, Applicants will be required to:

1. Provide a single, comprehensive index containing all document names. Where the principal index ''FD 36873 Workpaper Index.xlsx'' today contains an entry referencing a secondary index, in the form ''see separate index titled '[Expert VS] Workpaper Index,''' replace this entry with the list of that expert's workpapers and their confidentiality designations. There are currently five sub-indices referenced by the principal index. Bring all of the content in the sub-indices into the principal index.

2. After ''FD 36873 Workpaper Index.xlsx'' has been augmented with all information formerly contained in sub-indices, populate three additional columns with the following information:

a. A column titled, ''Upstream References.'' If a workpaper contains formulas that reference one or more upstream workpapers, list all such workpapers in this column. If a workpaper does not contain formulas referencing other documents, leave its entry blank.

b. A column titled, ''Downstream Feeds.'' If a workpaper contains cells that are referenced by one or more downstream workpapers, list all such workpapers in this column. If a workpaper is not referenced by formulas in any other workpaper, leave its entry blank.

c. A column titled, ''Exhibits and Entries.'' List all exhibits, graphs, tables, and numeric figures in the Revised Application text that are drawn from this workpaper, using as specific a reference as possible, (*e.g.* to the volume, page, and figure or table). If a workpaper does not directly feed content in the Revised Application, leave this column blank.

If a change to a workpaper results in a change to the content of the Revised Application (a chart, figure, or citation), Applicants must file an errata to the Revised Application reflecting that change.

Completeness of Applicants' Document Production in Response to Decision No. 13. As noted above, on March 18, 2026, the Board directed Applicants to submit additional information deemed necessary to facilitate the Board's review of a revised application. *Decision No. 13,* FD 36873 et al., slip op. at 5–7. Specifically, the Board required Applicants to submit documents of the kind ordinarily requested by the Federal Trade Commission and the Department of Justice in merger cases subject to review under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (HSR Act), 15 U.S.C. 18a. The submission was to be made in advance of the anticipated April 30 filing date of the Revised Application. *Decision No. 13,* FD 36873 et al., slip op. at 7.

Applicants submitted their responses to *Decision No. 13,* including the production of documents, on April 7, 2026. (*See* Norfolk S. Letter 1–2, Apr. 7, 2026; Union Pac. Letter, Apr. 7, 2026.)

On April 27, 2026, BNSF filed a motion to enforce *Decision No. 13,* arguing that the universe of submitted documents was too small to plausibly represent a complete response to the Board's order. CPKC filed a reply in support of BNSF's motion on April 28, 2026, and Applicants replied on May 8, 2026.

In comments on the completeness of the Revised Application, CPKC and CSX assert that the Revised Application is incomplete on the ground that Applicants have allegedly failed to comply with *Decision No. 13,* as set forth in BNSF's motion to enforce. (CPKC Comments 14–15, May 8, 2026; CSX Comments 8–9, May 8, 2026.)

For present purposes, the sufficiency of Applicants' production in response to *Decision No. 13* does not bear on the completeness of the Revised Application. In *Decision No. 13* the Board exercised its general authority to request information *supplemental* to a refiled application. *Decision No. 13,* FD 36873 et al, slip op. at 5 (citing 49

U.S.C. 1321(b)(3)). It did not indicate that the Board intended to make compliance with *Decision No. 13* part and parcel of a revised application itself (although the Board would have had authority to do so had it chosen that path, *see* 49 CFR 1180.4(c)(2)(v)). The Board will rule on BNSF's motion to enforce *Decision No. 13* at a later date.

Ex Parte Communications. On August 29, 2025, Applicants filed a motion to permit stakeholder communications in accordance with 49 U.S.C. 11324(f).[35] In it, Applicants ask the Board to waive in this proceeding the prohibition on ex parte communications for railroad merger proceedings established in *Petition of Fieldston Co. to Establish Procedures Regarding Ex Parte Communications in Railroad Merger Proceedings* (*Fieldston*), 1 S.T.B. 1083 (1996). Applicants argue that *Fieldston* relied on justifications that ''are no longer valid,'' and that allowing parties to the proceeding to participate in ex parte communications would facilitate the Board's decision-making. (Applicants Mot. 2–5, Aug. 29, 2025.)

Applicants state that, in *Fieldston,* the Board expressed concerns about reducing oral communications to writing and reflecting such communications in the public record. (*Id.* at 3–4.) According to Applicants, those concerns were remedied by the Board's more recent rules allowing ex parte communications in informal rulemaking proceedings, which require participating stakeholders to submit a memorandum that, among other things, ''summarizes the data and arguments presented during the ex parte communication.'' 49 CFR 1102.2(g)(4). Under those rules, the Board reviews the memorandum to ensure it is ''sufficiently detailed,'' and then places it in the public docket. *Id.* According to Applicants, such procedures safeguard fairness and transparency and should be employed in this proceeding. (Applicants Mot. 4, Aug. 29, 2025.) Applicants also argue that ex parte communications could further the Board's ability to issue an efficient and timely decision, contrary to the Board's finding in *Fieldston* that ex parte communications would impede efficiency. (*Id.* at 3, 5–6.) Additionally, Applicants argue that the Board in *Fieldston* provided no support for finding that judicial review of a railroad merger decision would be complicated if the Board exercised its discretion to permit ex parte communications. (*Id.* at 4.)

The other Class I railroads each replied to Applicants' motion. BNSF and CN support Applicants' motion. BNSF argues that ex parte communications would ''increase[e] the flow of information and technical expertise between the Board and its stakeholders,'' facilitating ''decision-making that is grounded in the complex operational and market realities of the rail industry.'' (BNSF Reply 3, Sept. 22, 2025.) Similarly, CN argues that ex parte communications in this proceeding would enhance efficiency and ''contribute to more timely and informed decision-making.'' (CN Reply 2, Sept. 17, 2025.) CSXT replies that it does not oppose ex parte communications in this proceeding, subject to safeguards ensuring that they are helpful, efficient, and fair. (CSXT Reply 2–8, Sept. 22, 2025.)

CPKC opposes Applicants' motion, arguing that the principles underlying *Fieldston* remain valid and that Applicants underestimate ''practical, due process, and fairness concerns'' associated with permitting ex parte communications in this proceeding. (CPKC Reply 2, 5, Sept. 19, 2025.) CPKC also argues that rail merger proceedings are distinguishable from informal rulemaking proceedings, in which the Board generally permits ex parte communications. CPKC reasons that, in rail merger proceedings, the Board acts as a decision maker rather than a policymaker. (*Id.* at 7.) CPKC also argues that merger proceedings are subject to statutory deadlines that do not apply to informal rulemaking proceedings. (*Id.*) Should the Board decide to permit ex parte communications in this proceeding, CPKC argues that the Board should impose certain safeguards. (*Id.* at 8–11.)

The Board will deny Applicants' motion to waive the ex parte communication prohibitions in *Fieldston* at this time.[36] Ex parte communications provide an opportunity for freer discussions between parties and the Board, potentially aiding in the Board's understanding of key issues and its decision making. However, given the high level of interest in this proceeding, a broad *Fieldston* waiver at this juncture could complicate and delay any future record building process. Under Applicants' proposal, entertaining ex parte communications would also require additional filings—namely, summaries of each ex parte communication and potentially numerous responses to each summary—adding to what will likely be a large and complex record and requiring Board members and staff to expend resources on additional review. (Applicants Mot. 3, 5, Aug. 29, 2025); *see* 49 CFR 1102.2(g)(4)(ii); *see also Fieldston,* 1 S.T.B. at 1084 (discussing practical bases for deciding not to entertain ex parte communications); *Pet. for Rulemaking—Amends. to Reguls. Governing Ex Parte Commc'ns,* EP 782, slip op. at 5–6 (STB served Apr. 14, 2026).

Additionally, the concerns expressed in *Fieldston* about transparency and fairness in merger proceedings were not necessarily ''remedied'' by the Board's rules imposing safeguards on ex parte communications in informal rulemaking proceedings. (Applicants Mot. 3, 5, Aug. 29, 2025.) When the Board amended its rules to allow ex parte communications in informal rulemakings, it specifically declined to determine whether ex parte communications should be permitted in major rail merger proceedings. *See Ex Parte Commc'ns in Informal Rulemaking Procs.,* EP 739, slip op. at 8 n.13 (STB served Feb. 28, 2018). In *Fieldston,* the agency recognized that potential trade-offs in allowing ex parte communication are heightened in the merger context. *Fieldston,* 1 S.T.B. at 1085.

However, as the record develops, if the Board identifies specific issues for which ex parte communications would have particular value, the Board will again evaluate whether the benefits of such communications outweigh the burden of additional filings and any other effects. In that event, the Board will issue a decision inviting such communications and providing for any necessary safeguards, including subject matter or procedural limitations.

Environmental Matters. NEPA requires that the Board examine the potential environmental impacts of Board actions that fall within the statutory definition of ''major federal action.'' *See* 42 U.S.C. 4336e(10); 49 CFR 1105.5.[37] Under NEPA and the Board's environmental regulations, actions subject to NEPA are separated into three classes that prescribe the level of environmental review required. *See* 42 U.S.C. 4336(b); 49 CFR 1105.6. The

[35] Section 11324(f) permits, but does not require, ex parte communications in consolidation, merger, or acquisition of control proceedings involving at least one Class I rail carrier, subject to certain requirements.

[36] Because Applicants' motion will be denied, the Board need not address arguments, raised in replies to Applicants' *Fieldston* motion and comments on the Board's proposed procedural schedule, on how and when to permit ex parte communications.

[37] The Board's current regulation references the definition of ''major Federal action'' contained in the Council on Environmental Quality's (CEQ's) former NEPA implementing regulations at 40 CFR parts 1500–1508. As explained below, CEQ has recently rescinded these regulations. 91 FR 618 (Jan. 1, 2026). Therefore, the operative definition is the statutory definition at 42 U.S.C. 4336e(10).

Board must prepare an EIS for proposed actions that have a reasonably foreseeable significant effect on the quality of the human environment. *See* 42 U.S.C. 4336(b)(1). The Board must prepare a more limited Environmental Assessment (EA) with respect to proposed actions that do not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown, unless the Board determines that the proposed action is categorically excluded from the requirement to prepare an EA or EIS. *See* 42 U.S.C. 4336(b)(2). As pertinent here, a merger transaction normally requires the preparation of an EA or EIS where the thresholds listed in the Board's regulations would be exceeded. *See* 49 CFR 1105.6(b)(4), 1105.7(e)(5).

The thresholds for assessing environmental impacts from increased rail traffic on rail lines in railroad merger proceedings are an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day. 49 CFR 1105.7(e)(5)(i)(A). Rail lines located in areas classified as being in ''nonattainment'' under the Clean Air Act (42 U.S.C. 7401–7671q) are also assessed if they would experience an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains per day. 49 CFR 1105.7(e)(5)(ii)(A).

Additionally, the thresholds for assessing environmental impacts from increased activity at rail facilities, including rail yards and intermodal facilities, are an increase in rail yard activity of at least 100% (measured by carload activity) or an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment. 49 CFR 1105.7(e)(5)(i)(B), (C). For rail facilities in nonattainment areas, the thresholds are an increase in rail yard activity of at least 20% (measured by carload activity) or an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment. 49 CFR 1105.7(e)(5)(ii)(B), (C).

Based on the information provided by Applicants to date, OEA has identified rail lines, rail yards, and intermodal facilities that would experience increases in rail traffic and activity that would exceed the analysis thresholds as a result of the Transaction.[38]

The NEPA Process. Based on information provided by Applicants and in consultation with OEA, the Board has determined that the preparation of an EIS is appropriate in this proceeding.[39] Under NEPA, an agency must prepare an EIS for actions that would have a ''reasonably foreseeable significant effect on the quality of the human environment.'' 42 U.S.C. 4336(b)(1). An EIS is usually not required in merger cases; a more limited EA generally is sufficient because there are not usually significant environmental impacts from the change in owners and operators of existing lines. 49 CFR 1105.6(b)(4). In this case, however, an EIS is warranted in light of the potential for significant impacts of the Transaction on numerous communities across the United States that would likely result from increased activity levels on rail line segments and at rail facilities. (*See* UP Resp. to OEA Info. Request No. 1, Master Segment Table, Dec. 18, 2025; UP Resp. to OEA Info. Request No. 3, Master Data Tables, Apr. 30, 2026.)

Consistent with recent Board precedent, the Board will follow the EIS process described below in this proceeding.[40] This process is based on recent changes regarding the interpretation and application of NEPA. NEPA's statutory and regulatory framework has changed significantly since the Board last revised its environmental regulations in 1991. In 2023, Congress amended NEPA to clarify and streamline the environmental review process. Public Law 118–5, 321. Among other things, the revised statute addresses the requirements for providing notice of the intent to prepare an EIS and for soliciting comments. *See* 42 U.S.C. 4336a(c).

In 2025, CEQ published an Interim Final Rule, effective April 11, 2025, rescinding ''all iterations'' of its NEPA implementing regulations. 90 FR 10,610 (Feb. 25, 2025).[41] The rescinded regulations included procedures for scoping, preparing, and seeking comment on an EIS. *See* 40 CFR 1501.9 and part 1502 (2020). Following the rescission, CEQ published NEPA implementation guidance envisioning a streamlined EIS process, focused on the statutory requirements.[42] CEQ's actions were directed by Executive Order 14154, *Unleashing American Energy,* 90 FR 8353 (Jan. 20, 2025), which also directed that revisions to individual agencies' NEPA implementing regulations must be consistent with NEPA as amended.

Moreover, in *Seven County Infrastructure Coalition* v. *Eagle County Colorado* (*Seven County*)—a case upholding a Board EIS—the Supreme Court called for adherence to the ''statutory text'' and ''common sense'' in NEPA reviews. *Seven Cnty.,* 605 U.S. 168, 184 (2025). The Court stated that ''NEPA is a purely procedural statute that, as relevant here, simply requires an agency to prepare an EIS—in essence, a report.'' *Id.* at 173; *see also id.* at 183 (indicating that the NEPA process should be seen as a ''modest procedural requirement'').

In light of these changes to NEPA's legal framework and to promote a more efficient process,[43] the Board finds it is appropriate to waive certain requirements contained in 49 CFR 1105.10(a)(2)–(4) in this proceeding.[44] These waivers are consistent with the Board's recent proposed changes to its environmental regulations. *Permitting Reform—Env't Rev. Process* (*Permitting Reform*), EP 779 (STB served Mar. 25, 2026). The Board will also increase public engagement early in the environmental review process—with numerous public meetings and opportunities for public comment.

The EIS process will include robust public involvement and will ensure that the Board considers the potential environmental effects of the Transaction as required under NEPA. OEA will send out thousands of letters requesting preliminary comments on the

[38] The Board will not conduct an environmental review of the control application in Docket No. FD 36873 (Sub-No. 1). That transaction is categorically excluded under 49 CFR 1105.6(c)(1) because there will be no significant changes in operations as a result of the acquisition. (*See* Rev. Appl. 2–1162.)

[39] Along with the procedural schedule, the environmental review will also be held in abeyance pending Board review of the required supplementation discussed above.

[40] *See Nev. Gold Rail LLC—Constr. Exemption—in Eureka & Landers Cntys., Nev.,* FD 36889, slip op. at 2–5 (STB served May 22, 2026).

[41] CEQ adopted the Interim Final Rule as Final on January 8, 2026. 91 FR 618.

[42] Memorandum for Heads of Departments and Agencies: Implementation of the National Environmental Policy Act (Sept. 29, 2025) (CEQ Guidance), available at *https://ceq.doe.gov/guidance/guidance.html* (last visited Apr. 23, 2026).

[43] As CEQ has noted, ''NEPA implementation reform now has been called for, authorized, and directed by all three branches of government at the highest possible level: Congress, the President, and the Supreme Court.'' CEQ Guidance 6.

[44] The Board may waive its regulations and has done so on its own motion in various contexts and proceedings. *See, e.g., Expanding Access to Rate Relief,* EP 665 (Sub-No. 2), slip op. at 1–2 (STB served Mar. 28, 2018) (waiving the prohibition on ex parte communications based on regulatory revisions adopted by the Board during the pendency of the proceeding); *Lake Providence Port Comm'n—Feeder Line Appl.—Line of Delta S. R.R. Located in E. Carroll & Madison Pars., La.,* FD 36447, slip op. at 5 & n.15 (STB served Dec. 11, 2020) (waiving timeframe for posting notice of feeder line application acceptance); *Rio Grande Pac.—Continuance in Control—Colo., Midland & Pac. Ry.,* FD 37470 (STB served Jan. 29, 2021) (waiving regulatory deadline for Board decision on motion for access).

Transaction from appropriate federal, state, Tribal, and local agencies. A project web page has also been made available to the public and will be updated throughout the EIS process.[45] OEA will publish a Notice of Intent to Prepare an EIS (NOI) containing detailed information about the planned scope of analysis for the EIS including, among other things, the purpose and need for the Transaction; a summary of expected effects; a summary of anticipated reviews, consultations, permits and authorizations; and a description of the public scoping process. *See Permitting Reform,* EP 779, slip op. at 36 (proposed 49 CFR 1105.9(f)(1)).

The NOI in this proceeding will be more fulsome than under the Board's prior EIS process and will serve as an opportunity for interested members of the public to provide substantive comments earlier in the environmental review process. The NOI will also include a request for public comment on potential effects and on relevant information, studies, or analyses with respect to the Transaction. *Id.* at 36–37 (proposed 49 CFR 1105.9(f)(2)).

Following the NOI and scoping process, OEA will prepare and publish an EIS that will analyze in detail the potential environmental impacts of the Transaction, respond to public comments on the NOI, and, if appropriate, make recommendations for environmental mitigation. In making its final decision in this proceeding, the Board will consider the entire record, including the record on the transportation merits, the NOI, the EIS, and all public and agency comments received. The Board will decide whether the Transaction should be authorized, and if so, what conditions, including environmental mitigation conditions, to impose.

OEA will provide ample opportunities for timely public participation in this proceeding, including at least 12 in-person public meetings.[46] Public participation is an integral part of the Board's EIS process, and meetings, including several virtual meetings, will be planned as appropriate to facilitate public involvement in areas of the country that may be impacted.[47] To appropriately consider the Transaction's potential environmental effects and to provide meaningful opportunities for public participation early in the process, the Board will modify its procedures in two ways.

First, the Board is modifying the process set forth at 49 CFR 1105.10(a)(2) for publishing an NOI to prepare an EIS. Specifically, OEA will address any comments on the NOI in the EIS itself, rather than publishing a ''Final Scope of Study'' following publication of the NOI and request for comments. The Board's NOI process in this proceeding will present more detailed information to the public at the NOI stage than under the Board's previous process. The two-step NOI process, as reflected in section 1105.10(a)(2), is not required under NEPA's current framework. Section 107(c) of NEPA, added as part of the 2023 amendments, provides that EIS NOIs must ''include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.'' 42 U.S.C. 4336a(c). The statute does not mandate a further scoping process, nor envision publication of a ''Final Scope of Study'' or similar document following the NOI comment period and before publishing the EIS. *See id.* The modified NOI process that the Board will use in this proceeding is consistent with CEQ's current guidance. *See* CEQ Guidance, App. 1.

Second, the Board will waive the requirements for a Draft EIS and public comment period on the Draft EIS as reflected in 49 CFR 1105.10(a)(3) and (4).[48] The historical requirement that agencies publish a Draft EIS for public comment before issuing a Final EIS stemmed not from NEPA itself, but from CEQ's now-rescinded NEPA implementing regulations. *See* 40 CFR 1502.9 (2020). The 2023 NEPA amendments, in laying out the requirements for an EIS, do not require publication of a Draft EIS. *See* 42 U.S.C. 4336, 4336a; CEQ Guidance, App. 1. In this proceeding, applying the Board's Draft EIS provisions is therefore unnecessary, and the Board will still be able to ensure adequate and meaningful public participation, as discussed above.[49]

Historic Review. In accordance with Section 106 of the NHPA, the Board is required to determine the effects of its licensing actions on cultural resources. The Board's environmental rules establish exceptions to the need for historic review in certain cases, including the sale of a rail line for the purpose of continued rail operations where further Board approval is required to abandon any service and there are no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older.[50] 49 CFR 1105.8(b)(1). Applicants do not propose to construct any new rail lines subject to Board licensing or to abandon any rail lines as part of the Transaction. (UP Resp. to OEA Info. Request No. 1, at 4, Dec. 18, 2025; Rev. Appl. 2–691, 2–1009 n.185.) Applicants also have no plans to dispose of or alter properties that are 50 or more years old, (Rev. Appl. 1–72), and any future line abandonment or construction activities by Applicants would be subject to the Board's jurisdiction. However, Applicants intend to make certain capital improvements as part of the Transaction, including adding double track, extending sidings, upgrading an existing NS–UP connection, upgrading a bridge, and expanding yards and terminals along the combined network. (Rev. Appl. 2–895 to 2–930.) Consistent with past practice in merger cases, OEA will therefore conduct any necessary Section 106 review on the capital improvement projects that Applicants would undertake as part of the Transaction during the EIS process because those projects are the only components of the Transaction that could have the potential to affect cultural resources.

Safety Integration Plan. Applicants state that a SIP is being separately submitted to the Board and FRA to address the safe integration of their rail

[45] *https://www.stb.gov/upns-eis-fd36873.*

[46] During the EIS process for the last major merger, OEA held four in-person public meetings. *Canadian Pac. Ry.—Control—Kan. City S.,* FD 36500 et al., slip op. at 152 (STB served Mar. 15, 2023).

[47] For example, the Board intends to hold at least one such meeting in Houston, Tex., in light of the city's interest in the Transaction as reflected in its comments on the completeness of the Revised Application discussed above. Additional details, such as the timing and specific locations for in-person public meetings, will be outlined in the NOI.

[48] The Board's regulations also allow for waiver of certain Draft EIS requirements. *See* 49 CFR 1105.10(c) (allowing for waiver of 49 CFR 1105.10(a)(4) in individual proceedings). The waiver provisions are not intended to ''waive'' the Board's responsibilities under any environmental laws, but rather to ''enable tailoring the environmental analysis to the specific circumstances at hand, and to give [the Board] flexibility in applying [its] own internal procedures.'' *Implementation of Envt'l L.,* 7 I.C.C. 2d 807, 815 (1991).

[49] When assessing significant environmental effects and feasible alternatives for purposes of NEPA, an agency will invariably make a series of fact-dependent, context-specific, and policy-laden choices about the depth and breadth of its inquiry[.]'' *Seven Cnty.,* 605 U.S. at 183. Here, the Board has determined that its assessment of the environmental effects of the Transaction will be better informed through a broad public inquiry at the scoping stage rather than a formal comment period on a complete Draft EIS.

[50] Though the Board has proposed revisions to its environmental regulations, it is not proposing to modify its current regulation regarding the historic review and reporting process. Proposed 49 CFR 1105.14 retains all the language that is in current 49 CFR 1105.8. *See Permitting Reform,* EP 779, slip op. at 16 n.26.

lines, equipment, personnel, and operating practices. (Rev. Appl. 1–100.) A SIP is a comprehensive written plan, prepared in accordance with FRA guidelines or regulations, explaining the process by which Applicants intend to integrate the operation of the properties involved in a manner that would maintain safety at every step of the integration process, in the event the Board approves the Transaction. 49 CFR 1106.2; *see also* 49 CFR 244.9. Applicants submitted the proposed SIP, prepared in consultation with FRA, to OEA and to FRA consistent with 49 CFR 1106.4(a) and 1180.8(a)(1). The proposed SIP will be made available for public review and comment during the EIS process. If the Board authorizes the Transaction and adopts the SIP, the Board requires compliance with the SIP as a condition to its authorization. 49 CFR 1106.4(b)(4).

Blocked Crossings Plan. Applicants state that they will submit information regarding measures that Applicants plan to take to address potentially blocked crossings as a result of merger-related changes in operations or increases in rail traffic as part of the environmental review process. (Rev. Appl. 1–101.) Applicants submitted their blocked crossings plan to OEA, consistent with 49 CFR 1180.8(a)(2), and OEA will consider it when preparing the EIS in this proceeding.[51]

Service of Decisions, Orders, and Notices. The Board will serve copies of its decisions, orders, and notices on those persons who are designated on the official service list as a Party of Record or Non-Party. All other interested persons are encouraged to secure copies of decisions, orders, and notices via the Board's website at *www.stb.gov.*

Access to Filings. Under the Board's rules, any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order. 49 CFR 1180.4(a)(3). The Revised Application and other filings in this proceeding will be furnished to interested persons upon request and will also be available on the Board's website at *www.stb.gov.* In addition, the Revised Application may be obtained from Messrs. Rosenthal and Atkins at the addresses indicated above.

It is ordered:

1. The Revised Application in Docket No. FD 36873 and the related application filed in the embraced docket, Docket No. FD 36873 (Sub-No. 1), are accepted for consideration.

2. The proceedings, including the environmental review of the Transaction, are held in abeyance pending further Board order.

3. Applicants are directed to provide the supplemental information discussed above by July 27, 2026.

4. Applicants' August 29, 2025 motion to permit ex parte stakeholder communications is denied.

5. The Board waives the requirements in 49 CFR 1105.10(a)(2)–(4) for publication of a Final Scope of Study and a Draft EIS.

6. This decision will be published in the **Federal Register**.

7. This decision is effective on May 28, 2026.

Decided: May 26, 2026.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2026–10751 Filed 5–28–26; 8:45 am]

BILLING CODE 4915–01–P

[51] Applicants' blocked crossings plan is available on the Board's website under ''Environmental Comments,'' (environmental comment EI–34241).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36931]

East Ohio Valley Railway LLC—Operation Exemption—Long Ridge Railroad Company, LLC

East Ohio Valley Railway LLC (EOVR), a noncarrier, has filed a verified notice of exemption under 49 U.S.C. 10902 for its continued operation of a 12.2-mile rail line between milepost 60.5 near Powhatan Point, Ohio, and milepost 72.7 near Hannibal, Ohio (the Line).

According to the verified notice, the Line is currently owned and operated by EOVR. This transaction is related to a concurrently filed verified notice of exemption in *Long Ridge Railroad—Acquisition Exemption—Rail Line of East Ohio Valley Railway,* Docket No. FD 36929. According to the verified notice, Long Ridge Railroad Company, LLC (LRRR), currently a noncarrier, has filed the notice of exemption in FD 36929 for authority to acquire the Line and become a new Class III railroad. LRRR's parent company and EOVR have entered into a Term Sheet that provides EOVR with the right to continue operating the Line following LRRR's acquisition. EOVR and LRRR intend to enter into a full railroad operating agreement implementing the Term Sheet.

EOVR certifies that the transaction does not involve any provision or agreement that may limit future interchange with a third-party connecting carrier.

EOVR further certifies that its projected annual revenues resulting from the transaction will not exceed $5 million and will not result in EOVR's becoming a Class I or Class II rail carrier.

The earliest this transaction may be consummated is June 12, 2026, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36931, 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 EOVR's representative, William A. Mullins, Baker & Miller PLLC, 2401 L Street NW, #720, Washington, DC 20037.

According to EOVR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: May 26, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2026–10681 Filed 5–28–26; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36929]

Long Ridge Railroad Company, LLC—Acquisition Exemption—Rail Line of East Ohio Valley Railway LLC

Long Ridge Railroad Company, LLC (LRRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from East Ohio Valley Railway LLC (EOVR) and operate a 12.2-mile rail line between milepost 60.5 near Powhatan Point, Ohio, and milepost 72.7 near Hannibal, Ohio (the Line).

This transaction is related to a concurrently filed verified notice of

exemption in *East Ohio Valley Railway—Operation Exemption—Long Ridge Railroad,* Docket No. FD 36931, in which EOVR seeks authority to continue operating the Line following the sale of the Line from EOVR to LRRR.

According to the verified notice, LRRR is a Delaware limited liability company and is wholly owned by MARA USA Corporation (MARA), a Delaware corporation, which in turn is wholly owned by MARA Holdings, Inc., a Nevada corporation. The verified notice states that MARA and EOVR have entered into a Term Sheet providing that MARA's wholly owned affiliate, LRRR, will acquire the Line and that EOVR will continue to operate it. The verified notice further states that MARA and EOVR intend to enter a full Asset Purchase Agreement (APA), as well as an Operating Agreement, implementing the Term Sheet. According to the verified notice, EOVR and LRRR intend to consummate the sale of the Line to LRRR as soon as practicable following the signing of the APA, the effective dates for both this verified notice of exemption and the verified notice of exemption in Docket No. FD 36931, and the satisfaction of all other conditions precedent to closing set forth in the Operating Agreement and APA.

LRRR certifies that the transaction does not involve any provision or agreement that may limit future interchange with a third-party connecting carrier, nor is the Line currently subject to any agreement that imposes such an interchange commitment.

LRRR further certifies that its projected annual revenues resulting from the transaction will not exceed $5 million and will not result in LRRR's becoming a Class I or Class II rail carrier.

The earliest this transaction may be consummated is June 12, 2026, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 5, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36929, 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 LRRR's representative, Matthew J. Warren, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005.

According to LRRR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: May 26, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2026–10678 Filed 5–28–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Lemmon Drive Traffic Improvements and Resiliency Project in Nevada

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final. The actions relate to the proposed realignment of Lemmon Drive between Fleetwood Drive and Ramsey Way in Reno, NV. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency actions on the listed highway project will be barred unless the claim is filed on or before October 26, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

ADDRESSES: The Environmental Assessment and additional project documents can be viewed and downloaded from the project website at: *https://www.lemmondriveproject.com/presentations* or by contacting Nevada Department of Transportation (NDOT), Environmental Division, 1263 S Stewart Street, Carson City, NV 89712, normal business hours are 8 a.m. to 5 p.m. (Pacific Standard Time), Monday through Friday, except State holidays.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Jacob Waclaw, Acting Deputy Division Administrator, Federal Highway Administration Nevada Division, 705 North Plaza Street, Carson City, Nevada 89701–0602; 775–687–5320; *Jacob.Waclaw@dot.gov.* For NDOT: Mr. Chris Young, Chief, Environmental Services Division, 1263 S Stewart Street, Carson City, NV 89712; 775–888–7686; *cyoung@dot.nv.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, or approvals for the Lemmon Drive Traffic Improvements and Resiliency Project, Federal Project DE–003–1(352), in Nevada. The project limits include Lemmon Drive from Fleetwood Drive to Ramsey Way. The project includes reconstructing Lemmon Drive for approximately 3.7 miles along a natural earthen berm to the west of its existing alignment and adding and improving pedestrian access along the corridor. These improvements allow the roadway to be constructed above the existing Federal Emergency Management Agency (FEMA) 100-year flood elevation to provide reliable community access, reduce travel delays, and provide a safe and reliable regional road during flood events. The actions by FHWA and other Federal agencies on the project, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on January 21, 2026, in the Finding of No Significant Impact (FONSI), approved on May 21, 2026, and in other documents in the project records. The EA, FONSI, and other project records are available by contacting NDOT at the address provided above.

This notice applies to all Federal agency decisions that are final as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109, 139, and 128].

2. *Air:* Clean Air Act (CAA) [42 U.S.C. 7401–7671(q)], with the exception of project level conformity determinations [42 U.S.C. 7506].

3. *Noise:* Noise Control Act of 1972 [42 U.S.C. 4901–4918].

4. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; Land and Water Conservation Fund (LWCF) Act [54 U.S.C. 200301 *et seq.*].

5. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536];

Marine Mammal Protection Act [16 U.S.C. 1361–1423h], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(f)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801–1891d].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. 306108]; Archaeological Resources Protection Act of 1979 (ARPA) [16 U.S.C. 470(aa)–470(mm)]; Archaeological and Historic Preservation Act [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013; 18 U.S.C. 1170].

7. *Social and Economic:* American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

8. *Wetlands and Water Resources:* Clean Water Act (Section 319, Section 401, Section 404) [33 U.S.C. 1251–1387]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501–3510]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300f–300j—26]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3901, 3921]; Wetlands Mitigation, [23 U.S.C. 119(g) and 133(b)(3)]; Flood Disaster Protection Act [42 U.S.C. 4012a–4106].

9. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601 *et seq.*]; Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9601 *et seq.*]; Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901 *et seq.*]].

10. *Executive Orders:* The analysis pertaining to any applicable Executive Order considered during the environmental review process to the extent such analysis may be challenged in court. Such Executive Orders may include E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)

Issued on: May 27, 2026.

Khoa Nguyen,

Nevada Division Administrator, Federal Highway Administration.

[FR Doc. 2026–10759 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2026–0595]

Agency Information Collection Activities: Notice of Request for Reinstatement of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for reinstatement of a previously approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to reinstate a previously approved information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by June 29, 2026.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0595 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov*.

Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jim Garling (803) 563–1198, Office of Administration, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: We published a **Federal Register** Notice with a 60-day public comment period on this information collection on February 2, 2026, at [91 FR 4781]. There were no comments received.

Title: Advanced Transportation Technology and Innovation (ATTAIN) Program.

OMB Control: 2125–0666.

Background: The Advanced Transportation Technologies and Innovative Mobility Deployment Program (ATTIMD), established in Section 503(c)(4) of title 23, United States Code (U.S.C.), also known as the Advanced Transportation Technology and Innovation (ATTAIN) Program, directs FHWA to award grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment. These grant awards demonstrate how emerging transportation technologies, data, and their applications can be effectively deployed and integrated with existing systems to provide access to essential services and other destinations. The Assistance Listing Number for this opportunity is 20.200—Highway Research and Development.

Respondents: Respondents include eligible state, local, transit, and municipal governmental entities. The collection impacts an estimated 120 applicants entering the initial competitive application pipeline, and a multi-year rolling pool of 65 active grant recipients managing ongoing post-award award agreements.

Frequency: One-time during the application phase; quarterly and annually for post-award monitoring and evaluation cycles.

Estimated Average Burden per Response: The administrative burden varies depending on the lifecycle phase of the collection. During the application phase, the Technical Application Template requires an average of 60 hours per respondent, and standard federal forms (SF–424 series/SF–LLL) require 2 hours. During the post-award phase, quarterly progress templates require 16 hours per response, and the Section 508-compliant Final Evaluation Report requires an average of 40 hours per respondent.

Estimated Total Annual Burden Hours: 14,200 hours total (comprising 7,440 hours for the application stage and 6,760 hours for the post-award reporting stage).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: May 27, 2026.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2026–10715 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0860]

Request Notice: Use of Foreign-built Small Passenger Vessel in United States Coastwise Trade, M/V NO RESERVATIONS

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before June 29, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0860 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under

those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–10717 Filed 5–28–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–1189]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Information Collection Request: Criminal Penalty Safe Harbor Provision

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for renewal of a previously approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. *This collection of information for which NHTSA intends to seek OMB approval concerns NHTSA's Criminal Penalty Safe Harbor Provision.* It is a renewal of a previously approved information collection.

DATES: Comments must be submitted on or before June 29, 2026.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2026–1189 through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58–213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9826 or (202) 366–9317 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement, which DOT published in the **Federal Register** on April 11, 2000 (65 FR 19477–78), or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address for DOT that is listed above. Follow the online instructions for accessing dockets via the internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Daniel Rabinovitz, Office of the Chief Counsel, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, or via email at *Daniel.Rabinovitz@dot.gov.* Please identify the relevant collection of information by referring to its OMB Control Number (2127–0609).

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from OMB before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

Title: Criminal Penalty Safe Harbor Provision.

OMB Control Number: 2127–0609.

Form Number(s): N/A.

Type of Request: Request for renewal of a previously approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: 3 years from date of approval.

Summary of the Collection of Information: The Transportation Recall Enhancement, Accountability, and Documentation (''TREAD'') Act (Pub. L. 106–414), codified at 49 U.S.C. 30170, establishes criminal liability for intentionally misleading the Secretary of Transportation (the ''Secretary'') regarding safety-related vehicle or motor vehicle equipment defects that result in death or serious injury. Section 30170 also contains a ''safe harbor'' provision that would shield a person from criminal penalties if they lacked knowledge that the violation would cause death or serious bodily injury and if they correct any improper or missing reports to the Secretary (NHTSA by delegation) within a reasonable time. To implement this requirement, NHTSA published a final rule defining a ''reasonable time'' and a sufficient manner of ''correction'' for safe harbor eligibility. 66 FR 38380 (July 24, 2001). The rule is codified at 49 CFR 578.7.

To seek this safe harbor, a respondent must submit a signed, dated document to NHTSA identifying: (1) each previous improper report, and each failure to report as required under 49 U.S.C. 30166, including a regulation, requirement, request or order issued thereunder, for which protection is sought; and (2) the specific predicate under which the improper or omitted report should have been provided. Additionally, respondents must submit the complete and correct information and documents that were previously omitted or improperly submitted. If they cannot, they must provide a detailed description of that information and/or the content of those documents and the reason why the individual cannot provide them to NHTSA (*e.g.,* the information or documents are not in the individual's possession or control).

Description of the Need for the Information and Proposed Use of the Information

This statutorily mandated collection also advances NHTSA's mission. It allows NHTSA to accept information from persons seeking ''safe harbor.'' It further encourages the correction of violations and submission of corrections of any improper reports or failures to report, thereby increasing the likelihood of NHTSA receiving information about safety related defects. NHTSA anticipates using the information collection to evaluate requests for

protection from criminal prosecution and to aid in the identification of potential safety defects in motor vehicles and motor vehicle equipment.

Affected Public: Those affected are motor vehicle and motor vehicle equipment manufacturers, including officers or employees thereof, and other persons who respond to or have a duty to respond to an information collection pursuant to 49 U.S.C. 30166 or a regulation, requirement, request, or order issued thereunder. The information collection applies to persons who seek ''safe harbor'' under § 30170.

Estimated Number of Respondents: One.

Frequency: As needed basis.

Number of Responses: One.

Estimated Total Annual Burden Hours: Two hours annually.

NHTSA estimates that one person per year will submit a report under this collection of information. NHTSA also estimates that a maximum of two hours would be needed to gather and provide the information. Thus, NHTSA estimates that two burden hours a year would be spent on this collection of information.

To calculate the labor cost associated with submitting the collection of information, NHTSA looked at wage estimates for the type of personnel involved with compiling and submitting the documents. NHTSA estimates the total labor costs associated with these burden hours by looking at the average wage for Management Occupations. The Bureau of Labor Statistics (BLS) estimates that the average hourly wage for Management Occupations (BLS Occupation code 11–0000) in the Management of Companies and Enterprises Industry is $79.82.[1] The Bureau of Labor Statistics estimates that private industry workers' wages represent 70.1% of total labor compensation costs.[2] Therefore, NHTSA estimates the hourly labor costs to be $113.87 for BLS Occupation code 11–0000. NHTSA likewise estimates the total labor cost associated with the two burden hours to be $227.74. Table 1 provides a summary of the estimated burden hours and labor costs associated with those submissions.

TABLE 1—BURDEN ESTIMATES

Annual responses	Estimated burden per response (hours)	Average hourly labor cost	Labor cost per submission	Total burden hours	Total labor costs
1	2	$79.82	$113.87	2	$227.74

Estimated Total Annual Burden Cost: $12.90.

Assuming the respondent uses the U.S. Postal Service, NHTSA estimates that each mailed response is estimated to cost $12.90 (priority flat rate envelope from USPS). Accordingly, NHTSA estimates the total annual costs for this information collection to be $12.90 (1 submission × $12.90). If the respondent emails the report to NHTSA, the cost may be less than $12.90.

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 the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Peter Simshauser,

Chief Counsel.

[FR Doc. 2026–10648 Filed 5–28–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Contract Solicitation and Post-Award Information Requirements

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before June 29, 2026 to be assured of consideration.

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: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

1. Title: Post-Contract Award Information.

OMB Control Number: 1505–0080.

Type of Review: Extension without change of a currently approved collection.

Description: Treasury Bureaus and the Office of the Procurement Executive collect post-award information from contractors, when necessary, in administering public contracts for

[1] *See* Occupational Employment and Wage Statistics—Industry: Motor Vehicle Manufacturing (May 2024), available at *https://data.bls.gov/oes/#/industry/336100* (accessed May 5, 2026).

[2] *See* Table 1. Employer Costs for Employee Compensation by ownership (Dec. 2025), available at *https://www.bls.gov/news.release/ecec.t01.htm* (accessed May 5, 2026).

supplies and services. Information requested of contractors is specific to each contract and is required for Treasury to properly evaluate the progress made and/or management controls used by contractors providing supplies or services to the Government, and to determine contractors' compliance with contract terms placed in the contract as authorized by the Federal Property and Administrative Services Act (41 U.S.C. 251 *et seq.*),the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1) and applicable acquisition regulations.

Form: Monthly Workforce Report.

Affected Public: Entities holding contracts with the Department of the Treasury.

Estimated Number of Respondents: 6,304.

Frequency of Response: Monthly, On Occasion.

Estimated Total Number of Annual Responses: 6,304.

Estimated Time per Response: Various, depending on contract type and contract requirements. Average burden is 24 hours per contract.

Estimated Total Annual Burden Hours: 151,296.

2. Title: Solicitation of Proposal Information for Award of Public Contracts.

OMB Control Number: 1505–0081.

Type of Review: Extension without change of a currently approved collection.

Description: Treasury Bureaus and the Office of the Procurement Executive collect information when inviting firms to submit proposals for public contracts for supplies and services. The information collection is necessary for compliance with the Federal Property and Administrative Services Act (41 U.S.C. 251 *et seq.*), the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1) and applicable acquisition regulations. Information requested from offerors is specific to each procurement solicitation and is required for Treasury to properly evaluate the capabilities and experience of potential contractors who desire to provide the supplies or services to be acquired. Evaluation will be used to determine which proposal most benefits the Government.

Form: Initial Staffing Plan.

Affected Public: Entities seeking contracts with the Department of the Treasury.

Estimated Number of Respondents: 20,946.

Frequency of Response: Once, On Occasion.

Estimated Total Number of Annual Responses: 6,304.

Estimated Time per Response: Various, depending on proposal type and proposal requirements. Average burden is 10.4 hours per submission.

Estimated Total Annual Burden Hours: 217,812.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2026–10742 Filed 5–28–26; 8:45 am]

BILLING CODE 4810–AK–P

FEDERAL REGISTER

Vol. 91 Friday,

No. 103 May 29, 2026

Part II

Office of Management and Budget et al.

2 CFR Parts 1, 25, 170 et al.
Regulation for Federal Financial Assistance; Proposed Rule

OFFICE OF MANAGEMENT AND BUDGET

2 CFR Parts 1, 25, 170, 175, 176, 180, 182, 183, and 200

DEPARTMENT OF HEALTH AND HUMAN SERVICES

2 CFR Parts 300, 376, and 382

RIN 0991–AC35

DEPARTMENT OF AGRICULTURE

2 CFR Parts 400, 417, and 421

RIN 0505–AA20

DEPARTMENT OF STATE

2 CFR Parts 600 and 601

RIN 1400–AG22

AGENCY FOR INTERNATIONAL DEVELOPMENT

2 CFR Parts 700, 701, 780, and 782

RIN 0412–AB19

DEPARTMENT OF VETERANS AFFAIRS

2 CFR Parts 801 and 802

RIN 2900–AT02

DEPARTMENT OF ENERGY

2 CFR Parts 901, 902, and 910

RIN 1991–AC21

DEPARTMENT OF THE TREASURY

2 CFR Part 1000

RIN 1505–AC92

DEPARTMENT OF DEFENSE

2 CFR Parts 1104, 1120, 1122, 1125, and 1126

RIN 0790–AM03

DEPARTMENT OF TRANSPORTATION

2 CFR Parts 1200 and 1201

RIN 2105–AF44

DEPARTMENT OF COMMERCE

2 CFR Parts 1326, 1327, and 1329

RIN 0605–AA85

DEPARTMENT OF THE INTERIOR

2 CFR Parts 1400, 1401, and 1402

RIN 1090–AB34

ENVIRONMENTAL PROTECTION AGENCY

2 CFR Parts 1500, 1532, and 1536

RIN 2030–AB05

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

2 CFR Part 1600

RIN 3015–AA00

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

2 CFR Parts 1800, 1880, and 1882

RIN 2700–AE90

U.S. AGENCY FOR GLOBAL MEDIA

2 CFR Part 1900

RIN 3112–AA07

NUCLEAR REGULATORY COMMISSION

2 CFR Parts 2000 and 2001

RIN 3150–AL41

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

2 CFR Parts 2200, 2205, and 2245

RIN 3045–AA94

SOCIAL SECURITY ADMINISTRATION

2 CFR Parts 2300, 2336, and 2339

RIN 0960–AJ11

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

2 CFR Parts 2400, 2424, and 2429

RIN 2501–AE01

NATIONAL SCIENCE FOUNDATION

2 CFR Parts 2500 and 2520

RIN 3145–AA75

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

2 CFR Part 2600

RIN 3095–AC31

SMALL BUSINESS ADMINISTRATION

2 CFR Parts 2700 and 2701

RIN 3245–AI70

DEPARTMENT OF JUSTICE

2 CFR Parts 2800 and 2867

RIN 1105–AB81

DEPARTMENT OF LABOR

2 CFR Parts 2900 and 2998

RIN 1291–AA53

DEPARTMENT OF HOMELAND SECURITY

2 CFR Parts 3000, 3001 and 3002

RIN 1601–AB23

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

2 CFR Parts 3185, 3186, and 3187

RIN 3137–AA31

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

2 CFR Parts 3254, 3255, and 3256

RIN 3135–AA36

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

2 CFR Parts 3369, 3373, and 3374

RIN 3136–AA47

DEPARTMENT OF EDUCATION

2 CFR Parts 3474 and 3485

RIN 1801–AA30

EXPORT IMPORT BANK

2 CFR Part 3513

RIN 3048–AA03

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

2 CFR Part 3603

RIN 3201–AA03

PEACE CORPS

2 CFR Parts 3700 and 3701

RIN 0420–AA37

ELECTION ASSISTANCE COMMISSION

2 CFR Parts 5800 and 5801

RIN 3265–AA00

GULF COAST ECOSYSTEM RESTORATION COUNCIL

2 CFR Part 5900

RIN 3600–AA05

FEDERAL COMMUNICATIONS COMMISSION

2 CFR Part 6000

RIN 3060–AM35

CONSUMER PRODUCT SAFETY COMMISSION

2 CFR Part 6100

RIN 3041–AE26

DELTA REGIONAL AUTHORITY

2 CFR Part 6200

RIN 4718–AA00

APPRAISAL SUBCOMMITTEE OF THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

2 CFR Part 6300

RIN 3139–AA07

MARINE MAMMAL COMMISSION

2 CFR Part 6400

RIN 0415–AA00

MILLENNIUM CHALLENGE CORPORATION

2 CFR Part 6500

RIN 0414–AA00

NATIONAL CREDIT UNION ADMINISTRATION

2 CFR Part 6600

RIN 3133–AG07

Regulation for Federal Financial Assistance

AGENCY: Office of Federal Financial Management, Office of Management and Budget; Department of Health And Human Services; Department of Agriculture; Department of State;

Agency for International Development; Department of Veterans Affairs; Department of Energy; Department of Treasury; Department of Defense; Department of Transportation; Department of Commerce; Department of the Interior; Environmental Protection Agency; U.S. International Development Finance Corporation; National Aeronautics and Space Administration; U.S. Agency for Global Media; Nuclear Regulatory Commission; Corporation for National and Community Service; Social Security Administration; Department of Housing and Urban Development; National Science Foundation; National Archives and Records Administration; Small Business Administration; Department of Justice; Department of Labor; Department of Homeland Security; Institute of Museum and Library Services; National Endowment for the Arts; National Endowment for the Humanities; Department of Education; Export Import Bank; Executive Office of the President, Office of National Drug Control Policy; Peace Corps; Election Assistance Commission; Gulf Coast Ecosystem Restoration Council; Federal Communications Commission; Consumer Product Safety Commission; Delta Regional Authority; Appraisal Subcommittee of the Federal Financial Institutions Examination Council; Marine Mammal Commission; Millennium Challenge Corporation; National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The Office of Management and Budget (OMB) proposes to revise the Guidance for Federal Financial Assistance to improve government-wide policies and requirements related to the management of grants, cooperative agreements, and other forms of assistance. OMB is proposing revisions that would improve transparency, accountability, and oversight for Federal awards across the Federal Government. This includes ensuring that American tax dollars are not wasted or misused, activities performed under Federal awards are consistent with law and policy, and recipients are held accountable when they fail to meet relevant standards. The revisions also aim to ensure that basic American principles of equality and equal opportunity are upheld throughout all stages of the award making process and that unlawful discrimination is no longer permitted. Proposed changes also include providing further clarification on the regulatory status of the OMB requirements and on the process for future updates to the government-wide requirements. Finally, OMB also proposes changes to reduce recipient burden. The listed Federal grant-making agencies propose conforming changes to their respective adopting regulations, or, in the case of some agencies and other entities, establishing new adopting regulations or policies. The proposed changes reflect the administration's commitment to transparency, accountability, and proper oversight for the Federal grantmaking process. The proposed regulations seek to ensure that American tax dollars are ultimately used to serve the needs of the American public.

DATES: Comments are due on or before July 13, 2026. Late comments will be considered only to the extent practicable.

ADDRESSES: Comments on this proposal must be submitted electronically before the comment closing date to *www.regulations.gov.* In submitting comments, please search for recent submissions by OMB to find docket *OMB–2026–0034,* which includes the full text of the proposed revisions and submit comments there. Please provide clarity as to the section of the regulation that each comment is referencing by beginning each comment with the relevant section number in brackets. *For example; if the comment is on 2 CFR 200.414, include the following before the comment [200.414].*

Public comments received by OMB and Federal agencies will be posted at *www.regulations.gov* and be a matter of public record. Accordingly, please do not include any confidential business information or personal privacy information in your comments.

FOR FURTHER INFORMATION CONTACT: Andrew Reisig or Joel Savary at the OMB Office of Federal Financial Management via email at *MBX.OMB.Grants@OMB.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

The Office of Management and Budget (OMB) proposes to revise several parts of the OMB Guidance for Federal Financial Assistance located in title 2 of the Code of Federal Regulations (CFR), subtitle A, to improve and clarify government-wide policies and requirements related to the management of Federal financial assistance including grants and cooperative agreements. In 2 CFR subtitle B, the listed Federal agencies also propose conforming changes to their respective implementing regulations for the OMB policy requirements in subtitle A. As explained in further detail below, OMB proposes revising 2 CFR for reasons including to: (1) improve transparency, accountability, and oversight for use of Federal taxpayer dollars; (2) clarify the status of OMB's policies and requirements set forth in the 2 CFR regulatory text as an OMB regulation; and (3) reduce recipient burden.

Transparency, Accountability, and Oversight. The overarching goal of OMB's proposed revisions is to improve transparency, accountability, and oversight for how Federal taxpayer dollars are used in the context of Federal grantmaking.[1] It is essential for the Federal Government to provide more oversight over the design and implementation of Federal programs to prevent wasteful spending and misuse or mismanagement of Federal funds.

Although Federal spending through grants and other types of Federal financial assistance has grown exponentially since the initial establishment of OMB's policies in earlier Circulars and 2 CFR, corresponding policies capable of ensuring transparency, accountability, and oversight for this increased level of spending remain deficient in the current regulatory text. As a result, Federal financial assistance programs, and the activities performed under Federal awards, have not always remained properly aligned with core purposes authorized by law, nor served the needs of the American public as intended.

This lack of transparency, accountability, and proper oversight became increasingly clear between 2021 and 2024. Federal awards were often used during those years to promote a ''woke'' policy agenda that did not reflect the values of the vast majority of the American public.[2] For example, Federal programs and funding opportunities were designed to advance unlawful identity-based ''Diversity, Equity, and Inclusion'' (DEI) policies and preferences across the country.[3] These policies were inconsistent with basic American values and civil rights laws, including the equal protection principles of the U.S. Constitution.[4]

[1] Executive Order (E.O.) 14332, 90 FR 38929, ''Improving Oversight of Federal Grantmaking'' (Aug. 7, 2025); White House Fact Sheet of Aug. 7, 2025, ''President Donald J. Trump Stops Wasteful Grantmaking;'' and White House Fact Sheet of Feb. 18, 2025, ''President Donald J. Trump Requires Transparency for the American People About Wasteful Spending.''

[2] E.O. 14332, sec. 1.

[3] See, *e.g.,* David Ditch, Mike Gonzalez, Hans von Spakovsky and Erin Dwinell, ''President Biden's 'Equity Action Plans' Reveal Radical, Divisive Agenda.'' Heritage Foundation Backgrounder No. 3710, May 25, 2022 (hereinafter ''Ditch I'').

[4] E.O. 14151 of January 20, 2025, ''Ending Radical and Wasteful Government DEI Programs and Preferencing;'' E.O. 14173 of January 21, 2025, ''Ending Illegal Discrimination and Restoring Merit-

Continued

They were also misaligned in many cases with underlying public purposes authorized by law.[5] Collectively, these policies wasted a great amount of taxpayer resources and caused great harm to public trust in government.

The White House Fact Sheet of August 7, 2025, describes examples of the types of wasteful spending that occurred as a result of such policies. For example, Federal grants funded unlawful DEI practices,[6] various anti-American ideologies in American education,[7] non-replicable and highly misleading studies,[8] labs engaged in gain-of-function research,[9] and AI-powered social media censorship tools.[10] More recently, another White House Fact Sheet of January 8, 2026 provided examples of the rampant and pervasive problem of fraud in the United States, including under assistance programs in Minnesota.[11]

Another example of wasteful spending is provided by a 2023 report from Office of Inspector General for the Department of Homeland Security (DHS). That report found that recipients of Federal awards from the Federal Emergency Management Agency (FEMA) potentially misused funds to provide services for illegal immigrants.[12] Such potential abuse of taxpayer funds highlights the need for proper oversight of taxpayer dollars.

In another prominent example, prior to this administration, far-left activists hijacked the critical work done by the U.S. President's Emergency Plan for AIDS Relief (PEPFAR), which was established to respond to the AIDS crisis in Africa. Due to wasteful spending, PEPFAR became a left-wing foreign aid entitlement that attempted to promote abortion and gender ideology. Additionally, an August 2025 report from the Heritage Foundation noted that, according to the U.S. House Foreign Affairs Committee, billions of dollars in overhead and program charges flow to nongovernmental organizations (NGOs) and contractors in Washington, DC rather than providing direct humanitarian aid; and insufficient oversight has resulted in significant waste of taxpayer resources.[13]

An additional example is provided by a 2024 report from the U.S. Senate Committee on Commerce, Science, and Transportation regarding the growing failure of objectivity at the National Science Foundation (NSF) during the previous administration.[14] That report found that out of a sample of over three thousand grants, more than ten percent—totaling over two billion dollars in Federal funding—went to ''questionable projects that promoted diversity, equity, and inclusion (DEI) tenets or pushed onto science neo-Marxist perspectives about enduring class struggle.'' The report also found that, by 2024, over a quarter of new grants made by NSF (27 percent) directed funding to DEI initiatives and other far-left perspectives. This marked a huge proportional increase over the course of only three years from the 0.29 percent of new grants made by NSF with a similar focus in 2021.[15] This is just a small sample of many examples across the Federal Government of wasteful spending and other misuse and mismanagement of Federal funds.

Scarce Federal taxpayer dollars should be directed exclusively to achieving results for the American people. Wasteful and divisive activities unrelated to core purposes of Federal grant programs should not be subsidized with taxpayer dollars. Grantmaking practices resulting in wasteful spending that became prevalent during the previous administration can only be stopped through adherence to strong internal controls at Federal agencies and enhanced oversight regarding how Federal dollars are spent.

The Federal Government must provide more oversight and transparency regarding how Federal funds are used in grantmaking to avoid the recurrence of similar issues in the future. Under the proposal described in this document, Federal agencies must return to designing assistance programs and award activities to align with essential public purposes authorized by law. Effective oversight also includes following Executive Branch policies that eliminate various kinds of wasteful spending that occurred in previous years, such as unlawful DEI mandates and other unnecessary add-on activities that increase project costs and complexity without serving the underlying public purpose of the award.[16] The proposed reforms are necessary to ensure greater accountability for use of public funds, and that every taxpayer dollar the Federal Government spends either improves American lives or advances American interests.[17]

Clarification of status of regulatory text. A second objective of this rulemaking is to clarify the status of the 2 CFR regulatory text as an OMB regulation. The proposed revisions align with OMB's statutory authority to provide overall direction and leadership to Federal agencies on financial management matters by establishing financial management policies and requirements. See 31 U.S.C. 503(a)(2). Additional authorities for OMB's proposed revisions are set forth below.

Reducing recipient burden. A third and final objective of this rulemaking is to reduce recipient burden. For example, rather than needing to focus extensive efforts and resources on DEI mandates or other unnecessary add-on requirements frequently included in funding opportunities in previous years, under the proposed version of the regulation recipients will be able to restore focus on efficient project delivery and actually achieving the basic public purposes of support authorized in law.

OMB also proposes a number of additional revisions throughout chapters I and II of subtitle A of 2 CFR.

Based Opportunity;'' E.O. 14281 of April 23, 2025, ''Restoring Equality of Opportunity and Meritocracy.''

[5] E.O. 14332, sec. 1; see also, *e.g.,* David Ditch, ''Funding Leftism, Making Power Grabs: The Biden Administration's Bureaucratic Radicalism.'' Heritage Foundation, Apr. 18, 2024 (hereinafter ''Ditch II'').

[6] E.O. 14332, sec. 1.

[7] E.O. 14332, sec. 1.

[8] E.O. 14303 of May 23, 2025, ''Restoring Gold Standard Science.''

[9] White House Fact Sheet of Aug. 7, 2025. See also E.O. 14292 of May 5, 2025, ''Improving the Safety and Security of Biological Research;'' and White House Fact Sheet of May 5, 2025, ''President Donald J. Trump Achieves Improved Safety and Security of Biological Research.''

[10] White House Fact Sheet of Aug. 7, 2025. See also E.O. 14149 of Jan. 20, 2025, ''Restoring Freedom of Speech and Ending Federal Censorship;'' and E.O. 14319 of Jul. 23, 2025, ''Preventing 'Woke AI' in the Federal Government.''

[11] White House Fact Sheet of Jan. 8, 2026, ''President Donald J. Trump Establishes New Department of Justice Division for National Fraud Enforcement.'' See also White House Fact Sheet of Jan. 2, 2026, ''Here's What the Trump Administration Is Doing to Crush Minnesota's Fraud Epidemic;'' DOJ Press Release of Nov. 24, 2025, ''Feeding Our Future Defendant Sentenced to 10 Years in Prison.''

[12] DHS Office of Inspector General, ''FEMA Should Increase Oversight to Prevent Misuse of Humanitarian Relief Funds,'' DHS OIG–23–20.

[13] Max Primorac, PEPFAR: From AIDS Relief to Leftwing Funding Apparatus,'' Heritage Foundation, Aug. 11, 2025. Available at: *https://www.heritage.org/global-politics/report/pepfar-aids-relief-leftwing-funding-apparatus.* See also Tim Meisburger. U.S. Foreign Aid Used to Push Abortion, Gender Ideology Around the World. Heritage Foundation. Jun. 8, 2023. Available at: *https://www.heritage.org/global-politics/commentary/us-foreign-aid-used-push-abortion-gender-ideology-around-the-world.*

[14] U.S. Senate Committee on Commerce, Science, and Transportation, ''D.E.I. Diversion. Extremism. Ideology. How the Biden-Harris NSF Politicized Science.'' (2024). Available at *https://www.commerce.senate.gov/services/files/4BD2D522-2092-4246-91A5-58EEF99750BC#.*

[15] Subsequent to this report, NSF took action during this Administration to review its award portfolio and, to the extent permitted by law, ensure alignment with Federal agency priorities.

[16] See, *e.g.,* E.O. 14332; and White House Fact Sheets of Aug. 7, 2025 and Feb. 18, 2025.

[17] E.O. 14332, sec. 1.

OMB summarizes the proposed changes in this preamble. In proposing changes, OMB aimed to maintain the existing structure of the 2 CFR guidance consistent with earlier iterations, including, for example, the structure of parts, subparts, and section numbering.

Plain Language Summary: A plain language summary of this rule may be found at *https://www.regulations.gov/.*

II. Background and Regulatory History

The Office of Management and Budget (OMB) has assisted every modern President in ensuring that the President's priorities, consistent with applicable law, are appropriately accounted for in government-wide grant management policies and agency grant-making decisions. In service of that goal, in 1958, the Bureau of the Budget, OMB's predecessor, first issued Circular A–21, ''Cost Principles for Educational Institutions.'' In 1968, the Bureau of the Budget first issued Circular A–87, ''Cost Principles for State, Local, and Indian Tribal Governments.'' In 1976, OMB first issued both Circular A–110, ''Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations;'' [18] and Circular A–122, ''Cost Principles for Non-Profit Organizations.'' All of these Circulars were repeatedly revised in the decades following their initial issuance. Other now-superseded OMB Circulars providing requirements related to grants administration included Circular A–89, ''Federal Domestic Assistance Program Information;'' and Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations.'' [19]

Between 2012 and 2013, OMB worked with Federal agencies to revise and streamline existing OMB guidance and Circulars related to grants administration to develop the ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' (Uniform Guidance) located in part 200 of 2 CFR. 79 FR 78589 (Dec. 26, 2013) (2013 Final Guidance). See also 77 FR 11778 (Feb. 28, 2012) (2012 Advance Notice of Proposed Guidance); 78 FR 7282 (Feb. 1, 2013) (2013 Proposed Guidance). This effort was designed to assist programs in delivering better outcomes on behalf of the American people while also reducing administrative burden and the risk of fraud, waste, and abuse. The Uniform Guidance, published in 2013, consolidated, streamlined, and superseded requirements from several earlier OMB Circulars and guidance documents related to grants management and implementation of the Single Audit Act. At the time, OMB explained that the guidance was also intended to improve clarity and accessibility of the requirements across the Federal Government.

Federal award-making agencies implemented the Uniform Guidance through an interim final rule, which became effective on December 26, 2014. 79 FR 75867 (Dec. 19, 2014) (2014 Federal Agency Interim Final Rule). Following the 2014 Federal Agency Interim Final Rule, most agencies did not reissue implementing regulations each time that the government-wide policies and requirements contained in 2 CFR subtitle A were updated by OMB following public notice and comment rulemaking procedures.[20] Instead, Federal agencies only occasionally issued or reissued implementing regulations. This generally occurred when specific changes were needed in the agency regulations. Because OMB has exclusive statutory authority under 31 U.S.C. 503(a)(2) to set government-wide financial management policies and requirements, the public comment period for the government-wide policies and requirements has been provided by OMB, not agencies.[21]

OMB periodically reviews the Uniform Guidance in accordance with 2 CFR 200.109. Following establishment of the Uniform Guidance in 2013, OMB made further revisions to the regulatory text in 2020 (85 FR 49506 (Aug. 13, 2020)) and 2024 (89 FR 30046 (Apr. 22, 2024). The 2020 revisions addressed topics including program planning and design, performance measurement to improve program goals and outcomes, sharing lessons learned, and adopting promising practices. OMB again revised the regulatory text in 2024. The objectives of the 2024 update included incorporating statutory requirements and certain policy priorities of the previous administration, reducing agency and recipient burden, clarifying sections that recipients or agencies have interpreted in different ways, rewriting certain sections of the regulatory text in plainer language, improving flow, and resolving inconsistent use of terms.

Since the inception of OMB financial management policies and requirements under now-superseded Circulars,[22] and the initial establishment of the Uniform Guidance in 2013 based on policies contained in the earlier Circulars, the landscape of Federal financial assistance funding has changed markedly—including massive growth in the scale and volume of assistance provided by the Federal Government, increasing diversification in the purposes and types of assistance, and increasing responsibilities for executive agency administration of discretionary programs. A wide array of new Federal financial assistance programs and statutory responsibilities for executive agencies have been established by Congress, but the oversight and stewardship of Federal financial assistance by executive branch agencies has not always kept pace with or accounted for these changes. Revisions to OMB's policies in 2 CFR part 200 are now warranted to improve transparency, accountability, and efficiency of Federal financial assistance programs.

III. Statutory Authority for OMB Regulation for Federal Financial Assistance

The Deputy Director for Management of OMB is authorized under 31 U.S.C. 503 to, among other things, provide ''overall direction and leadership to the executive branch on financial management matters by establishing financial management policies and requirements.'' 31 U.S.C. 503(a)(2). The Director of OMB is authorized under 31 U.S.C. 6307 to ''issue supplementary interpretative guidelines to promote consistent and efficient use of . . . grant agreements . . . and cooperative agreements.''

OMB also relies on authorities including the Single Audit Act Amendments of 1996 (Pub. L. 104–156, as amended, codified at 31 U.S.C. 7501–7507); the Federal Funding Accountability and Transparency Act of 2006 (FFATA or the Transparency Act) (Pub. L. 109–282), as amended; the Digital Accountability and Transparency Act of 2014 (DATA Act of 2014) (Pub. L. 113–101), as amended; the Federal Program Information Act (Pub. L. 95–220 and Public Law 98–169, as amended, codified at 31 U.S.C. 6101–6106); the Federal Grant and

[18] See, *e.g.,* OMB Circular A–110 (1993). The guidance in Circular A–110 was relocated to 2 CFR part 215 in 2004. See 69 FR 26281 (May 11, 2004).

[19] 79 FR 78589 (Dec. 26, 2013).

[20] See 2 CFR 1.230.

[21] See, *e.g.,* OMB Memorandum M–24–11, Section I (''Implementation of Title 2 of the CFR'') (Apr. 4, 2024); and Council on Federal Financial Assistance (COFFA) Memoranda for the Federal Financial Assistance Community dated January 15, 2025 and August 15, 2024.

[22] OMB's 2012 Advance Notice of Proposed Guidance explained that, prior to establishment of 2 CFR part 200, government-wide audit requirements were contained in OMB Circulars A–133 and A–50; cost principles were contained in OMB Circulars A–21, A–87, and A–122; and administrative requirements were contained in the government-wide Common Rule implementing Circular A–102, Circular A–110, and Circular A–89. See 77 FR 11778 (Feb. 28, 2012).

Cooperative Agreement Act of 1977 (Pub. L. 95–224, as amended, codified at 31 U.S.C. 6301–6309); the Office of Federal Procurement Policy Act (codified at 41 U.S.C. 1101–1131); the Budget and Accounting Procedures Act of 1950, as amended (codified at 31 U.S.C. 1101–1126); the Chief Financial Officers Act of 1990 (codified at 31 U.S.C. 503–504); the Trafficking Victims Protection Act of 2000 (TVPA), as amended (codified at 22 U.S.C. 7101–7115); and Executive Order 11541, ''Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President.''

IV. OMB Objectives for 2026 Proposed Revisions

OMB's objectives for the current proposed revisions to several parts of subtitle A of 2 CFR include: (1) improving transparency, accountability, and oversight for use of Federal funds; (2) clarifying the status of the 2 CFR regulatory text as an OMB regulation; and (3) reducing recipient burden. The proposed revisions generally support one or more of these three objectives. The following is a high-level overview of the proposed rule's three primary objectives, which is followed by a section-by-section discussion of the proposed changes.

A. Objective 1: Improved Transparency, Accountability, and Oversight

OMB's first objective for the proposed revisions is to improve transparency, accountability, and oversight for how Federal funds, including taxpayer dollars, are used in the context of Federal grantmaking.[23]

A.1. Background

For too long, the Federal Government has paid insufficient attention to providing proper oversight for Federal financial assistance programs. Deficiencies currently exist throughout the lifecycle of grants—from program design, to award selection, to project delivery and oversight—that impact the ability of the Federal Government to prevent wasteful spending and efficiently implement assistance programs in a manner consistent with law and the needs of the American public. If finalized, OMB's proposed revisions in 2 CFR will improve transparency, accountability, and oversight in the government-wide system of grants administration, including by ensuring that Federal award programs are properly aligned with law and policy and that Federal agencies act as responsible stewards of taxpayer dollars.

Recent years have provided evidence of the need for meaningful reform in Federal grants administration. Instead of aiming to broadly serve the needs of all Americans, in 2021 Federal agencies became increasingly focused on using their award programs to serve a ''woke'' policy agenda that deliberately favored certain identity groups over others. In seeking to advance this agenda, programs were often designed to include a long list of ideological terms and conditions with little connection to the core purpose of public support.[24] These burdensome conditions were consistently imposed through funding opportunities and award agreements regardless of the objective of the assistance program. This approach contributed to long delays in program implementation as Federal agencies and recipients focused their efforts and taxpayer resources on divisive policy requirements that were often unrelated to or misaligned with core purposes of Federal grant programs. Various commenters have remarked on how this approach resulted in waste, inefficiency, long delays in project delivery, and reduced program effectiveness across a range of activities receiving Federal support.[25] In one notorious example, under a $42.5 billion broadband internet access program, the previous administration failed to connect a single person to the internet over the course of three years—instead focusing efforts and attention on imposing a long list of burdensome policy requirements.[26]

Among various other policy requirements, Federal programs were frequently designed between 2021 and 2024 to include preferences and selection criteria aimed at advancing identity-based DEI policies.[27] This included using a variety of labels, such as promoting DEI, or using other intentional proxies for race, sex, or sexual identity, to give priority to certain favored identity characteristics and groups at the expense of others in the distribution of Federal awards and associated benefits.[28] The concerted effort to impose unlawful DEI policies on Federal award programs began on the very first day of the previous administration through issuance of Executive Order 13985.[29] That order instructed Federal agencies to set aside the decision-making processes used in previous years—which generally aimed to ensure that all Americans were treated equally—and to instead focus on remaking the system of grants administration with divisive identity-based DEI policies imposed throughout.[30] Following issuance of Executive Order 13985 in January 2021, Federal agencies began attaching these policies to all aspects of their award programs, including program design, award selection, and award conditions imposed on recipients. This continued for the duration of the previous administration.

Based on these efforts, Federal funding was used between 2021 and 2024 to advance unlawful DEI policies and preferences across the country.[31] These and other burdensome policies and requirements imposed through Federal award programs diverted substantial amounts of taxpayer funding away from traditional public purposes recognized in law—such as transportation, infrastructure, scientific research, public health, and other essential public goods that serve all Americans—to instead support favored identity groups and left-wing activists.[32]

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[23] See E.O. 14332 of Aug. 7, 2025, ''Improving Oversight of Federal Grantmaking;'' White House Fact Sheet of Aug. 7, 2025, ''President Donald J. Trump Stops Wasteful Grantmaking;'' and White House Fact Sheet of Feb. 18, 2025, ''President Donald J. Trump Requires Transparency for the American People About Wasteful Spending.''

[24] See, *e.g.,* Ditch II (including summary of the ''ideological terms and conditions bundled into'' funding opportunities for infrastructure grants by the previous administration.).

[25] See, *e.g.,* Ezra Klein, ''The Problem with Everything-Bagel Liberalism,'' The New York Times, April 2, 2023 (describing the tendency of the previous administration to structure Federal award programs to address many unrelated policy goals at once, leading to a dramatic increase in the cost and complexity of projects, long delays in project delivery, and poor outcomes for American taxpayers); Ditch II (explaining how the prior administration structured award programs to simultaneously include a wide array of ''novel and contentious'' policy requirements, which diverted focus from core public purposes authorized in law and caused ''tremendous amounts of waste and inefficiency'').

[26] ''Fact Sheet: Ending Biden's Broadband Burdens,'' National Telecommunications and Information Administration (NTIA), June 6, 2025; John Thune, ''Broadband Blunders Leave Americans Disconnected,'' Prairie Pioneer, Oct. 2, 2024; Donald Kimball, ''The $42 billion internet program that has connected 0 people,'' Washington Policy Center, Sept. 18, 2024.

[27] See E.O. 14151 of Jan. 20, 2025, ''Ending Radical and Wasteful Government DEI Programs and Preferencing;'' see also Ditch I; Ditch II.

[28] *See* Lisa Friedman, ''White House Takes Aim at Environmental Racism, But Won't Mention Race,'' The New York Times, Feb. 15, 2022 (explaining how the previous administration used various intentional proxies for race to continue directing Federal grants and associated benefits to preferred racial-identity groups); see also Ditch I; Ditch II.

[29] E.O. 14151, sec. 1 (Discussing E.O. 13985); E.O. 13985 of Jan. 20, 2021, ''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,'' *revoked* by E.O. 14148 of Jan. 20, 2025.

[30] E.O. 13985.

[31] See, *e.g.,* E.O. 14151, sec. 1.

[32] See, *e.g.,* U.S. Senate Committee on Commerce, Science, and Transportation, ''D.E.I. Diversion.

As a result, Federal award programs that once had broad public support became tied to a divisive policy agenda that unlawfully discriminated against many of the Americans those programs were intended to serve. These policies were inconsistent with basic American values and civil rights laws, including the equal protection principles of the U.S. Constitution.[33] They were also misaligned with core purposes of relevant assistance programs.[34] All together, these policies wasted a large amount of American taxpayer resources and significantly undermined public trust in government across the country.

In January 2025, President Trump announced the end of the discriminatory DEI policies and requirements that had extended through virtually all aspects of the Federal Government in the prior administration.[35] In the grantmaking context, the President's Executive orders released Federal programs from the divisive DEI mandates and other burdensome policy requirements imposed in previous years. Free of these constraints, Federal programs were able to restore focus on efficiently supporting core program purposes and public goods that serve all Americans, including ensuring that scarce public resources are best used in support of the essential public goods at which they aim.

Among other things, the President's Executive orders announced that the Federal Government would renew its commitment to serving every American with equal dignity and respect;[36] restore its policy of prohibiting, rather than mandating, illegal discrimination;[37] and make necessary changes to ensure that the grant review process is no longer used to undermine the interests of American taxpayers.[38] A subsequent Executive order in August 2025 emphasized that Federal agencies must ensure that all Americans are treated equally and make merit-based decisions related to the ability of an applicant or recipient to produce actual results for the American taxpayer.[39] On July 29, 2025, the U.S. Department of Justice (DOJ) also issued new government-wide guidance intended to ensure that recipients of Federal funding do not engage in unlawful discrimination.[40] On December 2, 2025, DOJ's Office of Legal Counsel (OLC) also released an opinion finding that certain race-based grant programs administered by the Department of Education violate the Fifth Amendment's equal-protection component.[41] That opinion explained that any ''allocation of benefits and burdens based on a person's race is anathema to the U.S. Constitution.'' [42]

This rulemaking proposes to institutionalize needed reforms in the Federal grantmaking process to address the unlawful discrimination and other serious problems that occurred during the previous administration. The basic values embedded in the Federal Government's decision-making processes for grants management must be consistent with law and designed to serve the public good of all Americans. OMB's 2 CFR regulations are a key instrument for improving the standards, processes, and requirements that apply to all Federal grant programs. They are also an important tool for making needed reforms to the organizational culture within Federal grantmaking agencies. These agencies are entrusted to make discretionary decisions regarding the use of many billions of dollars of precious taxpayer resources, and must remain accountable to the American people when doing so.[43] Consistent with policies in recent executive orders, taxpayer dollars must be used to support essential public purposes authorized by law—not wasted to promote divisive doctrines of the far left.[44]

OMB and Federal agencies now propose to address the problems summarized above as they impact Federal grantmaking. This includes removal of any remaining pieces of the old discriminatory policies that agencies may still apply to decision-making processes in the area of grants management. It also includes ending government sponsorship of gender ideology and other radical doctrines the previous administration sought to impose across the country through Federal funding programs. By renewing the Federal Government's commitment to basic American values, and proposing other needed reforms to responsibly manage and safeguard taxpayer funds used in grantmaking, OMB seeks to prevent the types of unlawful discrimination, wasteful spending, and other significant problems that arose in recent years from recurring in the future. As explained in Executive Order 14332, the Federal Government holds tax revenue in trust for the American people, and Federal agencies should treat it accordingly.

A.2. Improved Transparency

Changes are needed to ensure improved transparency for how Federal funds are used. American taxpayers have a right to know the projects that their tax dollars are supporting and the entities to which those dollars are flowing. They should also feel confident that recipients and subrecipients of Federal awards are engaged in activities consistent with the basic public purposes of support authorized by law, that do not unlawfully discriminate against American citizens, that do not harm the interests or reputation of the

Extremism. Ideology. How the Biden-Harris NSF Politicized Science,'' (2024) (finding an increase of more than 9,000 percent between 2021 and 2024 of new NSF grants focused on funding and promoting DEI initiatives); Ditch II (explaining how the previous administration tied nearly every major infrastructure program to DEI mandates and other add-on policy requirements unrelated to, and often conflicting with, the core objective of delivering needed infrastructure improvements across the country in a timely and cost-efficient manner); Ditch I (explaining how ''equity plans'' issued by Federal agencies including the Departments of Commerce, Defense, Education, Energy, Justice, and State, and the National Science Foundation, called for ''group-based preferential treatment in grant and research programs and foreign aid''); U.S. DOT Press Release of Mar. 10, 2025, ''U.S. Transportation Secretary Sean P. Duffy Rescinds Memos Issued By Biden Administration That Injected Social Justice, Radical Environmental Agenda Into Infrastructure Funding Decisions'' (summarizing DOT decision to rescind policies from the last administration attempting ''to push a radical social and environmental agenda'' with ''no basis in statute'' on Federal infrastructure programs); Judge Glock, ''Biden's Progressive Infrastructure Boondoggle,'' City Journal, Summer 2025 (explaining that, in working to implement the Infrastructure Investment and Jobs Act, many in the previous administration were not ''especially interested in traditional infrastructure'' or advancing ''core transportation goals—[instead] elevating a host of progressive priorities in their place''); James B. Meigs, ''The Big Squeeze: How Biden's Environmental Justice Agenda Hurts the Economy and the Environment,'' Manhattan Institute, Sep. 7, 2023 (explaining how ''environmental justice'' (EJ) policies diverted ''spending and administrative resources away from straightforward environmental goals;'' made ''government programs less focused and less effective across the board;'' and were ''particularly burdensome for environmental and infrastructure projects,'' adding ''layers of bureaucracy and red tape to existing programs'' and making individual projects ''more time-consuming'' and ''more expensive'' to deliver); James B. Meigs, ''Biden's 'Justice40' Is Bad Environmental Policy,'' National Review, Nov. 9, 2023 (describing EJ policies as diverting ''spending and administrative resources from straightforward environmental goals, such as reducing pollution,'' and redirecting ''them toward vague social goals,'' such as ''satisfy[ing] community activists' demands.'').

[33] E.O. 14151; E.O. 14173 of January 21, 2025, ''Ending Illegal Discrimination and Restoring Merit-Based Opportunity;'' E.O. 14281 of April 23, 2025, ''Restoring Equality of Opportunity and Meritocracy.''

[34] E.O. 14332, sec. 1; see also Ditch II.

[35] See, *e.g.,* E.O. 14151, sec. 1.

[36] *Id.*

[37] E.O. 14281, sec. 1.

[38] E.O. 14151.

[39] E.O. 14332; White House Fact Sheet of Aug. 7, 2025.

[40] DOJ Memorandum of July 29, 2025, ''Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination.''

[41] Constitutionality of Race-Based Dep't of Educ. Programs, 2025 WL 4055305 (Dec. 2, 2025).

[42] Slip Op. 2.

[43] E.O. 14151, sec. 1; E.O. 14332, sec. 1.

[44] *Id.*

Federal Government, and that do not threaten the national or economic security of the United States. For example, Federal grant funds should not be used to support recipients and subrecipients that work in partnership with our foreign adversaries. Improved transparency will shine a light on the full scope of Federal agency activities and the network of recipients and subrecipients of Federal awards that the American people are trusting to accomplish public purposes of support on their behalf.

A 2023 report from the Government Accountability Office (GAO) also emphasized the benefits of greater transparency in Federal grants management.[45] The report explained that ''greater transparency of how the Federal Government spends its funds offers many potential benefits,'' which may include ''enabling data-driven decisions about how to use government resources, opportunities for improving the efficiency and effectiveness of Federal spending, and improving government's accountability to the public.'' OMB agrees that certain reforms are needed to provide greater transparency and accountability for use of public funds, and greater oversight to ensure that every taxpayer dollar the Federal Government spends improves Americans' lives or advances American interests.[46]

A.3. Improved Accountability

Proposed revisions related to improved accountability aim to ensure that recipients are held properly accountable for how Federal award funds are used. This includes ensuring that recipients only use Federal award funds for authorized public purposes, and comply with requirements related to reporting, nondiscrimination, and other topics.

A.4. Improved Oversight

The proposed revisions related to improved oversight aim to ensure that every discretionary award program is designed by Federal agencies to effectively achieve its underlying statutory purpose, and to align, where applicable, with administration policies and priorities set by the President.[47] This includes treating every American with equal dignity and respect, applying the principle of merit-based opportunity throughout the grant lifecycle, and avoiding unlawful discrimination when selecting recipients to receive awards.[48] Improved oversight refers both to oversight of decision-making processes within Federal agencies and oversight of recipients using Federal award funding.

A.5. Examples of Proposed Changes Related to First Objective

OMB proposes many changes throughout this document related to improving transparency, accountability, and oversight for Federal grants. For example, OMB proposes updated language related to conflicts of interest (§ 200.112) and mandatory disclosures (§ 200.113). In § 200.202 related to program planning and design, OMB proposes a variety of changes seeking to ensure that programs align with law and Executive Branch policy.

In §§ 200.201 and 200.333, and throughout part 200, OMB proposes to eliminate the use of fixed amount awards and subawards, which can limit transparency and hinder effective oversight. For example, under fixed amount awards there is no expected routine monitoring of actual costs incurred by the recipient or subrecipient, and no financial reporting is required.[49] This proposed change further ensures that Federal agencies exercise an appropriate level of oversight on how tax dollars are spent under all types of awards. This will help to ensure that Federal dollars are not wasted on activities that may not fully support the achievement of program outcomes. The American people deserve to know where all Federal tax dollars are flowing.

In §§ 200.204 through 200.206 related to funding opportunities, selection of recipients, and reviewing risk of applicants, OMB proposes a variety of changes designed to ensure and emphasize the need for merit-based selection of recipients for discretionary awards.[50] Other proposed changes seek to align the regulatory text with requirements in Executive Order 14332 regarding oversight in grantmaking. In § 200.206, some of the proposed changes seek to ensure that recipients with a history of questionable practices or poor financial management are not rewarded with scarce taxpayer resources.

In § 200.208, OMB proposes to update the standards for including specific conditions in Federal awards. In § 200.211, OMB proposes to clarify information that must be included in Federal awards. In §§ 200.218, 200.219, 200.220, and 200.300, OMB proposes various changes to ensure that award funds are not used for unlawful discrimination or other purposes inconsistent with law and Executive Branch policy.

In § 200.305, proposed changes seek to ensure that both Federal agencies and pass-through entities exercise appropriate due diligence before issuing payments of Federal funds, including requiring a justification for payment requests. Proposed revisions also address use of Treasury's ''Do Not Pay'' system before issuing payments.

In §§ 200.329 through 200.332, OMB proposes changes related to further ensuring that pass-through entities follow through on their statutorily-required responsibility to report subawards on *SAM.gov*. In addition to ensuring that required reporting occurs, the proposed changes seek to ensure that Federal dollars are tracked as subawards in circumstances in which recipients transfer funds to affiliates, subsidiaries, or other related organizations. Proposed changes also emphasize the need for Federal agencies to ensure that their recipients comply with subrecipient reporting requirements on *SAM.gov*. The 2023 GAO report referenced above also identified ''challenges with the completeness and accuracy of subaward data displayed on *USAspending.gov*.'' OMB is proposing several revisions in 2 CFR to ensure that pass-through entities meet this reporting obligation and that Federal agencies exercise appropriate monitoring and oversight over the responsibilities of the recipients they decide to partner with under their programs.

In § 200.340, OMB proposes to further clarify the existing regulatory text related to award termination and further ensure that Federal agencies provide clear notice to all recipients of the Federal Government's ability to terminate discretionary awards for discretionary reasons in a manner consistent with law.[51] This proposed clarification is similar to the existing authority at § 200.340(a)(4) to terminate awards found to be inconsistent with program goals or agency priorities. It would also be similar to the long-standing authority to terminate Federal contracts for convenience at 48 CFR 49.502 and 52.249–2. If finalized, this revision will further ensure that Federal agencies retain ongoing programmatic

[45] Jeff Arkin, ''Grants Management, Observations on Challenges with Access, Use, and Oversight,'' United States Government Accountability Office, GAO–23–106797, May 2, 2023.

[46] E.O. 14332, sec. 1.

[47] E.O. 14332, sec. 4(b)(i).

[48] See, *e.g.,* E.O. 14151; E.O. 14173 of January 21, 2025, ''Ending Illegal Discrimination and Restoring Merit-Based Opportunity;'' and E.O. 14281 of April 23, 2025, ''Restoring Equality of Opportunity and Meritocracy.''

[49] See 2 CFR 200.201(b)(1) (existing version).

[50] See, *e.g.,* E.O. 14173 of January 21, 2025, ''Ending Illegal Discrimination and Restoring Merit-Based Opportunity;'' and E.O. 14281 of April 23, 2025, ''Restoring Equality of Opportunity and Meritocracy.''

[51] E.O. 14332, sec. 5 and 6.

discretion after an award is made, consistent with law, to terminate a discretionary award that is not effective at achieving program goals or Federal agency priorities, or that an agency otherwise determines is no longer in the Federal Government's interest. In the same section, OMB also proposes similar changes related to award suspension.

In addition, OMB proposes additional changes in subpart E (cost principles at §§ 200.400 through 200.476) related to improving transparency, accountability, and oversight. For example, OMB proposes various changes to further distinguish between allowable and unallowable costs.

B. Objective 2: Clarification of Regulatory Structure

OMB's second objective for the current proposed revisions is to clarify the status of OMB's government-wide financial management policies and requirements contained in 2 CFR subtitle A, as an OMB regulation. In support of this objective, OMB and the grantmaking agencies joining this rulemaking collectively propose revisions in 2 CFR to clarify the regulatory status of OMB's government-wide policies and requirements. This change is intended to establish a standardized framework across all Federal grantmaking agencies—now including those that did not join the 2014 Federal Agency Interim Final Rule—and to promote predictability, transparency, and consistency across the Federal Government. This proposal would modernize and streamline Federal grants management consistent with OMB's statutory authority to enhance financial management across the Executive Branch.

The current framework in which each agency issues a brief regulation to adopt OMB's requirements will generally be preserved through this interagency rulemaking, but OMB proposes to make minor adjustments in the regulatory text to clarify that OMB's requirements in subtitle A carry regulatory effect in their own right. Agencies will participate in this one-time joint interagency rulemaking to implement the clarified regulatory structure and amend their adopting regulations accordingly. Thereafter—in rulemakings *following* the current one—when OMB amends the regulatory text of 2 CFR through a government-wide notice-and-comment (N&C) rulemaking, those changes will apply government-wide on the effective date of OMB's final rule. This distinction is less relevant for the present rulemaking because relevant grantmaking agencies are joining OMB in proposing these changes.[52] In the future, the public will continue to have a full and meaningful opportunity to comment during OMB's N&C rulemakings, and agencies will continue providing input to OMB during interagency review periods and implementing the requirements. As discussed below, this proposal is generally consistent with the way that most agencies have implemented OMB amendments of the 2 CFR regulatory text since 2013.

This proposal maintains the familiar structure of 2 CFR, but will increase predictability, transparency, and uniformity regarding how OMB amendments are implemented following future N&C rulemakings. Consistent with OMB's government-wide authorities, the proposal will allow for timely amendments of administrative requirements, cost principles, and audit requirements for grants and other Federal awards across the Federal Government.

B.1. Current Regulatory Structure

In 2013, OMB combined previously separate OMB circulars and guidance documents into one centralized guidance document published in 2 CFR subtitle A. 2 CFR part 200 is commonly referred to as OMB's ''Uniform Guidance'' or ''Uniform Grants Guidance.'' Following establishment of the guidance by OMB in 2013, most Federal grantmaking agencies initially adopted the guidance in 2014 through implementing regulations in 2 CFR subtitle B.[53] The guidance currently provides that ''[p]ublication of the OMB guidance in the CFR does not change its nature—it is guidance, not regulation.'' [54]

The existing structure of 2 CFR—including its classification as guidance—has tended to result in questions and uncertainty in the Federal grants community regarding the process for agency implementation of OMB amendments of the government-wide requirements in the regulatory text of subtitle A.[55] The existing version of 2 CFR 200.110(a) already provides that part 200's requirements become effective for the ''administration of Federal awards by Federal agencies'' *either* ''once implemented by Federal agencies [under the process described at 200.106 (existing version)] *or* when any future [OMB] amendment to . . . part [200] becomes final.'' 2 CFR 200.110(a) (existing version) (emphasis added). As explained below, OMB proposes to retain the quoted regulatory text without change, but further clarify its meaning to address recurring questions regarding the effect of OMB amendments.

After the initial agency adoption of part 200 in 2014, secondary or follow-on rulemakings by Federal agencies to implement OMB amendments of part 200 or other parts have generally either not occurred at all [56] or not been initiated by agencies in a timely manner. The sporadic secondary rulemakings that have occurred following 2014 have generally only been initiated in circumstances in which an agency had something specific to add or modify in its own adopting regulations. In most cases, consistent with 2 CFR 200.110(a) (existing version), agencies have simply implemented OMB amendments of the 2 CFR regulatory text based on the text of their existing adopting regulations, and through the terms and conditions of Federal awards issued following the government-wide effective date of the OMB amendments.[57]

There are many practical reasons why agencies have not generally completed secondary rulemakings to readopt OMB amendments following 2014. Beginning dozens of secondary agency N&C rulemakings only after OMB has already completed a year-long government-wide N&C rulemaking process—including extensive interagency coordination before the formal rulemaking process even begins—would generally be

[52] All, or nearly all, grantmaking agencies in the Executive Branch have joined this proposed rulemaking and plan to actively adopt the specific policy changes in tandem with OMB through the joint interagency final rule. Thus, the proposed clarifications in this document regarding the process that OMB will follow for 2 CFR amendments will primarily affect *future* OMB amendments of the government-wide requirements in which other agencies are not directly participating. Although OMB and agencies are currently undertaking a joint interagency rulemaking process through this document, it would be inefficient to repeat this process of assembling every grantmaking agency in the Federal Government to directly join all future OMB rulemakings. As discussed in this document, OMB is authorized by law to set government-wide policies and requirements for grants management. Moreover, as also discussed in this document, the proposed process for 2 CFR amendments is very similar to how the existing process for such amendments has already worked for the last decade.

[53] 78 FR 78590; (Dec. 26, 2013); 79 FR 75871 (Dec. 26, 2014).

[54] 2 CFR 1.105.

[55] See, *e.g.,* OMB Memorandum M–24–11, Section I (''Implementation of Title 2 of the CFR'') (Apr. 4, 2024); and COFFA Memoranda for the Federal Financial Assistance Community dated January 15, 2025 and August 15, 2024.

[56] Following initial agency adoption, implementing revisions on the effective date provided in OMB's final rulemaking is consistent with the information provided to the public in 2 CFR 200.110(a) (existing version) regarding the process for implementing future amendments.

[57] See 2 CFR 200.105(b) (existing version).

redundant, create long administrative delays, constitute a major drain on agency resources, and frustrate the objective of government-wide uniformity for OMB policy changes. For example—as with the Federal Acquisition Regulation (FAR) that applies to Federal procurement contracts—it is sometimes necessary for OMB to amend the regulatory text to align with legislative changes on specific government-wide effective dates. Secondary agency rulemakings could result in staggered and sometimes wildly inconsistent effective dates for OMB's amendments and associated policies across the Federal Government—with agency rules only being proposed and finalized as agency resources allow. This would effectively delay implementation of OMB's government-wide requirements by an extended period of time. Such delays would create confusion for recipients, auditors, and the entire Federal grants community, and be inconsistent with OMB's statutory authority to set government-wide requirements for grants administration that agencies must follow. Moreover, agencies would generally have little of substance to say in response to public comments on government-wide policy requirements already settled by OMB pursuant to its own statutory authorities and firmly established in the regulatory text of subtitle A.

B.2. Proposed Clarification of Regulatory Structure

a. In general. Through this rulemaking, OMB and Federal grantmaking agencies seek to collectively clarify how government-wide ''financial management policies and requirements'' codified in OMB's 2 CFR regulatory text in subtitle A will be implemented by Federal agencies in the future.[58] The current classification of the OMB regulatory text as ''guidance, not regulation'' is confusing for award recipients, is generally inconsistent with the history of agency implementation of OMB amendments since 2014, and fails to provide adequate predictability and transparency for the Federal grants community regarding how future OMB amendments of the regulatory text of subtitle A will be implemented by agencies. To promote predictability, transparency, uniformity, efficiency, and other objectives described in this document, OMB seeks to provide further clarity regarding the regulatory structure and status of 2 CFR through this rulemaking.

b. Similar to existing frameworks. The proposed clarification in this document is similar to the already *existing* process for agency implementation of OMB amendments of the regulatory text in part 200. Information on the existing process is provided at 2 CFR 200.110(a) and discussed in this document above. Thus, at least for agencies that have already implemented the OMB requirements, OMB's proposed amendments related to this objective are primarily intended to clarify the status of the regulatory text in subtitle A, rather than constituting a fundamentally new approach or change in direction. As discussed above, the approach described in this document is consistent with how most agencies have implemented OMB amendments of the regulatory text of 2 CFR subtitle A since the Uniform Guidance was first adopted by agencies in 2014.

The proposed clarification is also procedurally similar to the long-standing ''adoptable guidance'' model for the suspension and debarment requirements in 2 CFR part 180.[59] In the 2005 preamble establishing part 180, OMB observed the need to ''[s]treamline the process for updating the government-wide requirements'' by centralizing the process for substantive updates to the rule at OMB—with agencies only needing to complete one initial adoption. The ''adoptable guidance'' approach allowed OMB to ''publish proposed changes to the [government-wide requirements] in the **Federal Register**, with an opportunity for the public to comment.'' Once agencies had completed the initial step of adopting the part 180 guidance in agency regulations, ''the process for future updates [would] be complete [each time that] OMB issues . . . final guidance'' amending the regulatory text. In other words, agencies would ''not need to amend their regulations adopting the guidance'' through dozens of separate agency rulemakings following future OMB amendments. That regulatory structure has remained the status quo for 2 CFR part 180 for the past 20 years.

Like part 180, OMB also issued part 200 for agency adoption in 2013, which represented a major improvement from the older patchwork of OMB Circulars and agency-specific regulations. However, despite the information provided at 2 CFR 200.110(a), questions regarding the process for agency implementation of OMB amendments of part 200 have lingered, which has impacted the predictability, transparency, and consistency of government-wide implementation of the OMB requirements.

Consistent with the approach described in the preamble for part 180 and the existing regulatory text at § 200.110(a), this document proposes to further clarify how agency adopting regulations in subtitle B apply to future amendments of subtitle A. The proposal will also clarify the status of OMB's regulatory text throughout subtitle A as an OMB regulation. Agencies will remain partners with OMB in the process for future amendments by participating in OMB's development of proposed policy changes and continuing to implement the effective requirements. However, OMB proposes to clarify that the legal mechanism for futures updates will be streamlined to a single **Federal Register** document issued by OMB following public N&C, rather than dozens of rulemakings across the Federal Government with generally identical requirements but inconsistent effective dates. For the reasons discussed above, beginning dozens of agency N&C rulemakings after OMB has completed its own N&C rulemaking process would be impractical, inefficient, and impede OMB's ability to timely exercise its own statutory authorities to set government-wide requirements for grants management.

c. OMB government-wide authorities related to grants administration. Congress authorized OMB at 31 U.S.C. 503 to set government-wide requirements for grants administration, and agencies must follow the OMB requirements in their award programs. Congress also authorized OMB under the Federal Grant and Cooperative Agreement Act of 1977, codified in relevant part at 31 U.S.C. 6307, to issue interpretative guidelines to Federal agencies to promote consistent and efficient use of Federal financial assistance awards. Congress also authorized OMB at 31 U.S.C. 7505 to provide government-wide requirements for Single Audits of recipients, and agencies must also follow those requirements. Congress also authorized OMB under the Transparency Act (Pub. L. 109–282), as amended, to provide instructions to agencies related to ensuring public transparency of their assistance programs—including with respect to award recipients, award amounts, unique entity identifiers, subawards, and various other information—which agencies are also required to follow. At 31 U.S.C. 6105, Congress also assigned oversight responsibility to OMB for the exercise of all authorities and responsibilities related to Federal program information. At 41 U.S.C. 1125, Congress authorized

[58] 31 U.S.C. 503(a)(2).

[59] 70 FR 51863, 51864 (Aug. 31, 2005).

OMB to prescribe government-wide requirements that agencies must follow in providing for the procurement of property or services by recipients of Federal grants or other forms of financial assistance. Pursuant to all of these authorities, and others described in this document, the proposed rule clarifies that 2 CFR subtitle A is OMB's issuance of government-wide requirements under Federal law that agencies must carry out.

d. Summary of proposed Uniform Grants Regulation (UGR). Under the proposed rule, OMB will issue the ''Uniform Grants Regulation'' as an OMB regulation with one government-wide effective date, pursuant to OMB's statutory authority described above, to provide government-wide grants management requirements. The text of 2 CFR subtitle A will be revised to reflect its status as an OMB regulation, especially in key provisions in parts 1 and 200. OMB proposes to remove the statement in 2 CFR 1.05 that the regulatory text is only guidance and ''not regulation.'' Otherwise, the structure of title 2 of the CFR will generally remain the same, with OMB requirements in subtitle A and agency ''adopting'' chapters in subtitle B. Federal agencies join this proposal, and plan to issue the final rule as a joint rulemaking with a common preamble to implement this structure.

The proposed changes will provide regulatory clarity to the entire Federal grants community regarding the effective date and binding effect of OMB's policies and requirements, and their application to agencies and recipients for new awards issued after the effective date of OMB's amendments. The ''Uniform Grants Regulation'' framework will avoid the need for dozens of secondary agency rulemakings merely to reaffirm identical requirements that apply government-wide—which OMB is authorized by statute to determine. Following 2014, such secondary agency rulemakings have generally not occurred under the existing structure. Advantages of the clarifications provided through the ''Uniform Grants Regulation'' proposal include: (1) uniform, transparent requirements; (2) reduced redundancy and regulatory volume; and (3) a streamlined approach allowing for efficient updates and responsive government-wide policy changes. The proposed approach will also maintain public participation.

(i) Uniformity, transparency, and regulatory clarity. The ''Uniform Grants Regulation'' framework will make it easier for recipients and auditors to find and understand the rules that apply to Federal awards, and the date on which those rules become effective. The modified regulatory text would resolve recurring questions on these topics, and reinforce that OMB's government-wide requirements are legally binding pursuant to OMB's statutory authorities for future updates on the effective date of OMB's amendments of the regulatory text. OMB's authorities contemplate OMB setting binding policy related to financial assistance for all agencies—which is effectively what the Uniform Guidance already does today. This proposal will simply clarify the regulatory status of subtitle A, and ensure that OMB policies apply uniformly across all agencies on the effective date intended by OMB without the need for redundant and open-ended agency rulemaking processes to implement them. From a recipient's perspective, OMB's requirements in 2 CFR will still generally carry the same weight as before, but calling them OMB regulations will further emphasize and clarify their binding effect across the Federal Government.

(ii) Reduced redundancy. The proposed clarification will promote efficiency and save government resources by preventing the need for dozens of secondary agency rulemakings. Agencies may still undertake such rulemakings as appropriate to make adjustments in their own chapters, but will not be required to in the case of every OMB amendment. Existing provisions in the regulatory text, which OMB proposes to retain, also provide mechanisms for exceptions and otherwise maintaining alignment with agency program statutes in the case of conflict.[60]

Moreover, agencies will not be entirely removed from the process of 2 CFR updates, but will remain involved as partners in OMB's regulatory process, and through participation in interagency workgroups such as the Council on Federal Financial Assistance. Although, in general, agencies will not need to directly join future OMB rulemakings, they will remain engaged in the interagency review processes, ensuring that agency grant experts have appropriate input on legal and practical considerations for their agencies before rules are proposed or finalized by OMB.[61]

(iii) Efficiency and responsiveness. The ''Uniform Grants Regulation'' framework recognizes the practical reality of needing to ensure that OMB is able to efficiently exercise its statutory authority to provide government-wide grants management requirements in a timely and responsive manner. Given that updates to OMB's requirements in subtitle A may already take upwards of a year to complete prior to any secondary agency rulemakings—from initial policy development at OMB to inter-agency coordination, drafting and obtaining clearance for proposed rulemaking documents, completing N&C procedures, responding to comments, drafting and obtaining clearance for final rulemaking documents, additional inter-agency coordination, and typically, but not necessarily, providing some gap between issuance of the final rule and its effective date—the proposal will ensure that OMB can actually establish government-wide requirements within a reasonable timeframe. The proposal will clarify that agencies do not need to initiate another lengthy N&C rulemaking process just to implement OMB amendments for which OMB already followed robust public N&C procedures. The framework will ensure that OMB remains able to efficiently respond to emerging compliance issues or implement new statutory requirements in a timely manner across all agencies.

Both the Federal Government and American public will benefit from such timely adjustments. This may include, for example, faster incorporation of legislative changes from Congress. This is far more workable and efficient than an alternative model in which dozens of agency rulemakings to implement new requirements would only begin after OMB has already completed a year-long process to propose and make amendments. Such an alternative model would effectively prevent timely implementation of needed government-wide policy reforms related to grants management, and frustrate OMB's ability to efficiently perform its own statutory functions.

(iv) Note regarding proposed names for title 2 and part 200. This document proposes to use ''Uniform Grants Regulation'' (UGR) as a plain language name or designation for 2 CFR part 200 following issuance of a final rule. See § 1.100 (proposed version). OMB does not propose a change to the existing header for Title 2, which would remain ''Federal Financial Assistance.'' Thus, the various parts of Title 2 would collectively constitute the Federal Government's ''Regulation for Federal Financial Assistance'' (RFFA), while part 200 would constitute the UGR. OMB also does not propose a change to the (formal) header for part 200, which

[60] See 2 CFR 200.100(a)(1), 200.101(a)(2) and (d), 200.102, 200.105, and 200.106.

[61] See also section IV.C.2.g of this preamble regarding ''continued public and agency participation.''

would remain ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' (UAR). Thus, the name UGR, as referred to in § 1.100 (proposed version), would be used in a way similar to how ''Uniform Guidance'' is currently used as a plain language way of referring to part 200—despite its formal header. The acronym UAR would also remain acceptable and accurate, as would simply referring to ''part 200.''

The proposed name of UGR for part 200 would not have any impact on the part's broader applicability to cooperative agreements and other forms of financial assistance, which remain subject to part 200 under the proposed regulatory text. See 2 CFR 200.1 and 200.101 (proposed versions). Grants are a common and widely used form of Federal financial assistance. See 2 CFR 200.1. Outside of its technical meaning, the term ''grant'' is also generally understood and used in ordinary speech by the general public in a way that more technical terms may not be. OMB proposes to refer to part 200 as the UGR to retain a name that will be widely understood, easy to say, and still similar to the existing name for part 200—the ''Uniform Guidance''—which is widely known and used throughout the Federal financial assistance community. Under the existing structure, ''Uniform Guidance on Grants'' and ''Uniform Grants Guidance'' (UGG) are also frequently used to refer to part 200, which are also similar to the name proposed in this document.

In selecting a proposed plain language name and acronym, OMB also considered ''Financial Assistance Regulation,'' but determined that the acronym for this name would conflict with the acronym that is already used for, and widely known as applying to, the Federal Acquisition Regulation (FAR). Creating a second FAR that applies to Federal financial assistance instead of Federal procurement contracts would cause confusion and be unworkable. OMB believes that UGR will be a simple and clear way to refer to part 200 following issuance of the final rule and easily distinguishable from the FAR. As is currently the case, the regulatory text of 2 CFR part 200 may also be referred to as the UAR (based on the formal header) or simply as ''part 200.''

e. Continued public and agency participation. Finally, the proposed ''Uniform Grants Regulation'' framework will also maintain public and agency participation in the development of policies. OMB will continue to follow public N&C rulemaking procedures for substantive updates, and all stakeholders will have the ability to comment on any changes proposed by OMB. Thus, interested parties can focus on a single unified proposal rather than tracking and commenting on dozens of separate agency proposals. Agencies will still be involved during the development stage for OMB policy amendments and various interagency review periods, and still have the ability to raise agency-specific issues with OMB before amendments are proposed or finalized. After OMB's final determination, secondary public N&C periods at each agency would serve little practical purpose, as the key policy decisions would already have been made by OMB with input from both public commenters and Federal agencies.[62]

B.3. Proposed Changes to Agency Chapters in Subtitle B of 2 CFR

Through this proposed rulemaking, certain Federal grantmaking agencies that currently lack an existing chapter in 2 CFR subtitle B propose to add chapters, which is intended to streamline implementation and reduce variability across the Federal Government. Federal agencies that have existing chapters in 2 CFR subtitle B propose certain targeted and conforming changes to support OMB's broader rulemaking effort. Following this rulemaking, subtitle B will provide a complete list of all grantmaking Federal agencies,[63] including certain agency-specific policies and procedures. This proposed change will make OMB's policies and requirements in 2 CFR truly ''uniform'' across the Federal Government for first time since OMB's ''Uniform Guidance'' was established in 2013.

C. Objective 3: Reducing Recipient Burden

The third and final objective of this rulemaking is to reduce recipient burden. The proposed revisions in support of this objective are aimed at ensuring that the requirements contained in 2 CFR are only those that OMB finds necessary for the efficient implementation and oversight of assistance programs authorized by law.

Some of the changes related to this objective are aimed at ensuring that recipients can focus on timely and efficient delivery of core program purposes. As discussed under the first objective in this document, in previous years Federal agencies often required award recipients to spend great amounts of time, effort, and financial resources to implement unlawful DEI mandates and other unnecessary add-on requirements that increased project costs, complexity, and completion timelines, but did not serve the underlying public purpose of support of the relevant assistance program. By contrast, under the proposed version of the regulation, OMB seeks to ensure that Federal agencies will appropriately reduce the scope of award activities to only what is necessary to achieve the objectives identified in law consistent with Executive Branch policy. If finalized, recipients should be able to restore focus on achieving core public purposes in a cost-efficient and timely manner.

In seeking to reduce recipient burden, OMB also reviewed the guidance to look for other opportunities to further standardize and streamline the grantmaking process where feasible. For example, in § 200.202, the proposed regulation encourages the use of multi-year awards, thereby reducing the frequency of applications and individual awards that are generated each year. In § 200.204, OMB encourages Federal agencies to adopt more efficient Notice of Funding Opportunities and application practices, including the use of statements of interest, which will simplify the process for thousands of prospective applicants. In addition, the proposal would require that all Federal funding opportunities be posted on *Grants.gov* ensuring agencies use a single, consistent platform that reduces duplicative processes and increases transparency for award applicants. Under the proposed regulation, agencies are not prohibited from announcing opportunities on their websites or in other locations in addition to *Grants.gov*. Federal agency heads (or designees) may approve exceptions to this requirement when the agency determines that publicly announcing an opportunity would pose a national security risk or is in the national interest of the United States. The removal of superfluous policy requirements reduces costs and complexity without undermining

[62] A Federal agency would still be permitted to engage in such secondary rulemaking procedures if it determines that codified exceptions are needed and consistent with procedures and basic parameters for codified exceptions set forth in the regulatory text of subtitle A. As under the existing regulatory text, an agency could immediately implement any exceptions required by statute in advance of a secondary rulemaking and without the need for additional approval from OMB under 2 CFR. See 200.101(d)(1) and 200.102(b) (proposed version).

[63] Limited exceptions are noted at 2 CFR 1.221 (proposed version) for agencies with limited, if any, rulemaking authorities. Like all other agencies, the listed agencies at 2 CFR 1.221 (proposed version) would be required to implement OMB's government-wide requirements in 2 CFR subtitle A, but would not be required to issue regulations due to the limited nature of their authorities.

accountability for Federal financial assistance awards.

OMB is also committed to continuing to support this objective following the current rulemaking process. For example, efforts to address this objective may also involve longer-term initiatives to: (i) review and streamline existing government-wide forms to ensure that only necessary data is being collected a single time; and (ii) work with Federal grantmaking agencies to eliminate or reduce burdensome program regulations and requirements.

V. Regulatory Impact Analysis

The attached Regulatory Impact Analysis (RIA) evaluates the benefits, costs, and transfers associated with the proposed rule. For example, the RIA evaluates the proposed elimination of fixed amount awards and fixed amount subawards; proposed payment accountability reforms, including requirements for Federal payment requests; proposed reforms related to subrecipient oversight; proposed clarifications of authority for termination and suspension of Federal awards; proposed changes to national policy provisions; and proposed changes related to eligibility restrictions for research and development awards. The draft RIA finds that the proposed rule is expected to generate qualitative benefits, modest administrative costs, and minimal transfer effects. OMB invites comments on the analysis provided in the attached RIA.

VI. Section-By-Section Discussion of the Proposed Revisions to Subtitle A of 2 CFR

OMB invites comments on the proposed revisions throughout subtitle A of 2 CFR.

Part 1—About Title 2 of the Code of Federal Regulations and Subtitle A

OMB proposes to revise various sections of 2 CFR part 1 to replace references to ''guidance'' with ''regulation'' to reflect that the OMB policies contained in 2 CFR subtitle A constitute an OMB regulation. Additional analysis related to this change is provided in this document above.

OMB proposes to add a new § 1.221 to explain that certain listed Federal agencies received approval from OMB to implement the OMB regulations in subtitle A as policy applicable to their Federal awards without establishing agency regulations in subtitle B. Approval of this alternative implementation method is generally based on the limited rulemaking authorities of these agencies.

Parts 25, 170, 175, 180, 182, and 183

OMB proposes limited revisions in parts 25, 170, 175, 180, 182, and 183. As throughout the regulatory text, OMB proposes to replace the term ''guidance'' with ''regulation'' or ''policy,'' as appropriate, for the reasons set forth above. In some cases, depending on the context, the use of the word ''guidance'' is maintained, such as instances in which the term does not refer to the regulatory text of 2 CFR. OMB also proposes various grammatical changes in these parts.

In part 170, OMB proposes certain revisions to reflect that, as of March 8, 2025, *FSRS.gov* was retired, and all subaward reporting data and functionality are now on *SAM.gov*. Thus, certain references to FSRS are replaced with references to *SAM.gov*.

In part 180, consistent with other changes throughout the regulatory text, OMB proposes to remove the statement in § 180.15 that the policy contained in the regulatory text ''is guidance not regulation.'' OMB also proposes to revise § 180.25 to clarify that agencies must not deviate from the requirements of this part on matters for which discretion is not provided.

OMB proposes to revise §§ 180.745 and 180.840 to require agencies to provide entities or individuals with a transcribed record of fact-finding proceedings for suspensions and debarments within five business days. Under this proposal, the entity or individual requesting the transcript would remain responsible for purchasing it and paying applicable costs. Although not addressed directly in either the existing or proposed regulatory text, in some cases it is possible that other laws may restrict what information may be provided in this context, such as classified information.

In § 180.915, OMB proposes to update the reference to the Program Fraud Civil Remedies Act (PFCRA) of 1986 to reflect that, on December 23, 2024, Congress amended the PFCRA, including changing its name to the Administrative False Claims Act (AFCA).[64]

Similarly, in part 182, OMB proposes to remove the statement in § 182.15 that the policy contained in the regulatory text ''is guidance not regulation.'' In § 182.25, OMB also proposes to clarify that Federal agencies must not deviate from the requirements of this part on matters for which discretion is not provided.

OMB also proposes to revise part 183 to replace the term ''guidance'' with ''regulation.'' Finally, OMB proposes to update the definition of ''covered combatant command'' in § 183.35 to simply reference the definition existing in law.

Part 176—Award Terms for Assistance Agreements That Include Funds Under the American Recovery and Reinvestment Act of 2009

OMB proposes to remove the guidance in part 176 related to the American Recovery and Reinvestment Act of 2009 (ARRA). Part 176 was initially issued to govern the use of funds appropriated under ARRA as part of the Nation's economic recovery efforts following the 2008 financial crisis. The regulations in part 176 are no longer needed because awards are no longer being made under ARRA. The removal of part 176 aligns with OMB's broader objective of streamlining Federal financial assistance regulations by eliminating outdated or unnecessary provisions that no longer serve a practical function.

Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Throughout part 200, consistent with changes discussed above, OMB proposes to replace the term ''guidance'' with ''regulation'' when referring to the regulatory text of 2 CFR. In some cases, OMB also proposes to replace the term ''guidance'' with ''policy'' or other terms that fit within the context of the regulatory text.

Subpart A—Acronyms and Definitions

Section 200.1—Definitions

OMB proposes to revise § 200.1 to align with the proposed policy changes and to be consistent with Federal law. These changes include revisions to the definitions for ''Federal award date,'' ''improper payment,'' ''personally identifiable information (PII),'' and ''unobligated balance.'' Other proposed changes include removing definitions for ''fixed amount awards'' and ''protected personally identifiable information (Protected PII).'' The existing definition of Protected PII is not necessarily consistent with other OMB guidance, which does not distinguish between PII and Protected PII. Other conforming changes were proposed in other sections of the regulatory text that use the term Protected PII.

OMB also proposes to revise the definition of ''compliance supplement'' to delete the words ''annually updated.'' OMB is in the process of reevaluating the appropriate frequency for issuing the compliance supplement. Pursuant to the Financial Management Risk

[64] Public Law 118–159, sec. 5203(a).

Reduction Act (Pub. L. 118–207), OMB and the Office of Inspector General for the Department of Health and Human Services (HHS) are currently analyzing the single audit process. OMB plans to engage stakeholders ahead of any substantial changes.

Subpart B—General Provisions

Section 200.101—Applicability

OMB proposes to revise § 200.101(b)(4) to remove references to fixed amount awards. OMB proposes to remove the reference to fixed amount awards for consistency with other changes proposed in this document, which eliminate the use of both fixed amount awards and subawards, which can limit transparency and hinder effective oversight. OMB also proposes to include a reference to the FAR in § 200.101(c)(2).

OMB also proposes to make certain clarifying edits regarding which provisions govern in the case of conflict in paragraph (d) of § 200.101. OMB now proposes to address statutory and regulatory conflicts in separate paragraphs. Paragraph (d)(1) regarding statutory conflicts remains substantially unchanged except for the proposed deletion of the reference to regulations. OMB proposes a new paragraph (d)(2) under § 200.101 addressing non-statutory conflicts with agency regulations. OMB proposes to specify that the following provisions of part 200 will govern in any circumstances where they conflict with a regulatory provision not required by Federal statute: all sections in subpart F and § 200.340 in subpart D. For other non-statutory conflicts with an agency's regulatory provision, the proposed regulatory text would encourage Federal agencies to apply the government-wide policies in part 200 to the greatest extent permitted by law. OMB also proposes to recommend that Federal agencies clarify which provisions govern in funding opportunities and Federal award documents. The proposed text explains that the default presumption would generally be for the Federal agency to apply the government-wide policies in this part if it can do so consistent with law. Finally, the proposed revision recommends that Federal agencies also work to resolve such non-statutory conflicts consistent with their rulemaking authorities; applicable provisions in part 200, such as §§ 200.102, 200.106, and 200.110; or both. For example, this may involve amending an agency regulation outside of 2 CFR to eliminate the conflict or codifying an exception to the government-wide policy in the agency's implementing regulations in subtitle B.

It should be recognized that § 200.101(d)—under both the existing and proposed versions—only applies to Federal programs to which part 200 applies. The proposed policy regarding program applicability in this section remains generally unchanged. The proposed edits regarding regulatory conflicts seek to increase uniformity and transparency regarding management and administration of Federal financial assistance across the Federal Government. Recipients, subrecipients, and auditors should not have to speculate or guess regarding which regulatory provisions govern a Federal program or specific Federal award.

Section 200.102—Exceptions

OMB proposes to revise § 200.102(b) regarding ''statutory and regulatory exceptions'' to include reference to the proposed change at § 200.101(d)(2) discussed above. OMB also proposes to revise § 200.102(c) regarding ''Federal agency exceptions'' to remove reference to fixed amount awards for reasons discussed elsewhere in this document. Additionally, OMB proposes to revise the authority for case-by-case exceptions made by a Federal agency to highlight examples of sections in which other approval by OMB is expressly required by this part, such as at § 200.340.

Section 200.106—Agency Implementation and Responsibilities

OMB proposes to revise § 200.106 to add a new paragraph (b) regarding agency responsibilities. The proposed paragraph references the responsibilities of Federal agencies under other parts of OMB's grants administration policies in the regulatory text of 2 CFR. This proposed change will further clarify that Federal agencies are responsible for adhering not only to part 200, but also to the other existing parts contained in subtitle A, including parts 25, 170, 175, 180, 182, 183, and 184.

Section 200.110—Effective Date

OMB proposes to revise § 200.110 to clarify and supplement the existing policy in paragraph (a). The proposed changes to paragraph (a) are discussed in further detail in section IV.C of this preamble regarding the proposed clarification of the regulatory structure of 2 CFR. As discussed above, the proposed changes to paragraph (a) are generally consistent with the existing regulatory text, but provide further clarity and context regarding its meaning.

Section 200.111—English Language

OMB proposes to revise § 200.111 to focus only on the basic requirement that all Federal announcements, applications, and Federal award information must be in the English language and must be in terms of U.S. dollars. This revision is intended to highlight the importance of recipients being able to understand Federal award requirements and program information in English to effectively meet program objectives and communicate with Federal officials about program and Federal financial assistance matters.

Section 200.112—Conflict of Interest

OMB proposes to revise § 200.112 to require, in the interest of transparency, that a recipient or subrecipient must disclose whether any employees who worked on the proposal or will support the resulting Federal award were employed by the awarding Federal agency within the preceding two years prior to application submission. OMB further clarifies that this information is for informational purposes and does not by itself represent a conflict of interest. This revision is intended to enhance transparency and allow Federal agencies to identify potential conflicts of interest arising from recent employment relationships between agency staff and recipient personnel. While the disclosure does not create a prohibition or automatic bar to participation, it provides awarding Federal agencies with visibility into situations where prior employment could give rise to questions about impartiality, preferential treatment, or insider knowledge. This change strengthens integrity standards in the award-making process while limiting burdens by requiring only disclosure, not additional approval or review.

Section 200.113—Mandatory Disclosures

OMB proposes to revise § 200.113 to require an Office of Inspector General to transmit any disclosures it receives under this section to the United States Attorney's Office for the District of Columbia within ten days of receipt. The purpose of this revision is to strengthen enforcement and accountability by ensuring that credible allegations of fraud or misconduct are promptly transmitted to prosecutorial authorities. This 10-day transmission standard would reduce delays and accelerate prosecutorial awareness, thereby reducing the risk that criminal (or civil) misconduct continues without the initiation of appropriate remedies if warranted.

Subpart C—Pre-Federal Award Requirements and Contents of Federal Awards

Section 200.201—Use of Grants, Cooperative Agreements, and Contracts

OMB proposes to revise § 200.201(b) to eliminate the use of fixed amount awards unless otherwise authorized by Federal statute. Fixed amount awards were introduced in 2014 with the initial release of the Uniform Guidance. Extensive standards and guardrails regarding the use of fixed amount awards were never established in the regulatory text of part 200, sometimes resulting in inconsistent use or application of this type of award across Federal agencies. In response to public comments on the 2024 rulemaking, OMB attempted to establish additional standards and provisions related to fixed amount awards in the 2024 revisions. OMB now proposes to change course, and eliminate this type of award from part 200. OMB is concerned that use of this type of award can limit transparency and hinder effective oversight, and believes the limited standards for fixed amount awards in part 200 remain inadequate to address these concerns. The existing regulatory text also remains ambiguous with respect to application of the cost principles and certain other requirements to fixed amount awards, with important context, in some cases, only provided in the 2024 preamble. This proposed change will ensure increased consistency across Federal agencies in the execution and implementation of Federal financial assistance and promote greater transparency and oversight. OMB proposes to relocate the definition of ''fixed amount awards'' to this section. This proposed change is not intended to impact any existing fixed amount awards or subawards issued prior to the effective date of the proposed rule.

OMB also proposes a minor revision to § 200.201(a) to make Federal agencies the exclusive focus. OMB proposes to add a cross-reference to § 200.331, which more directly addresses how pass-through entities determine the appropriate type of agreement for a subaward or contract.

Section 200.202—Program Planning and Design

OMB proposes to revise § 200.202(a) to further clarify the elements of program design. As ''goals and objectives'' do not directly ''provide'' meaningful results, OMB proposes to clarify that the goals and objectives must ''aim to achieve meaningful results.'' OMB also proposes to clarify that goals and objectives must be consistent with the public purpose of Federal authorizing legislation and aligned with administration policies and priorities.

OMB also proposes to add five new paragraphs. In § 200.202(c), OMB proposes to clarify that Federal agencies must develop Federal programs and implement activities under those programs in a manner that ensures compliance with all applicable restrictions on the use of Federal funds, including ensuring that Federal program funds are only used for public purposes of support authorized by law. This proposed addition reiterates what has long been a foundational principle of Federal financial assistance: funding must only be used to ''carry out a public purpose of support or stimulation authorized by law,'' [65] not for other extraneous activities or initiatives of recipient organizations. This proposed revision increases transparency and predictability for applicants and recipients by ensuring that program announcements are aligned with statutory authority from the outset. OMB proposes to include an example related to ensuring that program funds are not used to subsidize political activities or initiatives unrelated to authorized public purposes.

In § 200.202(d), OMB proposes to add a paragraph explaining that Federal agencies may, to the extent permitted by law, restrict eligibility among different types of nonprofit organizations. This proposed revision promotes transparency by ensuring applicants can determine eligibility without guessing or interpreting agency intent. In addition, the proposed revision ensures that such restrictions are not applied in a manner inconsistent with law. As a result, applicants will have greater clarity and confidence about eligibility requirements before spending time and resources on preparing applications.

In § 200.202(e), OMB proposes to add a paragraph to establish a government-wide policy governing eligibility and the use of international elements in Federal research and development awards. Through this proposed change, OMB seeks to strengthen alignment between Federal research and development funding and national priorities, enhance consistency across grant-making agencies, and clarify expectations for applicants, while preserving appropriate flexibility to support international engagement that demonstrably advances the interests of the United States. Consistent with OMB's authorities discussed above, which authorize the establishment of uniform policies governing the management of Federal financial assistance, this proposed change is intended to ensure consistent application of eligibility limitations applicable to research and development awards. OMB and the participating agencies seek to ensure that such awards remain aligned with the national interest of the United States. As with other sections of the regulatory text, the policy must be implemented consistent with relevant appropriations and authorizing statues.

In § 200.202(f), OMB proposes to add a paragraph that encourages agencies to design awards as multi-year award when consistent with program objectives and subject to restrictions in law. Under this approach, awards would use budget periods longer than one year instead of requiring annual re-competition. Such awards must be structured to avoid Antideficiency Act violations. This proposed revision promotes efficiency and reduces unnecessary administrative burden on both agencies and recipients. In addition, the proposed revision provides greater funding stability for recipients, enabling long-term planning and execution of complex projects.

Lastly, in § 200.202(g), OMB proposes to add a paragraph that would require agencies that issue Federal financial assistance for scientific research to categorize those awards as basic research, applied research, and experimental development consistent with the definitions in OMB Circular A–11. This categorization would need to be communicated to the recipient and included in the terms and conditions of the award.

Section 200.204—Notices of Funding Opportunities

OMB proposes to revise in § 200.204 to clarify, supplement, and revise the government-wide policy regarding notices of funding opportunity, commonly referred to as NOFOs. OMB proposes to require that Federal agencies must publicly announce funding opportunities for *all* discretionary awards—not just those that will be openly competed. Consistent with the definition of discretionary award and longstanding practice, OMB also proposes to clarify that, as appropriate and consistent with authorizing law, funding opportunities may allow for open competition, limited competition, or selection on a non-competitive basis. In addition, OMB also proposes to require that applicants apply for awards using *Grants.gov* unless a program specific exception is

[65] See 31 U.S.C. 6304, 6305, and 6307.

expressly authorized by Federal statute or approved by the Federal agency head (or designee). OMB also highlights the importance of drafting NOFOs in plain language so that completing the application generally does not require the applicant to employ technical or legal experts. These proposed revisions streamline and standardize the policies for Federal funding opportunities, while also promoting transparency regarding the use of Federal tax dollars. In addition, the proposed revisions reduce barriers for participation by promoting greater accessibility for eligible applicants.

OMB also proposes to revise this section by adding a new paragraph (c) regarding use of Statements of Interest (SOI). The proposed paragraph encourages agencies to use SOIs as part of their NOFOs when high application volume or lengthy proposals are expected. These revisions are intended to reduce burden on applicants who would otherwise prepare lengthy, resource-intensive proposals with little chance of being selected for funding in some cases. The proposed revision would also improve efficiency by focusing agency review on the most competitive applicants.

OMB also proposes to revise the existing best practice that executive summaries should not exceed 500 words. OMB proposes to make this a requirement, but allow Federal agency heads (or their designee) to authorize exceptions. This proposed revision would more consistently provide applicants with a clear, concise overview of NOFOs while maintaining agency flexibility when needed to communicate complex opportunities. As a result, applicants will more often be able to quickly assess whether a program is relevant before reading the entire funding opportunity.

OMB also proposes to revise the requirement that opportunities be posted for no less than 30 days unless the agency determines that exigent circumstances exist. Under the proposed revision, agencies would be required to include such a determination in the NOFO. This proposed revision is intended to prevent unreasonably short application windows that disadvantage certain applicants. The proposed revision also promotes fairness, accountability by Federal agencies, and adequate preparation time for applicants. As a result, applicants will have a more predictable timeframe to prepare strong applications.

Lastly, OMB proposes several revisions related to the full text of funding opportunities. Specifically, OMB proposes that Federal agencies, when feasible, should strive to ensure that NOFOs are accessible to a broad range of applicants, including those that have not previously received Federal awards. In addition, OMB proposes a new requirement that Federal agencies may be required to submit a report to OMB detailing the specific recipients or types of recipients that received Federal awards from the Federal agency over a specific time period. These proposed revisions strengthen clarity and accessibility obligations for agencies and provide OMB with oversight tools to ensure funding is not inappropriately concentrated among a narrow set of recipients.

Section 200.205—Federal Agency Review of Merit of Proposals

OMB proposes to revise § 200.205 to strengthen requirements for agency merit review and to establish a new pre-issuance review process consistent with Executive Order 14332. Under the proposed requirements for pre-issuance review, as part of the broader merit review process, agencies must ensure that proposals selected for funding are consistent with applicable law, Federal agency priorities, and the national interest. Consistent with the Executive order, senior appointees must conduct these reviews and apply specific principles when evaluating proposals. These principles include ensuring that discretionary awards advance the President's policy priorities, prohibit the use of funds for discriminatory or otherwise impermissible purposes, and emphasize ensuring compliance with applicable law. Additionally, the proposed revisions encourage agencies to broaden the range of recipients, prioritize institutions demonstrating rigorous and reproducible scholarship, incorporate benchmarks for measuring performance of ''Gold Standard Science,'' and direct agencies to weigh institutional commitment to research integrity when making award decisions. Proposed revisions in this section also clarify that peer review remains advisory and does not replace agency discretion. Finally, the proposed revisions clarify that agencies are not required to issue awards solely as a result of issuing a NOFO. These proposed updates are intended to enhance consistency across agencies, accountability, and alignment of Federal awards with administration priorities, while also reducing the risk of award being made contrary to statutory or policy requirements.

Section 200.206—Federal Agency Review of Risk Posed by Applicants

OMB proposes to revise § 200.206(b)(2) to expand the list of factors that agencies may consider when evaluating applicant risk. The changes clarify that agencies may assess an applicant's financial capacity to manage high-dollar awards, in addition to overall financial stability. The revisions also clarify that prior performance must be evaluated against the goals of the funding opportunity, and that both positive and negative outcomes must be given equal weight. OMB also proposes to add a provision that agencies may consider an applicant's history of questionable practices based on publicly available and verifiable information. In addition, OMB proposes to add a provision that agencies may consider an applicant's compliance with foreign gift and contract disclosure requirements, as applicable. Additionally, OMB proposes a new provision that agencies may consider an applicant's affiliations with organizations engaged in activities that violate Federal law, undermine public safety or national security, or advocate for the overthrow of the United States Government. Lastly, OMB proposes a new provision that agencies should consider, as applicable, an applicant's compliance with foreign gift and contract disclosure requirements under section 117 of the Higher Education Act of 1965 (Pub. L. 89–329, as amended, codified at 20 U.S.C. 1011f). The proposed revisions are intended to provide agencies with clearer authority to evaluate financial and organizational capacity, integrity, and institutional affiliations in order to mitigate risks and protect the integrity of Federal programs.

Section 200.207—Standard Application Requirements

OMB proposes to revise § 200.207 to clarify that Federal agencies must periodically review programmatic and administrative requirements specific to the agency, program, or award(s) to determine whether such requirements are unnecessary and not required by this part. Federal agencies should also update OMB annually on any such requirements that have been removed.

Section 200.208—Specific Conditions

OMB proposes to revise § 200.208 to clarify how agencies may apply, adjust, and remove specific conditions under Federal awards. OMB proposes to authorize agencies, subject to applicable law, to add or remove specific conditions throughout the period of performance based on the risk factors

identified in paragraph (c) or other factors associated with a recipient or program.

A new requirement is proposed to require that any such adjustments based on any of the factors listed in paragraph (c) must occur within 15 calendar days after the agency's determination. The existing regulatory text already preserves the right of agencies to impose specific conditions based on these enumerated factors, which recipients knowingly accept when they agree to receive awards. OMB also proposes to clarify that specific conditions not based on factors in paragraph (c) may be added or removed during the period of performance only with the agreement of the recipient.

In § 200.208(d), OMB also proposes to expand the list of examples of specific conditions to include requiring information on payments to contractors or vendors, or financial integrity-related site visits. These examples are intended to provide agencies with more practical tools to address risk identified during the administration of Federal awards.

At § 200.208(f), OMB also proposes a new paragraph recognizing that agencies may impose program-level specific conditions when elevated programmatic risks are identified across a Federal program. The proposed text explains that agencies may remove such conditions once the underlying risks have been resolved, thereby allowing the use of program-level conditions to remain tied to ongoing risk management rather than continuing indefinitely. Collectively, these proposed changes provide agencies with greater flexibility to manage risk during award administration while establishing safeguards related to transparency and fairness.

Section 200.211—Information Contained in the Federal Award

OMB proposes to revise § 200.211 to clarify that Federal agencies must always include the termination provisions under § 200.340 in each Federal award or expressly incorporate them by reference, and must inform recipients of any additional termination provisions that apply to the award. This revision is intended to ensure recipients are always clearly and unambiguously informed of the potential for termination under § 200.340, including termination based on discretion of the Federal agency. OMB also proposes deleting the reference to providing ''a copy of the terms and conditions'' to the recipient upon request. This requirement is outdated given the access that applicants and recipients now have to general terms and conditions on the internet. To the extent that applicable general term and conditions are not available on the internet, agencies would be responsible for providing them to the recipient—typically in electronic form—with the Federal award instrument. Federal agencies would still be permitted to mail a hard copy of the terms and conditions to recipients upon request even with removal of this provision, but would not be required to provided that the recipient has electronic access.

Section 200.216—Prohibition of Certain Equipment, Services, and Systems

OMB proposes to revise § 200.216 to incorporate a new legal requirement related to the use of unmanned aircraft systems procured with Federal financial assistance. First, OMB proposes amending the section header to reflect a broader scope that continues to include, but is no longer limited to, telecommunications and video surveillance. A new paragraph (a) is proposed to appropriately frame the existing prohibition on certain telecommunications and video surveillance equipment or services. OMB also proposes removing the existing paragraph (d). Although still technically a legal requirement, considering that the statute has been in effect since 2020 and Federal agencies are unlikely to still be funding a transition to different systems, OMB considers this language to be outdated and no longer necessary for express inclusion in 2 CFR.

OMB proposes to add a new paragraph (b) in § 200.216 under the header: ''Prohibition on procurement and operation of prohibited unmanned aircraft systems.'' This paragraph will implement the requirements of section 1825 of the American Security Drone Act of 2023 (Pub. L. 118–31). This statute prohibits Federal agencies from issuing Federal financial assistance that results in the procurement of unmanned aircraft systems prohibited by the Federal Acquisition Security Council (FASC), and requires recipients and subrecipients to implement specific safeguards and compliance measures for these systems. The statutory requirements became effective on December 22, 2025. Thus, agencies, recipients, and subrecipients should be aware that the statute already applies even before the proposed revision of this section becomes final. See OMB Memorandum M–26–02 dated November 21, 2025, ''Ensuring Government Use of Secure Unmanned Aircraft Systems and Supporting United States Producers.''

Section 200.218—Prohibition of Using Federal Awards To Promote or Support Theories of Disparate-Impact Liability

OMB proposes a new § 200.218 related to Executive Order 14281, ''Restoring Equality of Opportunity and Meritocracy.'' Consistent with the Executive order, this section proposes to establish a government-wide policy in 2 CFR regarding use of Federal financial assistance to promote or support theories that impose disparate-impact liability based on federally protected characteristics such as race, sex, or age. OMB proposes to direct agencies and pass-through entities, to the maximum extent permitted by law, to ensure that awards are administered in a manner that does not promote or support theories of disparate-impact liability, including by not issuing terms, conditions, or guidance that would advance theories of disparate-impact liability. Recipients and subrecipients are also directed to avoid using Federal award funds for this purpose unless expressly required by law. OMB proposes to recognize an exception related to analysis for internal use if the activities are not funded by the Federal award and not used in connection with activities under the award. OMB proposes a definition of disparate-impact liability to ensure clarity and consistency. The proposed definition is generally consistent with the Executive order. These proposed revisions are intended to align government-wide administration of Federal financial assistance with administration policy and to reinforce the principle that merit-based opportunity—rather than theories of disparate-impact liability or other forms of unlawful discrimination based on race or other protected characteristics—will govern the administration of Federal awards.

The legal authority for this section (hereinafter referred to as the ''Disparate-Impact Provision'') is similar to the authority for including the unlawful DEI provision in § 200.300, as both are generally intended to prevent discrimination on the basis of federally protected characteristics. To limit repetition in this preamble, OMB includes further analysis of the Disparate-Impact Provision under § 200.300 in connection with the unlawful DEI provision, including analysis of legal authority and related considerations.[66]

[66] See also 90 FR 57141 (Dec. 10, 2025) (rule amending DOJ's implementing regulations for Title VI of the Civil Rights Act of 1964 to remove disparate-impact provisions); DOJ Press Release of Dec. 9, 2025, ''Department of Justice Rule Restores

Continued

Section 200.219—Prohibition of Discriminatory Event Services

To ensure that Federal funds are not used, directly or indirectly, to subsidize violations of the First Amendment of the U.S. Constitution involving suppression of free speech of disfavored groups, OMB proposes a new § 200.219. The proposed provision would establish in the regulatory text that public entities that are a recipient or subrecipient of Federal financial assistance must not discriminate on the basis of the viewpoint, content, or subject matter of speech—including on the basis of political, ideological, or religious affiliation or perspective—in providing services for events, meetings, or other expressive activities. This requirement would ensure that public entities do not improperly use control over facilities or services to disadvantage or suppress the speech of disfavored groups. The proposed text further provides that it applies regardless of whether an event is directly funded by the Federal award if it occurs on property or facilities under the control of the public entity. As public entities are subject to the First Amendment in their own right, this broad application is constitutionally permissible.[67]

The proposed additions are intended to prevent public entities from using Federal funds—including indirect costs used for buildings and facilities—in a discriminatory manner. This requirement would further ensure that public entities receiving Federal awards do not use their control over facilities or services to disadvantage disfavored groups, such as colleges and universities charging additional fees—sometimes referred to as ''heckler's fees''—to provide security for conservative speakers.[68] Consistent with the First Amendment, the proposed language should not be construed to prohibit public entities from enforcing content- and viewpoint-neutral time, place, and manner restrictions, or from applying reasonable, viewpoint-neutral restrictions in nonpublic forms. If finalized, public entities must not seek to evade these requirements through pretextual or post hoc forum classifications.

The proposed language in § 200.219 is not intended to alter the allowability of costs under subpart E, including costs associated with speakers or events. Rather, it would require that any fees, security costs, or other charges imposed in connection with events be applied in a viewpoint-neutral and consistent manner.

OMB also proposes to clarify application to non-public entities. To ensure that Federal funds are not used in a manner inconsistent with the First Amendment, OMB proposes to apply the requirements of paragraph (a) to non-public entities to the extent that the relevant activities are within the scope of a Federal program under which the non-public entity accepts a Federal award. Applying the prohibition to activities within the scope of a Federal program does not present constitutional concerns under the First Amendment, provided that the Federal agency does not seek to leverage funding to regulate speech outside the contours of the Federal program.[69] By knowingly accepting such a Federal award, the recipient or subrecipient acknowledges its ability to perform the federally funded activities in a manner consistent with law and its own constitutional rights. For example, if a non-public recipient or subrecipient agrees to accept a Federal award that includes hosting a public forum, it must comply with the terms and conditions of the Federal award in a viewpoint-neutral manner.

Proposed paragraph (b) must be implemented in full accordance with the U.S. Constitution. Outside of performance of award activities, the proposed revision must not be construed to require a non-public entity to make its property, facilities, or services available for speech, expression, or events in a manner that would either directly violate its First Amendment rights or otherwise require access or association that would constitute compelled speech or association under the U.S. Constitution. Consistent with law, a Federal agency may consider adjusting the terms and conditions of a Federal award to a non-public entity to clarify the application of this provision and to ensure that performance of required award activities can proceed consistent with law.

Section 200.220—Prohibition of Using Federal Funds for Covered Foreign Collaborations

To protect the national security interests of the United States and to ensure consistent implementation of longstanding statutory restrictions, OMB proposes a new § 200.220 to prohibit the obligation or expenditure of Federal funds to support certain foreign collaborations involving covered foreign countries or covered foreign entities.

Some Federal statutes direct Federal agencies to restrict the use of appropriated funds for bilateral or multilateral activities with foreign adversaries and entities affiliated with foreign military or intelligence services. Most notably, section 1340 (a) of the ''Department of Defense and Full-Year Continuing Appropriations Act'' for fiscal year 2011 (Pub. L. 112–10) (commonly referred to as the ''Wolf Amendment'') prohibited the National Aeronautics and Space Administration and the Office of Science and Technology Policy from using appropriated funds to develop, design, plan, promulgate, implement, or execute any bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, absent specific statutory authorization. The Wolf Amendment has continued to apply as a rider in subsequent annual appropriations acts.[70]

Federal financial assistance is frequently awarded through grants, cooperative agreements, and subawards that may support collaborative research, technical assistance, or programmatic activities involving foreign entities. While the Wolf Amendment only applies directly to specific agencies and appropriations, OMB proposes to find that a uniform regulatory standard, providing consistent application of these restrictions across Federal assistance programs, would reduce risk related to national security and program integrity for all agencies and the Federal Government as a whole.

The proposed § 200.220 establishes a government-wide baseline rule prohibiting recipients and subrecipients from using Federal funds to support bilateral or multilateral collaborations, agreements, programs, or activities with covered foreign countries or covered foreign entities, unless expressly authorized by Federal statute or

Equal Protection for All in Civil Rights Enforcement.''

[67] See, *e.g., Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. of the L.* v. *Martinez,* 561 U.S. 661 (2010) (holding that public universities may adopt neutral, generally applicable access rules but cannot invoke their own expressive autonomy to exclude disfavored viewpoints); *Bd. of Regents of Univ. of Wisconsin Sys.* v. *Southworth,* 529 U.S. 217 (2000) (holding that viewpoint neutrality is mandatory when distributing student activity funds).

[68] See, *e.g.,* Young America's Foundation Press Release, ''YAF Wins Landmark Free Speech Lawsuit, UC Berkeley To Pay $70,000 And Rescind Unconstitutional Policies,'' Dec. 3, 2018.

[69] See, *e.g., Agency for Int'l Dev.* v. *All. for Open Soc'y Int'l, Inc.,* 570 U.S. 205 (2013) (holding that, as a general matter, if a party objects to limits imposed by a grant, its recourse is to decline the funds).

[70] See, *e.g.,* Public Law 117–103, sec. 526, which applied to the National Aeronautics and Space Administration (NASA), the Office of Science and Technology Policy (OSTP), and the National Space Council (NSC).

approved by the Federal agency in accordance with the proposed exception authority and applicable law. This provision is intended to ensure that Federal financial assistance is not used, directly or indirectly, to support activities that may pose a risk to U.S. national security, defense, or intelligence interests. Congress has expressly determined that such a risk exists in the case of some agencies.

The prohibition would apply regardless of whether Federal funds are used for direct programmatic activities, research, technical assistance, travel, or indirect costs allocable to such collaborations. This approach would ensure that restrictions on foreign collaboration—including those expressly required by law—are not circumvented through the structure of funding mechanisms or cost allocation practices.

The proposed rule also provides for limited exceptions where expressly authorized by Federal statute or where the head of the Federal agency (or designee) determines that the activity does not pose a risk to national security and is in the national interest of the United States. These exceptions are intended to preserve necessary agency discretion while ensuring that any departure from the general prohibition is subject to appropriate senior level review and accountability at grantmaking agencies. This provision does not prohibit recipients from engaging in foreign collaborations using non-Federal funds.

Subpart D—Post Federal Award Requirements

Section 200.300—Statutory and National Policy Requirements

OMB proposes to revise § 200.300 to streamline existing references to legal and policy obligations. OMB also proposes to supplement § 200.300 to reflect key administration policies and priorities.

1. Executive orders and Executive Branch guidance. In January 2025, President Trump issued a series of Executive orders (EOs) establishing a government-wide policies to, consistent with applicable law, end Federal funding for unlawful DEI programs, promotion of ''gender ideology,'' and the so-called ''transition'' of a child under 19 years of age from one sex to another. These include Executive Order 14151 of January 20, 2025, ''Ending Radical and Wasteful Government DEI Programs and Preferencing'' (DEI Executive Order);[71] Executive Order 14173 of January 21, 2025, ''Ending Illegal Discrimination and Restoring Merit-Based Opportunity'' (Ending Discrimination Executive Order);[72] Executive Order 14168 of January 20, 2025, ''Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government'' (Gender Ideology Executive Order);[73] and Executive Order 14187 of January 28, 2025, ''Protecting Children from Chemical and Surgical Mutilation'' (Protecting Children Executive Order). The President later issued Executive Order 14281 of April 23, 2025, ''Restoring Equality of Opportunity and Meritocracy'' (Restoring Equality Executive Order).

On March 21, 2025, the Department of Justice (DOJ) issued guidance to all Federal agencies regarding implementation of EOs 14151 and 14173 (March 2025 DOJ Guidance).[74] Subsequently, on July 29, 2025, DOJ issued additional guidance regarding unlawful discrimination (July 2025 DOJ Guidance).[75] The July 2025 DOJ Guidance was intended to ensure that recipients of Federal funding do not engage in unlawful discrimination.[76] In particular, it clarified that Federal antidiscrimination laws apply to programs or initiatives that involve discriminatory practices, including those labeled as DEI programs. Entities that receive Federal funds, like all other entities subject to Federal antidiscrimination laws, must ensure that their programs and activities comply with Federal law and do not discriminate on the basis of race, color, national origin, sex, religion, or other protected characteristics—no matter the program's labels, objectives, or intentions. DOJ's guidance emphasized the significant legal risks of initiatives that involve discrimination based on protected characteristics and offered non-binding best practices to help entities that receive Federal funds avoid the risk of violations and the revocation of Federal grant funding.[77] On September 12, 2025, OMB issued Memorandum M–25–33, which instructed agencies to follow the July 2025 DOJ Guidance when managing Federal programs and overseeing recipients of Federal funding. Most recently, on December 2, 2025, DOJ's OLC released an opinion finding that certain race-based grant programs administered by the Department of Education violate the Fifth Amendment's equal-protection component.[78]

2. Proposed revisions. OMB, in consultation with DOJ and other agencies, proposes to amend paragraph (b) of § 200.300, to provide that, in administering Federal awards, to the maximum extent permitted by law, the Federal agency or pass-through entity must ensure that the Federal award is not used to fund, promote, encourage, subsidize, or facilitate:

- ''Diversity, equity, and inclusion'' (DEI) or ''diversity, equity, inclusion, and accessibility'' (DEIA) policies, principles, or practices that violate any applicable Federal anti-discrimination laws. This includes racial preferences or other forms of racial discrimination used by the recipient or subrecipient that violate any applicable Federal anti-discrimination laws, including activities where race or intentional proxies for race will be used as a selection criterion for employment or program participation (the ''Unlawful DEI Provision'');
- Gender ideology as defined in Executive Order 14168. Gender ideology includes theories or ideologies that deny the biological reality of sex or the sex binary in humans, or endorse or advocate for the notion that sex is a chosen or mutable characteristic (the ''Gender Ideology Provision''); or
- The so-called ''transition'' of a child under 19 years of age from one sex to another, including the chemical and surgical mutilation of children. The term ''chemical and surgical mutilation'' has the meaning provided in Executive Order 14187 (the ''Protecting Children Provision'').

The qualifier ''to the maximum extent permitted by law'' is intended to ensure that Federal agencies give due consideration to applicable authorizing legislation for their programs when applying this provision. As discussed above, OMB also proposes a related

[71] 90 FR 8339.

[72] 90 FR 8633.

[73] 90 FR 8650.

[74] DOJ Memorandum of March 21, 2025, ''Implementation of Executive Orders 14151 And 14173: Eliminating Unlawful DEI Programs in Federal Operations.''

[75] DOJ Memorandum of July 29, 2025, ''Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination'' (''July 2025 DOJ Guidance'').

[76] DOJ Press Release of Jul. 30, 2025, ''Justice Department Releases Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination.''

[77] For additional Executive Branch guidance regarding application of Federal anti-discrimination laws, see also U.S. Equal Employment Opportunity Commission (EEOC) Letter to the Fortune 500 Companies Regarding Title VII Compliance Related to DEI Initiatives, Feb. 26, 2026; and EEOC Questions and Answers about ''What You Should Know About DEI-Related Discrimination at Work,'' *https://www.eeoc.gov/wysk/what-you-should-know-about-dei-related-discrimination-work* (last visited April 14, 2026).

[78] Constitutionality of Race-Based Dep't of Educ. Programs, 2025 WL 4055305 (Dec. 2, 2025).

provision at § 200.218 (the ''Disparate-Impact Provision'').

The existing language in paragraph (a) of § 200.300 already provides that the Federal agency or pass-through entity ''must manage and administer the Federal award in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with the U.S. Constitution'' and ''applicable Federal statutes and regulations,'' including ''those prohibiting discrimination.'' The proposed amendments would clarify and emphasize specific applications of that principle consistent with direction in the President's EOs and recent DOJ guidance. In addition, the proposed revisions would also reinforce that use of Federal funds must remain properly aligned with core public purposes authorized by law, not diverted to subsidizing radical political ideologies, harmful experimentation on American children,[79] or unlawful discrimination.

OMB also proposes to add revised language in § 200.300(a) clarifying that, in managing and administering Federal awards, no person otherwise eligible will be excluded from participation in, unlawfully denied the benefits of, or otherwise subjection to unlawful discrimination in the administration of Federal programs, activities, projects, assistance, and services. Such non-discrimination language would encompass requirements, as applicable, not to discriminate on various bases, including race, color, national origin, disability, sex, religion, or conscience.

OMB also proposes to amend paragraphs (b) and (c) of the 2024 version of § 200.300 to remove commentary on the Supreme Court's decision in *Bostock* v. *Clayton County,* 140 S. Ct. 1731 (2020). OMB proposes to find that this commentary is unnecessary within the government-wide regulatory text, and no longer consistent with Administration policy. The Gender Ideology Executive Order explained at section (3)(f) that the prior Administration's position regarding *Bostock* v. *Clayton County* is legally untenable and has harmed women. The order also directed the Attorney General to issue guidance to agencies to correct the misapplication of the Supreme Court's decision, and to assist agencies in protecting sex-based distinctions. The Acting Associate Attorney General issued guidance to the DOJ Civil Rights Division on February 12, 2025 clarifying DOJ's position regarding *Bostock* v. *Clayton County* (''February 2025 Bostock Memo''). Consistent with the February 2025 Bostock Memo and the July 2025 DOJ Guidance, Federal agencies may decide what additional guidance, if any, to provide recipients of Federal financial assistance regarding the Supreme Court's decision in *Bostock* v. *Clayton County.* To the extent additional government-wide guidance regarding the decision is provided in the future, it would most likely come from the Attorney General or the Civil Rights Division at DOJ.

Finally, OMB proposes to add a new paragraph (c) regarding non-discrimination against faith-based organizations. The proposed paragraph (c) provides that Federal agencies and pass-through entities may not discriminate against or in favor of an applicant on the basis of the organization's religious character, affiliation, exercise, or lack thereof, nor on the basis of conduct that would not be considered ground to favor or disfavor a similarly situated secular organization. It also provides that faith-based organizations are eligible to apply for Federal financial assistance on the same basis as any other organization. It also explains that applicants that meet all eligibility requirements may be considered for a Federal award under a notice of funding opportunity.

In both the existing and proposed versions of § 200.300(a), the examples of laws applicable to Federal awards include ''religious liberty [laws] . . . and those [laws] prohibiting discrimination.'' All Federal agencies must comply with the Religious Freedom Restoration Act (RFRA) (42 U.S.C. 2000bb, *et seq.*) and any applicable statutes prohibiting discrimination on the basis of religion or protecting the exercise of conscience. The First Amendment, RFRA, and applicable statutes prohibiting discrimination based on religion or protecting the exercise of conscience require Federal agencies, pass-through entities, recipients, and subrecipients to respect the exercise of religion. This includes considering and providing reasonable accommodations or exemptions for religious or conscience-based objections as required by law.[80] Where such legal protections apply, Federal agencies, pass-through entities, recipients, and subrecipients should not structure internal procedures in a way that would require discretionary case-by-case approval of requests for an accommodation or exemption.[81] Federal agencies, pass-through entities, recipients, and subrecipients should be aware of their ongoing statutory obligations regarding religious liberty and conscience. The proposed revision of § 200.300 is intended to clarify that conscience and religious liberty are protected under multiple statutes and the Federal Government will enforce such statutes as applicable.

Recent and ongoing litigation regarding some of the topics addressed in § 200.300 indicates the need for a clear regulatory framework reflecting administration policy that can be uniformly applied by Federal agencies to recipients of Federal financial assistance. By engaging in N&C rulemaking, OMB seeks to provide clarity regarding government-wide policies, consider public input, and arrive at a final policy that is consistent with law, including longstanding legal principles applicable to Federal financial assistance.

3. Authorities of OMB and agencies. OMB's legal authorities for this rulemaking are discussed in various sections of this preamble, and need not be repeated here at length. Generally, OMB relies on authorities including 31 U.S.C. 503 and 31 U.S.C. 6307 to establish government-wide policies and requirements related to the management of Federal financial assistance across all Federal agencies. These provisions authorize OMB to set uniform conditions on Federal awards to ensure that Federal funds are expended in accordance with U.S. law and policy.

In addition, Congress has broadly authorized Federal agencies—including those participating in this rulemaking—to enforce Federal nondiscrimination laws in their assistance programs. Recipient of Federal financial assistance must comply with applicable civil rights laws, including Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Equal Protection Clause of the Fourteenth Amendment.[82] OMB's statutory authority includes coordinating such cross-cutting requirements as applied to

[79] White House Fact Sheet of Apr. 28, 2025, ''Report to the President on Protecting Children from Surgical and Chemical Mutilation Executive Summary.''

[80] See, *e.g., Burwell* v. *Hobby Lobby Stores, Inc.,* 573 U.S. 682 (2014) (holding that RFRA requires the government to use the least restrictive means when substantially burdening religious exercise).

[81] A ''case-by-case exemption procedure leaves religious organizations unable to predict their legal exposure'' and does not ''further[] any compelling antidiscrimination interests.'' *Catholic Benefits Ass'n* v. *Kennedy,* No. 3:23–cv–00203–PDW–ARS (D.N.D. June 5, 2025), Dkt. 78 at 14. See also Catholic Benefits Association, ''CBA Permanently Protected from Federal Gender Transition Mandates,'' Jun. 9, 2025.

[82] See July 2025 DOJ Guidance.

administration of Federal financial assistance.

In designing assistance programs and making new Federal awards, it is both permissible and required for Federal agencies to review proposed uses of funds to ensure they remain aligned with Congressional intent, and are not improperly diverted to subsidizing activities that fall outside of public purposes authorized by law—especially if those activities conflict with key administration policies expressed in EOs. The use of Federal funds must always remain consistent with the purpose of appropriations and the authorizing program statutes of the Federal agency. See, for example, 31 U.S.C. 1301(a) (commonly referred to as the ''Purpose Statute''). The Federal Grants and Cooperative Agreements Act of 1977—which authorizes OMB to provide government-wide guidelines ''to promote consistent and efficient use'' of grants and cooperative agreements—also recognizes that Federal awards must be used to ''carry out a public purpose of support or stimulation authorized by law.'' 31 U.S.C. 6304, 6305, and 6307. Federal agencies are not required to subsidize activities that fall outside of the core public purposes of the programs they administer. OMB is not aware of Federal laws that expressly require funding the relevant activities referenced in the proposed regulatory text of § 200.300. Multiple Federal statutes, however, support not funding them, including Federal nondiscrimination laws and other laws referenced in relevant EOs and the July 2025 DOJ Guidance.

The EOs discussed above also provide further indication of Executive Branch policy relevant to these proposals to be implemented consistent with law. While EOs themselves do not supersede statutes, they guide Executive Branch polices and actions where discretion exists under statute. Here, OMB and the participating agencies are using their discretion to shape financial assistance policy consistent with applicable law and the clear direction from the President provided in the recent EOs. Similar to the EOs, the proposed rule expressly includes the qualifier ''to the maximum extent permitted by law'' to recognize that particular assistance programs could have purposes, requirements, or limitations affecting application of this provision—although, as discussed below, that generally should not occur based on the way OMB has designed the proposed regulatory text.

The proposed revisions in § 200.300 are consistent with relevant authorizing laws. By defining public purposes for particular assistance programs, Congress certainly afforded executive agencies with authority to condition Federal awards to only be used for those congressionally-sanctioned purposes, and not for extraneous ideological activities inconsistent with anti-discrimination laws or Executive Branch policy. Discretion to attach award conditions can be analyzed by reference to both authorizing legislation for particular assistance programs and other government-wide legislation that applies to all assistance programs, such as Federal anti-discrimination laws and OMB's authorities related to providing coordinated requirements for the management and administration of Federal financial assistance across the Federal Government.

Based on the authorities of OMB and agencies summarized above, Congress has afforded the Executive Branch discretion to establish the proposed provisions, which ensure that award funds are used solely for authorized public purposes and not for other extraneous activities that conflict with anti-discrimination laws or Executive Branch policy. Unlike a hypothetical award condition designed to induce recipients to undertake activities unrelated to the underlying purposes of a particular Federal award program, these provisions are designed to ensure that Federal funds are *only* used for authorized public purposes—not ideological side missions that are misaligned with Federal law and policy, including program goals and objectives as designed by Federal agencies in accordance with law. Activities performed under Federal awards must be aligned with both relevant legislation for assistance programs and the discretionary design of those programs by Federal agencies within legislative bounds. Under the proposed text, OMB will clarify that award funds must not be used in support of activities that violate Federal anti-discrimination laws, promote divisive ideologies unrelated to program goals and objectives, or are otherwise unrelated to Federal agency's discretionary design of programs to satisfy core public purposes authorized by law.

4. Clear and unambiguous incorporation in award agreements. By codifying the provisions in 2 CFR, and incorporating them in new award agreements, applicants and recipients will be provided with clear and unambiguous notice of their applicability. The Supreme Court has explained that if ''Congress intends to impose a condition on the grant of federal [funds], it must do so unambiguously.'' *Pennhurst State Sch. & Hosp.* v. *Halderman,* 451 U.S. 1, 17 (1981). The Court has further explained that ''Congress must express clearly its intent to impose conditions on the grant of federal funds so that the States can knowingly decide whether or not to accept those funds.'' *Id.* at 24. The *Pennhurst* notice principle also generally applies to an executive agency's discretionary decision to impose conditions on awards based on its discretion available under law. By defining these parameters in the regulatory text of 2 CFR based on the statutory authorities outlined above, OMB and the participating agencies will further ensure that such conditions are unambiguously incorporated by the Federal agencies in award agreements.

The formal codification of the principles in regulation will eliminate any ambiguity for the Federal grants community regarding what conditions apply to Federal awards on these topics. Following issuance of a final rule, a recipient will have no basis to claim that it was unaware that, for example, DEI practices that violate Federal anti-discrimination laws, such as disparate treatment on the basis of race or sex, would jeopardize its Federal funding. Even under the existing version of OMB's guidance, there is already little or no basis for such claims considering that the relevant principles arise under long-standing anti-discrimination statues already referenced in the regulatory text, governing constitutional principles, and binding Supreme Court precedent. See, for example, *Students for Fair Admissions, Inc.* v. *President & Fellows of Harvard Coll.,* 600 U.S. 181 (2023) (''*Students for Fair Admissions*''). The principles were also recently highlighted and reinforced by a series of high-profile Presidential EOs and guidance documents from DOJ. Following formal codification of these principles in 2 CFR through issuance of a final rule, OMB will make these conditions even more clear and unambiguous to all applicants for and recipients of financial assistance. This promotes fairness, as all applicants will know the rules upfront when applying for and accepting new awards. It will also avoid the ''unfair surprise'' concerns discussed in *Pennhurst* and similar cases.

5. Spending Clause framework. The proposed revisions are also consistent with established jurisprudence related to the Spending Clause. In *South Dakota* v. *Dole,* the Supreme Court outlined the framework governing the authority of Congress under the Spending Clause to attach funding conditions to Federal award programs. 483 U.S. 203 (1987). Under this framework, a funding

condition must: (1) promote ''the general welfare;'' (2) be clear and unambiguous so that recipients can ''knowingly'' accept the term; (3) be reasonably related ''to the federal interest in particular national projects or programs'' at issue (or ''reasonably calculated'' to support ''a purpose for which the funds are expended''); (4) not induce recipients to engage in activities ''that would themselves be unconstitutional;'' and (5) not be unduly coercive such that ''pressure turns into compulsion.'' *Id.,* at 207–11 (quotations omitted). Because executive authority to attach funding conditions to assistance awards is derived from the enactment of legislation by Congress, evaluating executive authority to attach such conditions also generally involves consideration of this framework. The proposed amendment of § 200.300 is well within the bounds of the framework provided in *Dole.*

First, the proposed revision promotes the general welfare by ensuring that Federal funds are not used to undermine the U.S. Constitution or Federal anti-discrimination laws, to support divisive ideologies misaligned with core purposes of discretionary assistance programs and Executive Branch policy, or to harm minors. Ensuring that Federal tax dollars are only used for purposes authorized by the Federal Government—and not for extraneous ideological missions unrelated to Federal awards—certainly promotes the general welfare.

Second, the proposed rule is designed to clearly define the prohibited activities in the regulatory text of 2 CFR and Federal awards made after its effective date. This satisfies the requirement to allow recipients to ''knowingly'' accept the provisions. See also *Pennhurst,* 451 U.S., at 17. Further discussion of the *Pennhurst* notice principle as applied to § 200.300 is provided in the immediately preceding section of this analysis.

Third, the amended provision is designed to ensure that activities preformed under a Federal award remain aligned with the ''federal interest'' in particular appropriations and program statutes. See also *New York* v. *United States,* 505 U.S. 144, 167 (1992) (grant ''conditions must (among other requirements) bear some relationship to the purpose of the federal spending''). In other words, the provision seeks to ensure that Federal funds are only used for the core public purposes for which the funds are expended, and not for illegal discrimination or promoting divisive ideologies or harmful practices. The provision would further ensure that activities carried out under Federal awards are reasonably related to the Federal interest in the project or program at issue, and not improperly diverted to other activities or ideological initiatives unrelated to the purposes authorized by Congress and implemented by discretion of the Executive Branch. There is a strong Federal interest in ensuring that award activities do not drift away from authorized public purposes into activities that conflict with key Executive Branch policies expressed in Presidential Executive orders and reflected in program design by agencies. Thus, preventing violations of nondiscrimination laws, avoiding circumstances in which Federal award funds are improperly used to support divisive ideologies misaligned with core public purposes authorized by law, and protecting the health and safety of children are all Federal interests applicable to all discretionary assistance programs.

To the extent that some as-yet unidentified assistance program expressly required performance of such activities without violating the U.S. Constitution, the proposed qualifier ''to the maximum extent permitted by law'' could apply in those circumstances. The government-wide presumption, however, would be that Federal financial assistance programs will not be designed or administered by Federal agencies to support such activities, which are not expressly authorized by Congress and conflict with Executive Branch policy. All statutes must be administered in accordance with the U.S. Constitution and Federal anti-discrimination laws, and OMB is not aware of legislation establishing an entitlement to funds for the purposes of unlawful discrimination, promoting ''gender ideology'' as defined by Executive Order 14168, or assisting in the so-called ''transition'' of a child from one sex to another as discussed in Executive Order 14187.

Fourth, the proposed revisions do not induce unconstitutional conduct. On the contrary, the Unlawful DEI Provision and related Disparate-Impact Provision at § 200.218 align with the Constitution's equal protection principles by clarifying that Federal awards may not be used to support activities involving unlawful discrimination based on protected characteristics—as discussed in more detail in section 8.a below. Regarding the Protecting Children Provision, no court has recognized a constitutional entitlement to such procedures, and certainly not at the public expense. Moreover, with regard to all provisions, the proposed regulatory text for this rulemaking merely says that Federal award funds may not be used for certain defined activities—which will generally fall outside of the authorized public purposes a particular award program is intended to support—without attempting to more broadly regulate other activities beyond the scope of the Federal award.

Fifth and finally, the proposed revision is not unduly coercive. An applicant or prospective recipient may simply opt out of particular Federal award or program if it cannot manage to design its project or program in a way that does not violate Federal anti-discrimination laws or use Federal funds to promote gender ideology or assist in sex-transition procedures for minors.

6. Permissibility under the First Amendment. The proposed revisions also do not implicate free speech concerns under the First Amendment. All of OMB's proposed revisions related to national policy are merely providing clear notice to applicants for, and recipients of, Federal awards that, unless expressly required by law, executive agencies do not intend to use their discretionary authority to fund these categories of activities. As such, the proposed provisions do not infringe on protected speech—they merely set parameters for Federal *funding* or *subsidization* of speech, clarifying that the Federal Government will not subsidize certain categories of ideological activities. All executive agencies have received clear policy direction through the President's Executive orders and other executive actions, which they will follow in their administration of discretionary award programs. The proposed provisions only apply to activities performed under the federally funded award programs, and do not penalize or scrutinize recipients' speech outside of the Federal award.

The Supreme Court has long been clear that the First Amendment provides the government significant flexibility when it acts as patron to *subsidize* speech under Federal spending programs, as opposed to when it acts as sovereign to regulate speech beyond the scope of such programs. The distinction that has emerged from the Supreme Court regarding whether a funding condition may result in an unconstitutional burden on First Amendment rights is between: (i) conditions that define the limits of the government spending program by specifying the activities the Federal Government wants to subsidize; and (ii) conditions that seek to leverage funding to regulate speech outside the contours

of the Federal program itself. *Agency for Int'l Dev.* v. *All. for Open Soc'y Int'l, Inc.,* 570 U.S. 205, 206, 215–15 (2013). The ''decision not to subsidize the exercise of a fundamental right does not infringe the right.'' *Regan* v. *Taxation with Representation of Washington,* 461 U.S. 540, 549 (1983). The government is permitted to make a value judgment regarding the public interest and ''implement that [value] judgment by the allocation of public funds.''' *Rust* v. *Sullivan,* 500 U.S. 173, 192–93 (1991) (quoting *Maher* v. *Roe*, 432 U.S. 464, 474 (1977)). Thus, when acting as a patron to subsidize speech—using discretion to fund certain activities under a Federal program and not others—the government can choose which activities to fund without implicating concerns under the First Amendment. ''[C]ho[osing] to fund one activity to the exclusion of the other'' is permissible. *National Endowment for the Arts* v. *Finley*, 524 U.S. 569, 588 (1988) (citation omitted). The ''Government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest.'' *Rust* at 193. Conversely, the government is not required to subsidize activities that it does not wish to promote. *Id.* Constitutional concerns arise only when the Federal Government is using the funding to affect speech beyond the scope of the federally-funded spending program. See also *California ex rel. Becerra* v. *Azar,* 950 F.3d 1067, 1093 n.24 (9th Cir. 2020) (''The Supreme Court has repeatedly reaffirmed . . . that the government may constitutionally preclude recipients of federal funds from addressing specified subjects so long as the limitation does not interfere with a recipient's conduct outside the scope of the federally funded program.'').

The proposed revisions to § 200.300 are focused on activities within the scope of federally-funded programs. In the previous administration, executive agencies frequently chose to subsidize and expressly prioritize projects based on their ideological alignment with the categories of activities discussed in the proposed version of § 200.300. See, for example, E.O. 13985, sec. 1, 86 FR 7009, 7009 (Jan. 25, 2021) (''It is therefore the policy of [the Biden] Administration that the Federal Government should pursue a comprehensive approach to advancing equity . . . .''). In this administration, executive agencies will continue to use their discretionary authorities in a manner consistent with current Executive Branch policy. If executive agencies were entitled to subsidize those types of activities during the previous administration, there is no constitutional basis to prevent the government from reaching a different policy determination regarding which activities to fund during this administration. For the purposes of the proposed regulatory text for this rulemaking—which is all that is relevant to this analysis—the government does not propose to deny recipients the right to pursue such activities outside of activities performed under their Federal awards. In the context of Federal grants administration, OMB and Federal agencies propose to make a constitutionally permissible decision not to subsidize those activities with Federal funds unless expressly required by law. The First Amendment does not require providing taxpayer resources to support, promote, or advocate for policies that the government finds are not in the public interest. Selective government funding that leaves private entities free to express themselves as they wish outside of Federal award activities, and using their own resources, does not implicate concerns under the First Amendment.

7. Permissibility under equal protection principles. The proposed revisions are permissible under the equal protection component of Fifth Amendment's Due Process Clause. The revisions provide clear notice that the government will not fund these categories of activities, but do not direct agencies to take actions that discriminate on the basis of protected characteristics such as race or sex.

First, the Unlawful DEI and Disparate-Impact Provisions seek to ensure that unlawful discrimination is not permitted to continue in the future. For example, the Equal Protection doctrine rejects the notion that the Constitution permits—let alone requires—the Government to ''intentionally allocate preference to those who may have little in common with one another but the color of their skin.'' *See Students for Fair Admissions,* 600 U.S. 181, 200 (2023) (citation and quotation omitted). OMB's intent in proposing these provisions is to prevent unlawful discrimination from occurring under federally-funded programs. Further discussion of the Unlawful DEI provision is provided in section 8.a below.

Second, the Gender Ideology and Protecting Children provisions distinguish between the concept of biological ''sex'' and other amorphous concepts associated with gender ideology. These provisions give notice that executive branch agencies will no longer use their discretionary authorities to subsidize projects or activities promoting gender ideology, including those seeking to replace the concept of biological ''sex'' with a divisive, unstable, and subjective concept of ''gender identity.'' The previous administration attempted to impose this contentious concept on all members of the American public through various funding streams, including by reinterpreting Federal sex-discrimination statutes for this purpose.[83] In doing so, it promoted and subsidized activities that diminished the rights, dignity, safety, and well-being of women; infringed on fundamental religious liberties; and caused life-long harm to vulnerable children. See Gender Ideology Executive Order, secs. 1 and 2; Protecting Children Executive Order, sec. 1. Pursuant to the President's Executive orders, the Executive Branch no longer wishes to endorse the ideological doctrine that ''sex'' and self-assessed ''gender identity'' are interchangeable. The proposed revisions direct agencies to ensure that, to the extent permitted by law, Federal money is no longer used to fund programs or projects that violate Federal antidiscrimination laws or promote gender ideology.

The Supreme Court's recent decision in *United States* v. *Skrmetti,* 605 U.S. 495 (2025) is instructive in relation to the Gender Ideology and Protecting Children provisions. The Supreme Court evaluated a Tennessee law prohibiting medical interventions for ''gender dysphoria, gender identity disorder, or gender incongruence'' in minors. *Id.* at 495–7. The *Skrmetti* plaintiffs argued that the law ''discriminates on the basis of sex and transgender status'' and could not withstand intermediate scrutiny. *Id.* at 520. The Supreme Court rejected these arguments and upheld Tennessee's law on rational-basis review. It first held that Tennessee's law does not classify based on sex because it ''does not prohibit conduct for one sex that it permits for the other.'' *Id.* at 497. Rather, the prohibition turns on the treatment of ''gender dysphoria'' and ''applies regardless of a minor's sex.'' *Id.* at 511.

The same principle holds true for the proposed 2 CFR revisions. The proposed regulatory text gives notice that Federal funding will no longer be used to subsidize or promote the doctrine that sex and ''gender identity'' are interchangeable concepts—or other activities based on that doctrine such as harmful medical procedures performed

[83] See, *e.g.,* Rachel N. Morrison, ''Gender Identity Policy Under the Biden Administration,'' Federalist Society Review, May 2, 2022.

on children. The notice regarding the Executive Branch's funding priorities does not discriminate on the basis of the sex of any group or individual. Rather, it applies equally to all.

8. Analysis of specific national policy provisions.

a. Unlawful DEI Provision (and related Disparate-Impact Provision). The proposed restriction on funding for unlawful DEI activities is based on the obligation of every Federal grant recipient to comply with Federal anti-discrimination laws as a condition of receiving Federal funds. *See* July 2025 DOJ Memorandum. Expressly stating this condition at § 200.300—and the related provision at § 200.218—is consistent with Federal law and well within OMB's authority to clarify and coordinate award conditions used by the Federal Government.

Government-wide coordination is needed to ensure that recipients of Federal awards do not continue to engage in unlawful discrimination. In recent years, the Federal Government has ''turned a blind eye toward, or even encouraged, various discriminatory practices.'' [84] For example, some recipients have adopted unlawful DEI initiatives or practices that include providing benefits or opportunities based on race or sex; imposing race-conscious quotas or objectives under a variety of names, labels, or proxies; or conducting training sessions that endorse and encourage racial stereotyping and scapegoating, promote unlawful discrimination, or create a hostile environment.[85]

The Supreme Court's decision in *Students for Fair Admissions* reaffirmed that racially discriminatory practices are unlawful even if labeled as promoting ''diversity'' or ''equity.'' 600 U.S. 181 (2023).[86] Executive Order 14173 explains that ''the Federal Government is charged with enforcing our civil-rights laws'' and states plainly that the purpose of the order is to ensure that the Federal Government now fulfills that responsibility ''by ending illegal preferences and discrimination.'' Consistent with Supreme Court precedent interpreting civil-rights statutes, protecting and enforcing civil rights includes ensuring that Federal funds are not used to support unlawful discrimination based on protected characteristics.[87] This rule reflects that principle and is intended to promote equal treatment consistent with the purposes of Federal civil-rights law. Similar principles are reaffirmed in the July 2025 DOJ Guidance and the OLC opinion dated December 2, 2025.[88]

The proposed provisions at §§ 200.300 and 200.218 are consistent with the Federal Government's commitment to treat every American with equal dignity and respect discussed in Executive Order 14151, the principle of merit-based opportunity discussed in Executive Order 14173, and the principles regarding unlawful discrimination discussed in the July 2025 DOJ Guidance. The proposed provisions will provide clear notice to all recipients of the need to ensure that their programs and activities comply with Federal law and do not discriminate on the basis of race, color, national origin, sex, religion, or other protected characteristics—no matter the program's labels, objectives, or intentions. The proposed provisions benefit both recipients and the Federal Government by promoting consistency, transparency, and fairness through a uniform award condition. The provisions will put recipients on clear notice that such practices constitute a material breach of the Federal award, and further strengthen the government's rights to recover misused funds or terminate awards based on noncompliance.[89]

Based on other public comments, OMB anticipates that some commenters for this rulemaking may contend that the Unlawful DEI Provision is excessively vague or open to misinterpretation, including by suggesting that it could be read to prohibit lawful activities under Federal awards that do not discriminate based on protected characteristics such as race or sex. Commenters should focus their attention on the regulatory text proposed in this document, which would prohibit Federal agencies from using Federal awards to ''fund, promote, encourage, subsidize, or facilitate . . . policies, principles, or practices that violate any applicable Federal anti-discrimination laws.'' This proposed text does not expand the scope of applicable statutes. Rather, consistent with OMB's authorities to establish government-wide policies for the administration of Federal financial assistance, the proposed text clarifies how those requirements apply in the context of Federal awards and the responsibilities of agencies and recipients under part 200. It also reflects the established function of implementing regulations and the terms and conditions of Federal awards in ensuring that Federal financial assistance is administered and used in a manner consistent with statutory requirements and governing constitutional principles.

The July 2025 DOJ Guidance provides illustrative examples of practices that may violate underlying anti-discrimination statutes depending on the facts and circumstances of particular matters. The guidance reflects the longstanding Executive Branch practice of issuing interpretive guidance regarding the application of Federal anti-discrimination statutes in specific contexts. Whether a violation exists in any particular case would continue to be determined by reference to the governing legal standards under applicable anti-discrimination laws as interpreted in light of controlling Supreme Court precedent.

Consistent with longstanding Executive Branch practice, OMB's interpretation of Federal anti-discrimination laws in the context of this proposed rulemaking is informed in part by guidance issued by DOJ regarding the application of those laws. The principles and illustrative examples discussed in the July 2025 DOJ Guidance provide additional context regarding the application of those laws in certain circumstances. OMB's interpretation is also informed by the Supreme Court's decision in *Students for Fair Admissions,* which addresses the application of Federal anti-discrimination statutes in light of constitutional equal protection principles, and by the December 2, 2025 OLC opinion addressing the administration of Federal programs consistent with statutory requirements and governing limitations under the U.S. Constitution. Thus, commenters may also review those sources in reviewing and responding to this document.

OMB believes the regulatory text provides sufficient clarity regarding prohibited forms of discrimination, but seeks comment on whether the final rule should include additional discussion or elaboration in the regulatory text or preamble. The proposed regulatory text explains that

[84] July 2025 DOJ Guidance.

[85] See examples of unlawful discriminatory policies and practices in July 2025 DOJ Guidance.

[86] Specifically, the Court held that racial classifications by public institutions are subject to strict scrutiny and racial classifications by private institutions can serve as basis for revoking funding under Title VI. See also, *e.g., Ricci* v. *DeStefano,* 557 U.S. 557, 579 (2009) (''[E]xpress, race-based decision-making violates Title VII's command that employers cannot take adverse employment actions because of an individual's race.''); *Wtolo u. Guzman,* 999 F.3d 353,361 (6th Cir. 2021) (holding grant program with race and sex preferences is unlawful under Equal Protection Clause).

[87] EO 14281, sec. 1.

[88] 2025 WL 4055305 (Dec. 2, 2025).

[89] Additional grounds for terminating awards are also available under the existing and proposed versions of regulatory text in part 200.

unlawful DEI would include, for example, racial preferences or other forms of racial discrimination used by the recipient or subrecipient that violate any applicable Federal anti-discrimination laws, including circumstances in which race or intentional proxies for race are used as a selection criterion for employment or program participation. This example is not exhaustive, but reflects a major category of conduct addressed by the Supreme Court in *Students for Fair Admissions.* Thus, the proposed regulatory text clarifies that Federal awards may not be used to support activities involving disparate treatment based on protected characteristics under applicable law, including race or intentional proxies for race. Commenters may also consider the definitions and model contract clause set forth in E.O. 14398 of March 26, 2026, ''Addressing DEI Discrimination by Federal Contractors,'' and provide input regarding whether any similar language would be appropriate or informative in the context of this rulemaking, such as language further clarifying the application of disparate treatment standards in connection with activities under Federal awards.[90] OMB also seeks comment on whether such additional discussion or elaboration would be helpful to recipients and subrecipients in meeting their obligations under part 200 for activities carried out under Federal awards, including their internal control responsibilities under § 200.303. In addition, OMB seeks comment on whether further clarification would be helpful regarding the relationship between § 200.300 and other provisions of part 200—including § 200.204, § 200.211, § 200.303, and § 200.403—as well as the relationship between those provisions and the terms and conditions of Federal awards issued by Federal agencies pursuant to this proposed rulemaking.

Executive Branch agencies have long issued government-wide and program-specific regulations and guidance interpreting Federal civil rights requirements as applied to recipients of Federal financial assistance. This proposed rulemaking continues that established practice by clarifying how existing nondiscrimination requirements apply within the scope of Federally-funded activities. Consistent with longstanding Executive Branch practice, OMB seeks to ensure that Federal financial assistance is not used by recipients or subrecipients for discriminatory policies or practices, including those that discriminate based on a person's protected characteristics.

Although DOJ's guidance is described as non-binding, OMB and Federal agencies intend to clarify through this N&C rulemaking process how applicable anti-discrimination laws apply to Federal financial assistance programs. Recipients and subrecipients should be aware that discriminatory practices already present compliance risks under existing anti-discrimination laws enforced by the Executive Branch.[91] In light of the clarification provided through recent Executive Branch guidance—which would be given regulatory effect through this N&C rulemaking—recipients and subrecipients should not assume that practices previously viewed as consistent with prior Executive Branch guidance will necessarily satisfy applicable Federal anti-discrimination requirements as applied to Federal awards. Recipients and subrecipients should evaluate existing policies and practices in reference to the legal standards reflected in this rulemaking and the applicable anti-discrimination laws discussed above. Following issuance of a final rule, the policy proposed in this document will have regulatory effect as part of the government-wide regulations for Federal financial assistance set forth in 2 CFR.

b. Gender Ideology Provision. The proposed restriction on funding the promotion of gender ideology is based on ensuring that Federal awards are only used for public purposes authorized by law. Within legislative bounds, Federal agencies must also design their assistance programs and funding opportunities to be consistent with Executive Branch policy.

The Federal Government has no obligation to provide taxpayer funds to promote divisive and harmful ideologies. On the contrary, it has compelling reasons not to do so. As explained in Executive Order 14168, government-sponsored efforts ''to eradicate the biological reality of sex'' harm women by ''depriving them of their dignity, safety, and well-being.'' Various commenters have explained how such efforts also do significant harm to public trust in government.[92] Rather than continuing to waste Federal funds in support of divisive gender ideologies, which harm women, have a corrosive effect on public trust in Federal grantmaking agencies, infringe on religious liberties, and fall outside of specifically enumerated purposes of authorizing legislation, the Federal Government should instead refocus its efforts more squarely on using Federal awards for core purposes authorized by law. Discretionary awards must also be channeled through an agency's careful design of programs and funding opportunities for consistency with both law and, where applicable, administration policy priorities.[93] Ending government-sponsored promotion of divisive gender ideology is critical to scientific inquiry, public safety, and trust in government.[94]

Consistent with the principles outlined in Executive Order 14168, the proposed provision will provide clear notice to recipients that promoting gender ideology is not something that the Federal Government wishes to fund as part of any Federal program. The proposed rule ensures that federally appropriated award funds—which are intended for purposes like education, research, and health—are not improperly diverted to purposes outside of the program's approved scope as designed by Federal agencies consistent with authorizing law. Again, the proposal benefits both recipients and the Federal Government by establishing government-wide consistency through a uniform and transparent provision. Recipients will receive clear notice that using Federal award funds for unauthorized purposes related to promoting gender ideology will constitute a material breach of the Federal award, and the government's rights to recover misused funds or terminate awards based on noncompliance will be further strengthened.[95]

c. Protecting Children Provision. The proposed restriction on funding the so-called ''transition'' of a child under 19 years of age from one sex to another is also based on ensuring that Federal awards are only used for authorized public purposes. Within legislative bounds, Federal agencies must also design their assistance programs and funding opportunities to align with administration policy priorities.

[90] E.O. 14398 applies to Federal procurement contracts and contract-like instruments.

[91] See, *e.g.,* July 2025 DOJ Guidance.

[92] See, *e.g.,* Sarah Parshall Perry, ''The Uprising: Families Clash with Schools Over LGBTQ Propaganda,'' Heritage Foundation, Jun. 22, 2023; Emilie Kao, ''Safeguarding Parental Rights and Protecting Children from Federally Mandated Gender Ideology.'' Heritage Foundation Backgrounder No. 3744, Jan. 10, 2023; Carl R. Trueman, ''Gender Ideology and the Future of the Human Person.'' Heritage Foundation, Mar. 20, 2023.

[93] EO 14332, sec. 4(b).

[94] EO 14168.

[95] Additional grounds for terminating awards are also available under the existing and proposed versions of regulatory text in part 200.

This provision is also based on a compelling public welfare justification. As discussed in Executive Order 14187, ''maiming and sterilizing a growing number of impressionable children under the radical and false claim that adults can change a child's sex through a series of irreversible medical interventions'' is a practice with ''destructive and life-altering'' consequences that ''will be a stain on our Nation's history.'' The Federal Government has an obligation to avoid subsidizing what it considers to be unethical and unsafe practices with profound consequences on the lives and well-being of American children. Sex-rejecting procedures performed on children with profound and life-altering consequences fall in this category. Executive Order 14187 explained that a growing number of minors soon regret that they have undergone such procedures and begin to recognize the physical, financial, and psychological consequences that will follow them for the rest of their lives. The Executive Order labeled these interventions ''chemical and surgical mutilation'' of children, which reflects the administration's conclusion that such activities are not legitimate healthcare warranting government financial support, but rather harmful experimentation on minors, which must end.

The legal basis for the prohibition is straightforward: there is no right or entitlement to receive these procedures at the public expense under Federal law, and the Federal Government will not—and has no legal obligation to—provide funding for them. The proposed rule does not deny any person a constitutional or statutory right because there is no such right under Federal law. For all of the reasons set forth in Executive Order 14187, the Federal Government has determined that providing assistance for such sex-rejecting procedures on children is not in the public interest—and it will not do so.[96]

Consistent with the principles outlined in Executive Order 14187, the proposed provision will provide clear notice to recipients that the Federal Government will not provide funding for these practices. Once again, the proposal benefits both recipients and the Federal Government by establishing government-wide consistency through a uniform and transparent provision. Recipients will receive clear notice that using Federal award funds for these purposes will constitute a material breach of the Federal award, and the government's rights to recover misused funds or terminate awards based on noncompliance will be further strengthened.[97]

9. Conclusion. OMB is aware that it is changing existing policy in §§ 200.300 and 200.218, but proposes to find that these changes are warranted for all of the reasons described in this document. The existing language in paragraph (a) of § 200.300 already provides that the Federal awarding agency must manage and administer Federal awards in full accordance with U.S. law. OMB's proposed revisions related to unlawful discrimination clarify and emphasize specific applications of that principle consistent with underlying statutory authorities and recent policy direction from the Executive Branch regarding implementation and enforcement of those statutes. OMB's proposed changes in this section are also designed to ensure that Federal funds are only used for core public purposes authorized by law and the terms and conditions of Federal awards, and not for other extraneous activities that conflict with key Executive Branch policies and priorities.

OMB recognizes that the factual findings in this document are inconsistent with certain factual findings and policy positions that it offered to support revisions of § 200.300 in 2024. OMB has provided a reasoned explanation above regarding its rationale for the new policies. OMB invites comments on the rationale provided in this document in relation to reasons that supported OMB policies in 2024 or earlier years. OMB will respond to such comments in the final rule.

Section 200.303—Internal Controls

OMB proposes a clarification in § 200.303(e) regarding confidential business information. Specifically, OMB proposes to include confidential business information as a type of information that a recipient or subrecipient must take reasonable cybersecurity and other measures to safeguard.

In § 200.303(a), OMB also proposes to delete the statement that internal controls should align with the guidance in ''Standards for Internal Control in the Federal Government'' issued by the Comptroller General of the United States or the ''Internal Control-Integrated Framework'' issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). The U.S. Government Accountability Office (GAO)—under the Direction of the Comptroller General—is a legislative branch agency; its views regarding internal controls are not binding on Executive Branch regulations applicable to recipients and subrecipients of Federal awards. COSO is a private-sector organization. Directing recipients and subrecipients to follow dynamic standards issued by organizations outside of the Executive Branch is inconsistent with Administration policy and the longstanding notice and comment procedures used by OMB for updates to 2 CFR. *See* 2 CFR 1.230. OMB cannot—and does not desire to—delegate rulemaking authority to GAO or COSO regarding standards for internal control used by recipients and subrecipients of Federal financial assistance. This revision will clarify that the GAO and COSO frameworks do not apply to recipients or subrecipients as binding or expressly recommended standards. Federal agencies, auditors, recipients, and subrecipients may continue to consider these or other widely recognized frameworks as general reference points when evaluating the adequacy of internal controls.[98] OMB is only proposing to clarify that recipients and subrecipients have some degree of reasonable discretion regarding how to establish, document, and maintain effective internal control in ways that may not be fully consistent with the GAO or COSO frameworks. Recipients and subrecipients would not be required to adopt or follow any specific framework issued by these external organizations.

OMB proposes to add § 200.303(f) to require all recipients and subrecipients of Federal financial assistance to participate in the Department of Homeland Security's E-verify program to confirm the employment eligibility of employees and contractors hired in or performing work in the United States under a Federal award. This additional safeguard would be implemented as part of the internal control responsibilities of the recipient or subrecipient. The Federal Government has applied the E-

[96] See also HHS Gender Dysphoria Report of November 19, 2025, ''Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices.''

[97] Additional grounds for terminating awards are also available under the existing and proposed versions of regulatory text in part 200.

[98] As authorized by the Federal Managers' Financial Integrity Act (FMFIA) of 1982 (Pub. L. 97–255), as amended and codified at 31 U.S.C. 3512(c) and (d), and the Government Performance Results Act (GPRA) Modernization Act of 2010 (Pub. L. 111–352), OMB recently issued a revised framework for internal control applicable to Federal agencies through a revised version of OMB Circular No. A–123 (Mar. 10, 2026). This framework does not apply directly to the recipients and subrecipients of Federal awards, but illustrates internal control principles used across Federal programs by the Federal Government.

verify program to Federal contractors for over 15 years.[99] OMB is now proposing to expand the application of the E-verify program to Federal financial assistance programs based on its government-wide financial management authorities discussed above. Although OMB is proposing to expand application of the program, the requirements under the program would otherwise apply in accordance with applicable Federal law and DHS program requirements. For entities and activities to which the E-Verify participation program is applied, OMB does not propose to alter existing exceptions or limitations recognized in DHS program requirements based on DHS authorities. OMB also does not propose to apply the program to activities unrelated to Federal awards. Consistent with the Immigration and Nationality Act (8 U.S.C. 1324a), which prohibits employers from knowingly hiring or continuing to employ unauthorized aliens and requires employers to verify employment eligibility, this provision is intended to strengthen compliance with Federal employment eligibility requirements for individuals performing work under Federal awards.

Lastly, OMB proposes to add § 200.303(g) to clarify that States must conduct pre-payment verification checks prior to disbursing Federal funds. Specifically, States that are recipients of Federal financial assistance must review available data sources with relevant information to verify the eligibility of payees and prevent improper payments. Such reviews may be conducted through the Department of the Treasury's Do Not Pay (DNP) system, or through an alternative payment screening process that provides protection against improper payments. This proposed revision would not require States to adopt specific payment systems or technologies. The requirement to conduct eligibility reviews for payees is not intended to substitute or replace any required program specific requirements. Consistent with the Payment Integrity Information Act of 2019 (31 U.S.C. 3351–3356), which establishes government-wide requirements to prevent and reduce improper payments, and the Do Not Pay Initiative under 31 U.S.C. 3354, this provision is intended to strengthen internal controls over Federal funds by requiring States, as recipients of Federal financial assistance, to review available data sources prior to disbursing payments made with Federal funds.

Section 200.305—Federal Payment

OMB proposes to revise § 200.305 to require Federal agencies to verify recipient eligibility through Treasury's Do Not Pay (DNP) system before making any disbursement of any Federal payment. Consistent with the Payment Integrity Information Act of 20194 (PIIA),[100] this addition is intended to strengthen oversight and prevent improper payments.

Consistent with section 3 of Executive Order 14222, ''Implementing the President's 'Department of Government Efficiency' Cost Efficiency Initiative,'' OMB also proposes language that requires payment requests from recipients and subrecipients other than States to include justifications describing the purpose of the payment and the specific award-related work it supports. Under the proposed text, agencies must collect this information once appropriate systems are in place. These proposed changes would increase accountability for Federal disbursements while ensuring funds are tied to measurable award activities and outcomes.

Section 200.306—Cost Sharing

OMB proposes to revise § 200.306 to relocate paragraph (a) on voluntary committed cost sharing to paragraph (j). This policy fits better next to paragraph (k), which addresses voluntary uncommitted cost sharing for institutions of higher education (IHE).

Section 200.318—General Procurement Standards

OMB proposes to revise § 200.318 to strengthen accountability for time-and-materials type contracts and to streamline other procurement requirements. The proposed revisions add requirements that material costs under time-and-materials contracts must be supported by documentation and priced consistently with market rates. These additions are intended to ensure recipients apply effective cost controls and maintain transparency in contract pricing. OMB also proposes to revise this section by deleting a prior list of examples of labor and employment practices that do not reflect common procurement approaches or otherwise do not align with administration policy or Federal agency priorities. The proposed text continues to recognize that recipients and subrecipients may use project labor agreements or other types of pre-hire collective bargaining agreements, but only if the use of such agreements will advance the interest of the Federal Government associated with the applicable Federal financial assistance program, including consideration of practicability and cost effectiveness. OMB also proposes language to clarify that part 200 does not prohibit recipients or subrecipients from communicating a requirement that individuals be authorized to work in the United States under applicable law. OMB also proposes to clarify that recipients and subrecipients are also responsible for ensuring consistency with applicable law, and that employment practices should be consistent with the foundational principles of recognizing merit and the ability of employees to fulfill the requirements of the contract. Collectively, these proposed revisions streamline the requirements by removing extraneous, unnecessary, or inappropriate examples, while reinforcing lawful flexibility and cost accountability in procurement practices.

Section 200.320—Procurement Methods

OMB proposes to revise § 200.320 to include language regarding how cost-reimbursement contracts may be used. The proposed language strongly discourages recipients from using cost reimbursement contracts. Under the proposed text, when using cost-reimbursement contracts, the recipient must notify the awarding Federal agency of its use of this mechanism and maintain a written justification in its records. OMB also proposes flexibility for Federal agencies, at their discretion, to require prior approval of such contracts in the terms and conditions of the award. These changes are intended to reflect that cost-reimbursement contracts are inherently higher risk, as they reduce incentives for contractors to control costs, require more intensive oversight, and present greater risk of improper or excessive payments of Federal funds. By discouraging their use while preserving agency authority to require prior approval, the revision strikes a balance between limiting risk and allowing flexibility in circumstances where no other contract type is feasible.

Section 200.321—Contracting With Small Businesses

OMB proposes to streamline § 200.321 to simplify direct recipients and subrecipients to ensure that small businesses, including subcategories enumerated in Federal statute, are considered for contracting opportunities. These proposed changes are intended to streamline the policy,

[99] Compare 48 CFR, Subpart 22.18. See also FAR Case 2007–013, Employment Eligibility Verification, 73 FR 67651 (Nov. 14, 2008).

[100] 31 U.S.C. 3351 *et seq.*

reduce administrative burden, and ensure that contracting preferences remain consistent with law and other principles discussed in this document, including merit-based opportunity.

Section 200.322—Domestic Preferences for Procurements

OMB proposes to revise § 200.322 to clarify the policy related to domestic preferences for procurements under Federal awards. The text of § 200.322(c) (existing version) refers to mandatory requirements at 2 CFR part 184 for infrastructure awards. The text of § 200.322(a) and (b) (existing version) provides an aspirational standard that applies more broadly to all awards. OMB proposes to delete the existing aspirational standard at paragraphs (a) and (b) and replace it with a new paragraph (a) (proposed version) directing agencies, to the greatest extent practicable and consistent with law, to include terms and conditions in Federal financial assistance awards to maximize the use of goods, products, and materials produced in the United States. At paragraph (b) (proposed version), in the case of infrastructure projects, OMB proposes to preserve the existing requirement at paragraph (c) for agencies to implement the mandatory Buy America preferences set forth in 2 CFR part 184.

Based on the Build America, Buy America Act (BABA), which was included in the Infrastructure Investment and Jobs Act (IIJA), OMB has broad statutory authority to require inclusion of mandatory Buy America requirements for all Federal infrastructure assistance programs. OMB implemented these mandatory standards for infrastructure at 2 CFR part 184 and § 200.322(c) (existing version). BABA is the most relevant government-wide source of authority to impose mandatory grant conditions on non-Federal entities specifically related to Buy America requirements under financial assistance awards. There are also various agency-specific statutes that do the same.

The authority of Federal agencies to impose domestic purchasing requirements for non-infrastructure awards will generally depend on appropriations and authorizing statutes for individual award programs. OMB, through the Administrator of the Office of Federal Procurement Policy (OFPP), also has authority under 41 U.S.C. 1125 to ''prescribe Government-wide policies, regulations, procedures, and forms that the Administrator considers appropriate and that executive agencies shall follow in providing for the procurement, to the extent required under those programs, of property or services referred to in . . . [41 U.S.C.] 1121(c)(1) . . . by recipients of Federal grants or assistance under the programs.'' That authority must be exercised with ''due regard to applicable laws and the program activities of the executive agencies administering Federal programs of grants or assistance.'' *Id.*

Consistent with the above authorities, proposed paragraph (a) would only be required ''to the greatest extent practicable and consistent with law.'' Thus, agencies would be responsible for evaluating both the practicability and legal availability of imposing such conditions. OMB is not directly imposing this requirement on award recipients, but requiring agencies to evaluate its practicability and the legal authorities that apply to non-infrastructure financial assistance programs. The agency discretion to evaluate ''practicability'' leaves considerable flexibility for implementation. In addition to evaluating practicability, agencies would need to identify statutory authority prior to imposing such conditions. For example, some authorizing statutes may broadly authorize an agency to impose any conditions that the agency head finds warranted, while others may narrowly define the types of conditions that may be imposed. Generally, to impose substantive conditions on Federal grants, an agency must identify statutory authority providing the agency with discretion to impose such conditions. As such, before imposing Buy America award conditions on non-infrastructure awards, agencies must evaluate their appropriations and authorizing statutes on a case-by-case basis to determine whether they have the legal discretion to impose such conditions. The proposed language would provide that, if agencies identify the necessary legal authority, and determine that imposing conditions would be practicable under the relevant program, they must include grant terms and conditions to maximize domestic content. Unlike § 200.322(a)–(b) (existing version), if a requirement is included in the terms and conditions of an award, it could be made a legal requirement subject to audit instead of merely an aspirational standard. If such a requirement is included for a non-infrastructure award, the agency would need to define the applicable Buy America standard it is imposing, which could be based on existing standards required by law in other contexts, such as the BABA standard in part 184 or others.

OMB recognizes that the proposed policy at paragraph (a) (proposed version) does not exist under the existing version of 2 CFR. OMB proposes to find that establishing this policy is legally available based on the discretion left to agencies for implementation. Under the current 2 CFR regulatory text, agencies only impose mandatory Buy America requirements for infrastructure grants. If statutory authority is determined to be available, and the agency determines that imposing conditions would be practicable for the relevant program, this newly proposed provision could require agencies to apply domestic manufacturing requirements for a broader range of grant activities.

Section 200.323—Procurement of Recovered Materials

OMB proposes to remove § 200.323(b) in its entirety. The Executive order that provided the foundation for this policy was rescinded. Moreover, the policy was only an encouraged practice and not a requirement.

Section 200.324—Contract and Cost Price

OMB proposes to streamline § 200.324, including removing an example related to considering potential workforce impacts if a procurement transaction will displace public sector employees. The proposed changes are not intended to prohibit the consideration of such impacts, only to remove the example. This streamlined text removes a potential burden on recipients that is not statutorily required.

Section 200.329—Monitoring and Reporting Program Performance

OMB proposes to revise § 200.329 to require recipients to confirm in their performance reports that all subawards issued during a reporting period have been reported to *SAM.gov*. This proposed addition is intended to strengthen transparency and ensure subaward data is current and accurate. OMB also proposes a new paragraph (h) to emphasize the importance of subrecipient reporting. Specially, OMB emphasizes that Federal agencies are responsible for providing oversight regarding subrecipient reporting, such as reviewing and monitoring subrecipient reporting in *SAM.gov*, and taking corrective actions when recipients are not in compliance.

In addition, in existing paragraph (g) (proposed paragraph (i)), OMB proposes to require Federal agencies to justify and maintain documentation of any decision to waive any performance report. This proposed revision balances accountability with flexibility,

reinforcing oversight of performances, including subrecipient reporting, while allowing agencies to reduce unnecessary reporting burdens where appropriate.

Lastly, OMB proposes a new paragraph (e) regarding performance reports for scientific research. For awards categorized by a Federal agency in accordance with § 200.202(f), the recipient must identify and include the categorization provided in the terms and conditions of the award in the performance report.

Section 200.331—Subrecipient and Contractor Determinations

OMB proposes to revise § 200.331 by adding a new paragraph (c). This paragraph addresses transfers of Federal funds to related entities. This proposed addition makes clarifies that pass-through entities cannot treat such transfers as internal allocations exempt from a determination required by this section. Instead, consistent with the requirements of this section, related entity transactions must be reviewed and classified as either a subaward or contract. This would ensure accountability and transparency in circumstances involving related parties and prevent circumvention of Federal reporting requirements.

Section 200.332—Requirements for Pass-Through Entities

OMB proposes to revise § 200.332 to add three new paragraphs to this section. In proposed paragraph (g), OMB again highlights the requirement that pass-through entities must report subawards to *SAM.gov* in accordance with the requirements of 2 CFR part 170. In proposed paragraph (h), OMB reiterates the requirement in § 200.331 that pass-through entities must make subrecipient and contractor determinations for all downstream entities, including affiliates, subsidiaries, and related organizations. This proposed change would clarify that internal organization affiliations do not exempt pass-through entities from classifying subawards and contracts. Lastly, in proposed paragraph (i), OMB specifies that pass-through entities must ensure that subrecipients do not take actions that could significantly damage the reputation of the pass-through entity, awarding Federal agency, or the Federal Government. Where such actions occur, the proposed text indicates that the pass-through entity must consult with the Federal agency to determine whether termination of the award is warranted. This proposed addition would ensure accountability for reputational risk that may undermine public trust in Federal award programs.

Section 200.333—Fixed Amount Subawards

OMB proposes to revise § 200.333 to remove the policy allowing recipients to issue fixed amount subawards. Fixed amount subawards have been implemented inconsistently across programs, agencies, and recipients, and existing standards for this type of award do not provide for transparency, accountability, and oversight as compared to other award types. OMB proposes to eliminate fixed amount subawards consistent with the changes made to § 200.201.

Section 200.336—Methods for Collection, Transmission, and Storage of Information

OMB proposes to revise § 200.336 by adding a statement encouraging recipients and subrecipients to use domestic storage capabilities for electronic records. This addition is intended to strengthen data security, reduce exposure to potential foreign data vulnerabilities, and support greater assurance that Federal award records remain accessible and protected within U.S. jurisdiction. While framed as a strong encouragement rather than a mandate, this change promotes best practices for safeguarding sensitive Federal award information.

Section 200.338—Restrictions on Public Access to Records

OMB proposes a clarification to § 200.338. Specifically, confidential business information is included as a type of information that Federal agencies may not place restrictions on the recipient or subrecipient from limiting public access to such information.

Section 200.339—Remedies for Noncompliance

OMB proposes to add a new paragraph to § 200.339 to clarify that, if applicable and consistent with law, a Federal agency may, at its discretion, cooperate with individuals or organizations in pursuing their own private cause of action or remedies. This addition would not impose an affirmative duty on agencies to assist in private litigation. The proposed revision is only intended to affirm that agencies may, at their discretion, cooperate with persons in pursuit of private remedies in circumstances consistent with law.

For the avoidance of doubt, the decision of whether an agency will cooperate with individuals or organizations in their pursuit of private causes of action and civil remedies, and decisions regarding the extent of any cooperation, will be made solely in the discretion of that agency. The proposed subsection (b) is not intended to, and would not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in the proposed subsection (b) should be construed to impair or otherwise affect the authority granted by law to an executive department or agency, or the head thereof. A Federal agency should only cooperate with a private cause of action if it determines that such cooperation is in the interest of the United States

Section 200.340—Termination and Suspension

1.a. Summary of proposed revisions regarding termination. OMB proposes to revise § 200.340(a) to provide additional clarity regarding reasons available to Federal agencies for discretionary terminations of Federal awards, and also to add new provisions regarding temporary suspension of Federal awards. These proposals are similar to parallel procedures for procurement contracts under the FAR. The proposed revisions regarding discretionary termination are also consistent with section 5(a) of Executive Order 14332 of Aug. 7, 2025, ''Improving Oversight of Federal Grantmaking,'' which instructs OMB to revise 2 CFR to further clarify and require all discretionary grants to permit termination for discretionary reasons, ''including when the award no longer advances [Federal] agency priorities or the national interest, but subject to appropriate exceptions,'' including certain exceptions set forth in the Executive Order.

In developing the proposed rule, OMB considered alternatives to the discretionary termination provision, such as stricter up-front screening during the award selection process or enhanced monitoring. While these are also important tools to ensure oversight of the Federal grantmaking process, OMB found that they do not remove the need for mid-award termination mechanism. The discretionary termination provision is similar to the already existing authority at § 200.340(a)(4) in the 2024 regulatory text and § 200.340(a)(2) in the 2020 regulatory text.[101]

[101] The operable language regarding ''program goals or agency priorities'' was first established by OMB in 2020 at § 200.340(a)(2) (2020 version).

By preserving the policy flexibility provided to agencies from Congress for discretionary award programs through clear upfront notice to recipients, agencies can best ensure the responsible management and safeguarding of taxpayer resources throughout the award lifecycle. Federal agencies—and ultimately, the American taxpayer—should not remain obligated to continue funding discretionary awards that do not best or most effectively serve the authorized public purposes of the particular program.

The benefits of this proposal include increased flexibility for agencies to respond to changing circumstances, priorities, or knowledge. By aligning grant management with well-established contract management practices, the Federal Government can ensure greater and more responsible oversight regarding how taxpayer resources are used and managed.

Like the 2020 version, and as remained permitted under the 2024 version, the proposed version of § 200.340 expressly contemplates that sometimes Federal agency program goals or priorities may change after an award is initially made, or that the Federal agency may reassess whether a particular recipient remains the best available choice to achieve the public purposes authorized by law on behalf of the American taxpayer. Like the earlier versions, the proposed text also recognizes that sometimes program goals or Federal agency priorities may change in response to new direction from politically accountable leadership. As is already the case, the proposed version of 200.340 contemplates that an agency may exercise those types of discretion as a responsible steward of public resources.

Accordingly, OMB proposes to add the updated discretionary termination provision, which further clarifies the government-wide authority already available to agencies under § 200.340(a)(4) (existing 2024 version). OMB proposes the new discretionary termination provision to provide that the Federal agency or pass-through entity, to the extent permitted by law, may terminate a Federal award in part or its entirety if the Federal agency or pass-through entity determines that a termination is in the interest of the Federal agency or pass-through entity. The proposed regulation specifies that this includes if a Federal award no longer effectuates program goals, Federal agency priorities, or the national interest as they exist at the time of the termination.

OMB proposes to clarify that the relevant ''agency priorities'' would be those of the *Federal* agency that is politically accountable at the national level for implementing the Federal program under which the award was made. In some situations, pass-through entities may interpret the term ''agency priorities'' under the existing provision to include State or local government priorities, which may be inconsistent or even conflict with Federal priorities or the national interest. To clarify intent, OMB proposes to add the word ''Federal'' before ''agency priorities.'' In the final rule, OMB is also considering others revisions to clarify this point. The interest of a pass-through entity in implementing a Federal award should remain consistent with the interest of the Federal agency responsible for implementing the Federal program on the national level. If this is not adequately clear or implied under the proposed text, OMB may consider revising the proposed standard in the final rule from ''in the interest of the Federal agency or pass-through entity'' to only include ''in the interest of the Federal agency.'' In any case, terminations by pass-through entities should remain consistent with the interest of the Federal agency, which is responsible for setting program goals and priorities for the Federal program. A termination by a pass-through entity should not conflict with the Federal interest. In some cases, it may be appropriate for a pass-through entity to coordinate with a Federal agency before making such a discretionary termination under this provision.

Like the 2020 provision, the proposal recognizes that Federal agency priorities may change after an award is initially made. This proposal creates greater alignment between Federal financial assistance and the long-standing termination for convenience provision applicable to Federal procurement contracts. The goals of this proposal include ensuring that Federal funds are not wasted, projects remain aligned with Federal agency priorities, and recipients remain accountable for delivering projects consistent with public purposes authorized by law.

OMB does not intend the proposed list of reasons for discretionary terminations to necessarily be exhaustive. If the rule is finalized, Federal agencies must include all of the listed reasons, but may also include supplemental reasons, as appropriate, based on the authority at § 200.340(a)(5). For example, agencies may also specify that discretionary terminations may occur in circumstances in which a Federal award is no longer in the ''public interest.'' The ''public interest'' and the ''national interest'' should generally have similar and broadly overlapping meanings, but agencies may include this or other additional reasons for discretionary terminations if useful for clarity or avoidance of doubt.

Other clarifying edits are proposed in paragraph (a) regarding the other reasons for termination, including for noncompliance, by mutual agreement, upon notification by the recipient or subrecipient, and pursuant to additional terms and conditions included in the Federal award. For readability, sub-headings are added for all authorized reasons for termination. In the noncompliance paragraph, OMB proposes to mention that failure of the recipient to report subawards on *SAM.gov* pursuant to the award term required by part 170 can constitute grounds for termination for noncompliance. Under the final paragraph for ''additional terms and conditions,'' OMB also proposes to recognize that Federal agencies may only include terms and conditions that are permitted by law. For example, as with termination for discretionary reasons, certain non-discretionary programs may not permit expanded termination provisions based on agency discretion.

Paragraph (b)(1) of the proposed text provides that, to the extent authorized by law, and except as provided in paragraph (b)(2), the Federal agency and pass-through entity must ensure that all Federal awards allow termination for the reasons described in paragraphs (a)(1) through (4) of the section. The proposed paragraph (b)(2) explains exceptions to this requirement. Specifically, the requirement to include the discretionary termination provision does not apply to any Federal award in which inclusion of such a discretionary termination provision would conflict with a Federal statute. Consistent with the distinction recognized in Executive Order 14332 between discretionary awards and statutory entitlements, the proposed text explains that the discretionary termination ''provision is generally applicable to discretionary awards, but not to Federal awards made under programs where legislation establishes an entitlement to the funds on the part of the recipient, such as block grants, those awarded based on a statutory formula, or disaster recovery grants.'' Statutory entitlements are the only categorical exception recognized in the proposed rule, but certain other statutory requirements imposed on Federal agencies related to obligation or use of Federal funds may also impose limits on the application of this provision in some circumstances. Consistent with Executive Order 14332,

the discretionary termination provision also ''does not apply to agreements entered into in furtherance of international trade agreements or those awarded by the Department of Commerce under title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283), the CHIPS Act of 2022 (Pub. L. 117–167), or division F of the Infrastructure Investment and Jobs Act (Pub. L. 117–58).''

The proposed paragraph (b)(2) also explains that if questions arise regarding applicability of the discretionary termination provision to specific programs or awards, Federal agencies are strongly encouraged to consult with OMB. Federal agencies must seek approval from OMB prior to allowing any class exceptions not otherwise required by statute or recognized in paragraph (b)(2).

Thus, with limited exceptions, the proposed text requires inclusion of four standard reasons for termination, including the discretionary termination provision, in all Federal awards, rather than a ''pick and choose'' approach among the available options. The existing provision has sometimes led to inconsistent termination provisions across the Federal Government and confusion regarding which termination provisions actually are or should be included in specific Federal awards. The proposed revisions emphasize, at paragraph (b)(1), that the Federal agency is always required to include the four standard termination provisions unless an exception applies.

In addition to the four standard termination provisions, OMB also proposes adding a fifth potential reason for termination, allowing a Federal agency or pass-through to define additional grounds for termination in the terms and conditions of the Federal award, providing that doing so is consistent with authorizing law. OMB proposes certain clarifying edits and to add subsection headers for clarity.

1.b. Summary of proposed revisions regarding temporary suspension. OMB proposes to add a new paragraph (d) regarding temporary suspension of awards. Similar to a parallel provision in the FAR applicable to procurement contracts, this paragraph would provide Federal agencies and pass-through entities with authority to provide a written order to stop work. The proposed revisions address the contents of such orders and how they must be handled by the Federal agency or pass-through entity. These revisions are intended to ensure that Federal agencies and pass-through entities have all the necessary resources available to provide effective monitoring and oversight of Federal awards. Temporary suspensions of activities are sometimes necessary to protect the Federal interest, but may also potentially create administrative or financial challenges for recipients. The proposed policy requires agencies to account for the potential budgetary and scheduling impacts and seeks to maintain fairness and transparency in managing such disruptions. As a result, the proposed revisions would promote communication and accountability between agencies and recipients in the event of temporary suspensions. They would also support more effective program oversight and minimize the risk of extended downtime or misaligned expectations following a work stoppage.

Proposed paragraph (b)(4) addresses the circumstances in which temporary suspensions provisions must be included in the terms and conditions of a Federal award. Similar to the discretionary termination provision, the Federal agency or pass-through entity must clearly and unambiguously include the suspension provision in the terms and conditions of the Federal award unless doing so would conflict with a Federal statute. The proposed text explains that the suspension provision is generally applicable to discretionary awards, but not to Federal awards made under programs where legislation establishes an entitlement to the funds on the part of the recipient, such as block grants, those awarded based on a statutory formula, or disaster recovery grants. If questions arise regarding applicability of the suspension provision to specific Federal programs or types of Federal awards, Federal agencies are also strongly encouraged to consult with OMB.

2. Need for policy flexibility and ongoing stewardship of Federal funds. Consistent with the first objective of this rulemaking, the proposed discretionary termination and suspension provisions provide essential tools for ensuring ongoing stewardship and responsible management and oversight by Federal agencies of taxpayer resources throughout the award lifecycle. The discretionary termination provision preserves policy flexibility, consistent with law, for an agency to reconsider whether a particular Federal award effectively serves the Federal Government's interest in carrying out public purposes or objectives authorized by law. Agency program goals and priorities related to such public purposes may evolve over time, the agency's best judgment regarding the national interest may also change and evolve, and facts and circumstances may change in ways that were not anticipated by the Federal agency at the time the award was initially made. Provided that the Federal agency provides clear notice of the discretionary termination provision to recipients at the time the award is made, which will allow recipients to appropriately calibrate and manage reliance interests, it is appropriate for Federal agencies, and the Executive Branch more broadly, to retain the policy flexibility to terminate awards that are no longer in the Federal Government's interest. Federal agencies should not be forced to continue funding projects that do not best serve program goals, Federal agency priorities, or the public interest more broadly. The suspension provides similar flexibility for temporary stoppages.

3. Similar existing authority applicable to Federal contracts. In the Federal procurement context, executive agencies have long included termination for convenience clauses in contracts. The Federal Acquisition Regulation (FAR) permits an agency to terminate a contract ''for convenience'' whenever it determines that termination is in the government's interest. See, for example, 48 CFR 49.502 and 52.249–2. This longstanding tool allows Federal agencies to terminate contractual obligations that have become unnecessary or contrary to new policy direction, while allowing appropriate cost recovery for work already performed. Federal courts have upheld these terminations as a legitimate means of preserving flexibility to protect taxpayer resources and respond to changing circumstances.

By applying a parallel principle to discretionary assistance programs, such as discretionary grants and cooperative agreements, the proposed rule further harmonizes Federal grant management with longstanding procurement practices, while also tailoring the provision for use under OMB's requirements in 2 CFR. A 2020 revision of the Uniform Guidance already introduced a comparable basis for termination ''if an award no longer effectuates program goals or agency priorities.'' This proposed revision will ensure that Federal agencies have broad authority for termination for discretionary reasons that is similar to the authority under the FAR in purpose and general effect, while also accounting for the unique context of grants.

The proposed provision is necessary to safeguard the ability of executive agencies to supervise executive branch spending. The Federal Government's

responsibility for stewardship of taxpayer funds does not diminish merely because the award is a grant and not a contract. If a project funded by a grant is failing to meet underlying public purposes, program objectives, Federal agency priorities, or the national interest, the government should have a comparable ability to discontinue funding as it would for a similarly misaligned contract. The proposed rule generalizes this best practice across the Federal Government, ensuring consistency and transparency.

Similarly, executive agencies have also long included clauses in contracts allowing for temporary work stoppages or suspensions. The FAR permits an agency to, at any time, by written order to the contractor, require the contractor to stop all, or any part, of the work called for by the contract for a period of 90 days after the order is delivered to the contractor, and for any further period to which the parties may agree. See, for example, 48 CFR 42.1303 and 52.242–15. This longstanding tool allows Federal agencies to temporarily suspend contractual obligations to ensure effective oversight and accountability and for other purposes.

4. Executive authority applicable to discretionary award programs. For discretionary award programs, the proposed discretionary termination and suspension provisions operate within the framework of Congressional authorization and appropriation. Congress provides agencies with discretionary authority to make awards for certain program purposes, leaving agencies with broad discretion as to which projects to fund. The discretionary termination and suspension provisions are merely an exercise of that discretionary authority—allowing agencies, consistent with law, to retain discretion regarding how Federal funds are expended in service of the program's objectives. The proposed provisions do not contravene statutory requirements or otherwise assert any authority for discretionary programs that is not already provided to agencies in the statutes authorizing those programs.

To recognize these limits, the text of the discretionary termination provision recognizes that it may only be exercised ''to the maximum extent authorized by law.'' If a particular program statute expressly entitles a recipient to certain funding or expressly prohibits termination in certain circumstances, those statutory limits would control. These statutory limits are also recognized in the proposed exception paragraph, which corresponds with language in section 5(a) of Executive Order 14332. Similar limitations are provided for the proposed suspension provision.

Consistent with the termination provisions in 2020 and 2024, the proposed discretionary termination provision continues to recognize that Federal agencies cannot terminate grants when doing so would be inconsistent with a Federal statute. The legality of any particular grant termination will necessarily turn on the specific Federal statutes governing the agency program at issue, and various other award-specific, agency-specific, and other considerations that can only be decided by a court at a more granular level. The OMB discretionary termination provision merely creates the legal framework for terminations when otherwise consistent with law. A framework that only permits terminations to the extent consistent with law does not conflict with any statute. To the extent a grant recipient believes that a particular termination is unlawful, it could raise that concern in the U.S. Court of Federal Claims.

For discretionary award programs, to which the proposed discretionary termination and suspension provisions will apply, Congress has generally provided Federal agencies with broad discretion to determine how to select recipients and administer awards to serve public purposes recognized in law. Certain legislative boundaries frequently apply to agency authority under those programs, such as statutory requirements related to eligible recipients, projects, or activities. The authority to make discretionary awards within those boundaries, however, necessarily includes the ability to revisit earlier decisions and re-exercise agency judgment in light of changing circumstances, at least provided that: (i) the particular program statute does not expressly limit or control the agency's discretion to reconsider its earlier award determinations; and (ii) the recipient receives clear and unambiguous notice of the discretionary termination provision in the award instrument.

The statutory authority provided by Congress allowing executive agencies to administer discretionary award programs—including deciding which entities receive awards and the amount of those awards—necessarily includes the implied or inherent authority for agencies to reconsider earlier decisions made about awards. Provided that clear and timely notice of the discretionary termination and suspension provisions is included by the Federal agency in the award instrument—either at the time of award or through an amendment made consistent with law—and that a program statute does not limit or control the process for terminations or reconsideration of award decisions, these provisions can be applied by agencies in a manner consistent with their authority under law. For programs in which an agency has lawful discretion to make an award, the discretionary termination and suspension provisions provide clear notice to recipients that the agency retains the discretion to withdraw, terminate, or temporarily suspend that award consistent with law.

The proposed discretionary termination and suspension provisions merely ensure that the government retains appropriate authority to course correct, consistent with the discretion provided by law, if circumstances warrant. These provisions are an important safeguard, providing policy flexibility if an agency determines that a project is contrary to the Federal interest, or that a work stoppage is necessary for reasons including evaluating whether a project is aligned with the Federal interest.

Similar analysis regarding executive authority for discretionary award programs applies to both the discretionary termination and temporary suspension provisions. To limit repetition in the preamble for this proposed rule, OMB does not recite the basis for that authority separately, but proposes to find that the same general principles apply.

OMB and the participating agencies rely on this discretionary authority, where it applies, for the proposed discretionary termination and suspension provisions, in addition to OMB's authorities for government-wide grants management. The proposed discretionary termination and suspension provisions are a legitimate and reasonable exercise of the authority for discretionary grant programs provided to executive agencies.

5. Spending clause framework. The Spending Clause framework discussed above regarding proposed revision to § 200.300 does not directly apply to the proposed revisions to § 200.340 regrading termination and suspension. The discretionary termination and suspension provisions are merely administrative features of the OMB requirements for grants administration that, where applicable, preserve discretionary authority provided to agencies by Congress throughout the award lifecycle. The discretionary termination and suspension provisions are not substantive conditions imposed on particular awards in exchange for Federal funds. But even if the Spending Clause framework were found to apply

to the proposed revisions to § 200.340, it does not present an obstacle to including this term. See *Dole,* 483 U.S., at 207–11.

First, as discussed above, the determination of Congress to provide agencies with discretionary authority to administer award programs promotes the general welfare. For example, this discretionary authority ensures that programs are administered in a way that protects taxpayer resources, is responsive to the needs Americans within legislative bounds, and provides ongoing stewardship and oversight of Federal funds throughout the award lifecycle. The general welfare is served by allowing the Federal Government to discontinue funding for projects that prove ineffective or harmful, and to appropriately allocate resources to projects that would better serve the public good. The general welfare is also served by allowing temporary suspensions as appropriate in the discretion of the awarding agency.

Second, the proposed discretionary termination and suspension provisions are designed to provide clear, unambiguous, and timely notice of the award condition to applicants and recipients before the Federal award is made. This will provide up-front transparency regarding the process for terminating or suspending awards for discretionary reasons. Applicants and recipients will enter into awards with full knowledge of the risks and conditions associated with accepting the Federal award. This clear notice will permit them to make informed decisions regarding acceptance of Federal awards and appropriately mitigate reliance concerns. By agreeing to the award conditions, recipients accept the risk of an early termination or temporary suspension, which satisfies the clear notice standard under relevant case law. If a recipient is unaware of the discretionary termination or suspension provisions included in its award, the only explanation will be its failure to read the government-wide regulations, the award instrument, or both.

Third, the exercise of agency discretion in general for discretionary awards, and the discretionary termination provision in particular, are inherently related to the ''federal interest'' in particular assistance programs for discretionary awards. The provision seeks to ensure that Federal agencies have and retain the ability to exercise judgment in determining how discretionary funds are best used to serve the Federal Government's interest in the public purposes authorized by law for particular programs. It is a procedural term providing the agency a right to terminate an award that an agency determines is no longer in the Federal interest as it relates to underlying program objectives. This right is rooted in the established legal authority of OMB and agencies to establish conditions related to grants administration and the efficient use of Federal funds for authorized purposes. As such, it is also inherently related to the effective administration of the Federal interest in particular discretionary award programs. Building on the existing discretionary termination provision, the revised version would be an important tool to ensure that Federal awards continue to be used in furtherance of programs goals, Federal agency priorities, and the national interest as it relates to the particular program. The condition helps to reinforce the relatedness of government spending to authorized public purposes throughout the award lifecycle. If an awarded project, in the agency's judgment, ceases to be an effective use of government resources in achieving those purposes, the agency may discontinue funding. Similar analysis applies to the suspension provision, which further ensures that the Federal agency retains effective oversight tools throughout the award lifecycle.

Fourth, the discretionary termination and suspension provisions are merely extensions of a Federal agency's general authority to exercise discretion over Federal award programs consistent with law. The discretionary termination and suspension provisions preserve the right for agencies to retain and exercise ongoing discretion over how Federal funds are used to serve statutory purposes. This aligns with discretion long exercised by Federal agencies in the context of Federal contracting. Like the parallel FAR provisions, the discretionary termination and suspension provisions are just a procedural or mechanical features of the regulation that do not directly signal that any specific termination or suspension will occur or otherwise induce unconstitutional conduct.

Finally, the proposed discretionary termination and suspension provisions are not unduly coercive. Again, these are just procedural or mechanical features of the regulation corresponding to similar FAR provisions. The proposal extends the discretionary authority provided to agencies by Congress further into the award lifecycle. An applicant or prospective recipient remains free to opt out of particular Federal award or program if it finds the provisions unacceptable. Such decision would not affect other awards to which the discretionary termination or suspension provisions do not apply, and for which the agency does not have comparable discretionary authority, such as entitlement programs.

6. Termination costs. OMB has carefully considered reliance interests that may be implicated by the proposed discretionary termination provision. Three features of the proposed rule are designed to address these concerns: (1) the clear and unambiguous notice of discretionary termination provision discussed above; (2) compensation for work performed consistent with existing termination procedures and cost principles; and (3) procedures related to notices of a discretionary termination, an opportunity for recipients to explain terminations costs, and case-by-case discretion for agencies to consider additional terminations costs and weigh them against competing policy concerns.

The proposal generally preserves existing post-termination procedures and cost principles, but includes additional clarifying text applicable to discretionary terminations. Generally, when a grant is terminated, grant recipients are entitled to reimbursement for all allowable costs incurred up to the effective date of termination. This ensures that a recipient will not be left uncompensated for legitimate expenses made in reliance on the award prior to the effective date of the termination.

The proposed rule also clarifies notice requirements for terminations and provides agencies with case-by-case discretion to consider costs associated with a terminated award and weigh them appropriately against competing policy concerns. While not identical, this structure has certain similarities to the treatment of termination costs in Federal contracts, where contractors terminated for convenience can recover costs for completed work and reasonable termination expenses. Compare 48 CFR 52.249–2. By ensuring that recipients can submit information related to termination costs, the rule provides appropriate discretion to agencies to consider and respond to these concerns upon award termination. The proposed provisions balance the need for Federal flexibility with fairness to recipients. Additional discussion regarding termination costs is provided in this document under §§ 200.341 and 200.343.

Section 200.341—Notification of Termination Requirement

At § 200.341(b), OMB proposes to provide additional information regarding notifications of terminations for noncompliance.

At § 200.341(c), OMB proposes to add a paragraph regarding notifications of discretionary terminations. While the proposed discretionary termination provision reserves broad authority for terminations that are in the interest of the Federal Government (or pass-through entity, as applicable), that authority is not unlimited. As with all exercise of agency discretion, Federal agencies (or pass-through entity, as applicable) must provide a reason for individual termination decisions, which may serve as part of the administrative record upon judicial review, if applicable. To ensure such reasons will be provided, at § 200.341(c), OMB proposes to expressly require termination notices issued under the discretionary termination provision to include a brief summary of the reason or reasons why an agency decided to terminate an award or class of awards. That summary would not be required to provide a detailed or exhaustive analysis, but only to ensure that the recipient or subrecipient is provided information regarding the reason for termination. The summary should do more than merely citing the discretionary termination provision; it should provide a reason why the termination was found to be interest of the Federal agency or pass-through entity. Ensuring the adequacy of the notification will help to ensure that recipients understand why termination decisions have been made and reduce risk to the Federal Government.

Thus, the decision to terminate a Federal award for discretionary reasons under § 200.340(a)(2) (proposed version) would still require a basic rationale regarding why the Federal award does not effectuate program goals, Federal agency priorities, or the national interest as they exist at the time of the termination. As in the context of parallel terminations for convenience in the context of Federal procurement, provided that recipient was given upfront notice of the discretionary termination provision, the requirement to provide a reason for award termination is not an exceptionally high bar. By providing a reasoned explanation for the exercise of authority under the discretionary termination provision based on programmatic or policy reasons, as they exist at the time of the termination, agencies will remain accountable for review in the U.S. Court of Federal Claims, as appropriate and authorized by law, for their termination decisions.

The proposed revisions also specify that the notification must include instructions to the recipient or subrecipient to stop work, make no additional financial obligations, and, to the extent authorized by law, terminate all subawards and contracts related to the terminated portion of the Federal award. The notification must also provide an opportunity for the recipient or subrecipient to submit a brief written statement regarding any termination costs it believes are relevant.

The proposed provision at § 200.341(d)(1), which is cross-referenced at the discretionary termination provision at § 200.340(a)(2), is intended to ensure that agencies provide a reasoned explanation, consistent with law, for specific termination decisions. For example, the Federal agency may explain why it determined that a particular award or class of awards would no longer effectuate program goals, Federal agency priorities, or the national interest. Or the Federal agency may prove an explanation of why an award or class of awards no longer best serves the authorized public purposes of the relevant program. Or an agency may explain, more generally, why it determined that an award or class of awards is no longer in the public interest, or will no longer best serve the public interest, as it relates to relevant program objectives in statute. Or an agency may explain why reallocating funds from an award or class of awards to other existing or new awards would better serve the public purpose of the program set forth in statute. Or any agency explanation may include some combination of the above reasons or other alternative reasons, consistent with law, for why it decided that terminating the award was in the government's interest.

The proposed provisions at § 200.341(c)—and additional proposed revisions at § 200.343(b)—will allow agencies to consider what terminations are warranted under the circumstances. This will include weighting circumstances that may warrant allowing the recipient to incur additional termination costs after the notice against competing policy concerns such as responsible stewardship of Federal funds and effective delivery of statutory objectives.

Section 200.342—Opportunities To Object, Hearings, and Appeals

OMB only proposes minor clarifying revisions to § 200.342. Like the existing version of § 200.342, the proposed version would continue to require Federal agencies to provide administrative hearing rights upon initiating a remedy for noncompliance. As under the existing version, such administrative hearing procedures would not be required for other types of terminations unless expressly required by other law. Such administrative procedures—which are generally intended to allow a Federal agency to make findings of fact and conclusions of law related to a recipient's alleged misconduct or noncompliance under a Federal award—would have less purpose or need for terminations based on the discretionary reasons of the Federal agency. For example, recipients would not generally be in the best position to present facts or information related to the agency's priorities as they exist at the time the termination decision is made. Moreover, unlike compliance-based terminations, discretionary terminations would not require reporting in *SAM.gov* (§ 200.340(c) (proposed version)), which is an important reason for the administrative hearing rights provided to recipients for compliance-based terminations.

In the case of discretionary terminations or suspensions, Federal agencies would be required to follow other procedures described in the regulatory text, including procedures related to notice and allowable costs. An agency, in its discretion, may elect to engage with recipients through some form of administrative review process before or after a discretionary termination or suspension, but would not be required to except as necessary to provide notice, determine allowable costs, and implement other sections of the regulatory text. In some cases, engaging with recipients on discretionary terminations or suspensions may serve to reduce risk to the Federal Government or minimize impacts to Federal programs or Federal awards, while in other cases the agency may decide to limit engagement to only required procedures, such as providing appropriate notice and making a determination of allowable costs.

Section 200.343—Effects of Suspension and Termination

At § 200.343(a), OMB proposes to provide further clarity regarding the allowability of costs during suspension or after termination. For costs resulting from financial obligations properly incurred by the recipient or subrecipient before the effective date of suspension or termination, and not in anticipation of it, the existing regulation provides that allowability should be evaluated based on whether the costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect. OMB proposes to clarify that the recipient or

subrecipient must make all reasonable efforts to discontinue, cancel, mitigate, or otherwise reduce such financial obligations and provides documentation of those efforts to the Federal agency upon request. Sometimes it may not be possible to discontinue or cancel properly incurred financial obligations, but the regulatory text should better reflect the actual policy on such costs provided in the cost principles under subpart E. OMB also proposes to include an express cross-reference to the policy on termination and standard closeout costs provided in the cost principles at § 200.472(a). The existing version of OMB's policy in that section already provides that recipients and subrecipients must make all reasonable efforts to discontinue costs immediately after the effective termination date.

At § 200.343(c), to ensure that Federal agencies are appropriately empowered to consider costs resulting from discretionary terminations, OMB also proposes to add a provision expressly addressing such costs. The proposed paragraph would expand on the existing standard for which costs agencies may allow, in their discretion and consistent with law, following a termination notice. The proposed notice provision at § 200.341(c) also instructs agencies to provide the recipient of the terminated award with an opportunity to provide information related to terminations costs.

Subpart E—Cost Principles

Section 200.400—Policy Guide

OMB proposes to revise § 200.400 to clarify in paragraph (e) that the restrictions proposed in §§ 200.413 through 200.414 must be considered where wide variations exist in the treatment of costs. In addition, OMB proposes to remove the reference to fixed amount awards for reasons discussed elsewhere in this document.

Section 200.401—Application

OMB proposes to revise § 200.401 to remove references to fixed amount awards and Federal awards to hospitals.

OMB also proposes to revise the exemption under § 200.401(c), which allows operation under the Federal cost principles that apply to for-profit organizations at 48 CFR 31.2. OMB proposes to apply this exemption only to nonprofit organizations that receive 90 percent or more of their Federal funding in the form of contracts or operate a Federally Funded Research and Development Center (FFRDC). This proposed revision is further discussed in the section-by-section discussion covering appendix VIII.

Section 200.421—Advertising and Public Relations

OMB proposes to revise § 200.421 to specify that all advertising and public relations costs are unallowable with limited exceptions. The only exception for public relations costs are those required by statute. Advertising costs are allowable if required by statute or if they are for the procurement of goods and services for the Federal award; the disposal of certain scrap or surplus materials; or program outreach and other specific purposes necessary to meet the Federal award requirements. These proposed revisions would clarify that advertising and public relations costs that do not benefit the Federal award are not allowable.

Section 200.429—Commencement and Convocation Costs

OMB proposes to revise § 200.429 to remove the reference to IHEs. OMB proposes that the restriction should apply to all entities and not only IHEs. This proposed change is intended to ensure that the cost principles are streamlined and apply fairly to all entity types.

Section 200.432—Conferences

OMB proposes to expand § 200.432 to add a requirement that costs for attending conferences are allowable only if participation in the conference is expressly approved by the agency and included in the terms and conditions of the award. The revision would clarify that recipients are not authorized to attend conferences using Federal funds that do not serve to advance program outcomes.

Section 200.438—Entertainment and Prizes

OMB proposes to revise § 200.438 to remove reference to an outdated OMB memorandum.

Section 200.442—Fundraising and Investment Management Costs

OMB proposes to revise § 200.442 to propose that costs for fundraising and investment activities are only allowable with the prior written approval of the Federal agency.

Section 200.444—General Costs of Government

OMB proposes to revise § 200.444 to add a new paragraph (b) clarifying that general costs of government are those costs related to the general activities of the executive, legislative, or judicial branches of government, including general activities related to public safety, public information, citizenship, enrollment, or taxation that are not related to a specific Federal award. OMB also proposes to strike Councils of Government (COGs) from the existing paragraph (b) (proposed paragraph (c)) to align this section with other proposed policies.

Section 200.450—Lobbying

OMB proposes to revise § 200.450 to consolidate references to OMB memoranda. OMB also proposes to add three new paragraphs under this section. Paragraph (c)(1)(iii) would expressly prohibit funding any voter registration campaigns, drives, or related activities under Federal awards.

Paragraph (c)(1)(iv) would prohibit using Federal funds to engage in issue advocacy or public messaging that promotes or opposes a particular social, political, or public policy position unrelated to the statutory objectives or performance requirements of the Federal award, including messaging designed to influence public attitudes on matters not necessary to accomplish the purpose of the Federal award. The authority for this change is similar to other provisions discussed above, which are focused on aligning use of Federal award funds with core authorized purposes only, not extraneous activities on divisive policy matters or issue advocacy.

Paragraph (c)(1)(v) would prohibit using Federal funds to influence the executive branch of any State government on matters unrelated to the objectives or performance requirements of the Federal award, including attempts to affect State agency policymaking, rulemaking, or administrative actions for purposes other than carrying out objectives of the Federal award.

Section 200.454—Memberships, Subscriptions, and Professional Activity Costs

OMB proposes to revise § 200.454 to clarify that the only allowable costs under this section are those necessary to fulfill the award requirements. OMB also proposes to add a requirement for prior approval of the Federal agency. Under the proposal, all other costs, including the costs of subscriptions or memberships in country clubs or organizations whose primary purpose is lobbying or issue advocacy, are unallowable.

Section 200.455—Organization Costs

OMB proposes to revise § 200.455 to clarify that data costs related to integrated data systems should align with the finalized Federal grants data standards as published on *Grants.gov*. This effort is in support of the GREAT Act, Public Law 116–103. Additional

information on these standards may be found at *https://www.grants.gov/data-standards.*

Section 200.461—Publication and Printing Costs

OMB proposes to revise § 200.461 related to publication and printing costs to make plain language revisions, including removing the word ''promotion,'' which is not the specific subject of this section. As § 200.421 provides the policy for ''advertising and public relations'' costs, OMB wants to ensure that the term ''promotion'' does not create an independent basis for allowing such costs under this section. To extent that advertising and public relations costs are not permitted under § 200.421, that section would govern. Furthermore, OMB is revising the section to make publication costs unallowable unless such costs are expressly required by statute or approved in advance by the Federal agency on a case-by-case basis. This change reflects OMB's objective to strengthen stewardship of Federal funds and ensure that Federal financial assistance is directed toward achieving the programmatic objectives of the award. Publication costs are not inherently necessary to carry out the core programmatic objectives of most Federal awards. In many cases, such activities are discretionary, vary widely in scope and costs, and may serve institutional, professional, or reputational interests rather than the specific objectives of the Federal program. Absent statutory authority or award-specific requirement, allowing publication costs as a charge to Federal awards creates inconsistent charging practices and increases the risk that Federal funds are used for activities that are ancillary to program performance. By limiting allowability to circumstances in which publication is required by statute or explicitly incorporated into the award, this change would ensure that such costs are incurred only when they are directly tied to a statutory or programmatic requirement.

Section 200.467—Selling and Marketing Costs

OMB proposes to revise § 200.467 to clarify that the costs of selling and marketing products or services of the recipient or subrecipient are unallowable unless expressly included in the Federal award and necessary to meet the requirements of the Federal award.

Section 200.477—Abortion

OMB proposes adding § 200.477 to provide that costs associated with elective abortions are unallowable under Federal awards except as expressly authorized by Federal law. This addition is consistent with Executive Order 14182, Enforcing the Hyde Amendment (January 24, 2025), and reflects longstanding appropriations restrictions prohibiting the use of Federal funds for elective abortion except in limited circumstances. By incorporating this limitation as a selected item of cost, this rule promotes uniform application of existing statutory funding restrictions across Federal financial assistance programs while maintaining consistency with governing Federal law.

Subpart F—Audit Requirements

Section 200.503—Relation to Other Audit Requirements

OMB proposes to revise § 200.503 to clarify that a Federal agency, Inspector General, or GAO may only impose additional audits when authorized by statute. This proposed revision is intended to reduce audit burden by requiring a statutory foundation and prevent agencies from layering on additional audit requirements by regulation if not required by law. This revision balances proper oversight with limiting administrative burden, ensuring that core audit authority is preserved while constraining discretionary authority to expand audit requirements beyond the Single Audit Act requirements addressed in the part.

For avoidance of doubt, this provision would not preclude Federal agencies from conducting compliance reviews as necessary to implement other sections of this part and provide effective oversight of Federal awards, including to determine whether a recipient or subrecipient is in compliance with substantive programmatic or other legal requirements. For example, such compliance reviews may be necessary to determine whether a recipient of Federal financial assistance is in compliance with Federal civil rights laws or conscience protection laws.

Section 200.513—Responsibilities

OMB proposes to revise § 200.513(c)(4) to delete the word ''annual'' before compliance supplement. OMB is in the process of reevaluating the appropriate frequency for issuing the compliance supplement. As previously discussed in this document, OMB and the Office of Inspector General for HHS are currently analyzing the single audit process. OMB plans to engage stakeholders ahead of any substantial changes.

Section 200.514—Standards and Scope of Audit

OMB proposes to delete some of the language in § 200.514(c)(1). Specifically, OMB proposes to delete the reference to guidance in ''Standards for Internal Control in the Federal Government'' issued by the Comptroller General of the United States or the ''Internal Control-Integrated Framework'' issued by COSO. The reasons for this proposed change are discussed in § 200.303 of this document above.

Appendix I to Part 200—Full Text of Notice of Funding Opportunity

OMB proposes limited changes to appendix I. The proposed changes include changing ''program description'' to ''funding opportunity description,'' and other conforming changes to align with the proposed policies in this document. For example, references to paper application submissions have been removed. Agencies would be required to inform applicants to submit proposals via *Grants.gov* and provide instructions for doing so, unless a program specific exception is expressly authorized by Federal statute or approved by the Federal agency head (or designee). OMB also proposes to add references to Statements of Interests (SOIs) as discussed above in this preamble.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

OMB proposes limited changes to appendix II. The proposed changes include removing the reference to rescinded Executive Orders in paragraph (C).

Appendix VIII to Part 200—Nonprofit Organizations Exempted From Subpart E of Part 200

OMB proposes to remove appendix VIII in its entirety. Consistent with the revisions to § 200.401, only those nonprofit organizations that receive 90 percent or more of their Federal funding in the form of contracts, or operate a Federally Funded Research and Development Center (FFRDC), will continue to operate under the Federal cost principles that apply to for-profit organizations.

The prior guidance created uncertainty by suggesting that agencies could expand the list of exemptions, which undermined the uniform application of cost principles across the Federal Government. The proposed revisions resolve these issues by

clarifying that the exemption applies only to the narrow category of nonprofits receiving 90 percent or more of their Federal funding in contracts. This threshold reflects that such organizations operate more like for-profit entities in terms of their funding streams and cost structures. For all other nonprofit organizations, the cost principles in subpart E will apply.

This proposed revision promotes consistency across agencies by ensuring more uniform treatment of nonprofit organizations. In addition, the revision improves oversight and enhances transparency by applying a clear, objective standard, and preventing agencies from unilaterally granting broad exemptions.

Appendix IX to Part 200—Hospital Cost Principles

OMB proposes a technical change to appendix IX to reflect the new location of the Hospital cost Principles in appendix IX to part 300.

VII. Discussion of Proposed Revisions to Subtitle B of 2 CFR by Federal Agencies

Through this proposed rulemaking, certain Federal grantmaking agencies that currently lack an existing chapter in 2 CFR subtitle B propose to add chapters, which are intended to streamline implementation and reduce variability across the Federal Government. Federal agencies that have existing chapters in 2 CFR subtitle B propose certain targeted and conforming changes to support OMB's broader rulemaking effort. All participating agencies adopt the common preamble above. A few agencies have provided supplemental preamble text that follows.

Health and Human Services (HHS)

OMB has included statutory and national policy requirements in section 200.300(a), including requirements related to ''religious liberty, and those prohibiting discrimination.'' All Federal agencies must comply with RFRA (42 U.S.C. 2000bb, *et seq.*) and any applicable statutes prohibiting discrimination on the basis of religion or protecting the exercise of conscience. Federal agencies, pass-through entities, recipients, and subrecipients are required under the First Amendment, RFRA, and applicable statutes prohibiting discrimination based on religion or protecting the exercise of conscience, to consider and provide religious or conscience-based exemptions as required by law, and may not require application of particular provisions or requirements to specific contexts, procedures, or services where such protections apply.

Federal agencies, pass-through entities, recipients, and subrecipients should be aware of their ongoing statutory obligations regarding religious liberty and conscience irrespective of the removal of language in 2 CFR 300.300(d) which provided for an assurance process to ensure the applicability of exemptions based on Federal protections for religious liberty and conscience. The proposed removal of such language should not be misconstrued as reduced Federal Government support for protections based on religion or conscience. The proposed revision to 2 CFR 200.300 is intended to clarify that conscience and religious liberty are protected under multiple statutes and the Federal Government will enforce such statutes as applicable. Further, § 200.300(a), as proposed, contains revised language similar to § 300.300(d), which clarifies that in managing and administering Federal awards, no person otherwise eligible will be excluded from participation in, unlawfully denied the benefits of, or otherwise subjected to unlawful discrimination in the administration of Federal programs, activities, projects, assistance, and services. Such non-discrimination language would encompass requirements, as applicable, not to discriminate on various bases, including race, color, national origin, disability, sex, religion or conscience.

Department of Homeland Security (DHS)

The Department of Homeland Security (DHS) has included in this proposed rule a potential change in delegation of authority in 2 CFR 3000.137. That section describes who within DHS may grant an exception to let an excluded person participate in a covered transaction. Currently, that section provides that the Secretary of Homeland Security has delegated the authority to grant such an exception to the Head of the Contracting Activity for each DHS component.

Because 2 CFR 3000.137 relates to non-procurement debarment and suspension, the Chief Financial Officer, rather than the Head of the Contracting Activity, is the more appropriate delegee. DHS intends to revise the regulatory accordingly. This proposal is consistent with DHS Instruction 146–01–001, Rev. 02, under which the DHS Chief Financial Officer grants waivers or limited exceptions to let an excluded party participate in covered non-procurement transactions including prime and subcontracts, grants, and direct loans.

Environmental Protection Agency (EPA)

This regulatory action proposes to revise text at 2 CFR 1500.1(a)(2) to remove the term regulation.

This regulatory action also proposes to revise text at 2 CFR 1500.4, Exceptions, to correct the citation from 2 CFR 200.102(b) to 2 CFR 200.102(c) and replace non-Federal entities with recipients.

Finally, this regulatory action proposes to revise text at 2 CFR 1532.1125, 1532.1130(a), 1532.1200, and 1532.1500 to replace references to an obsolete system (Excluded Parties List System), acronym (EPLS), and website (*http://www.EPLS.gov*) with the current system (System for Award Management), acronym (*SAM.gov* Exclusions), and website (*SAM.gov*); these proposed changes also align with recent changes to 2 CFR part 180, which also reference the System for Award Management. Additionally, the proposed revisions to 2 CFR 1532.1200 include specific citations to referenced statutes to provide greater clarity.

Delta Regional Authority (DRA)

The Delta Regional Authority (DRA), established by Congress through the Delta Regional Authority Act of 2000 (7 U.S.C. 2009aa–1 *et seq.*), serves as a Federal-state partnership to address economic development needs in the Mississippi River Delta and Alabama Black Belt regions. This regulatory text proposes to formally adopt OMB's uniform administrative requirements to provide consistency and transparency in the administration of Federal financial assistance awarded by DRA.

This proposed action would not impose new grantmaking authority but would codify DRA's participation in the government-wide regulatory framework for financial assistance. DRA currently operates in substantial alignment with 2 CFR part 200, and this rulemaking would ensure ongoing compliance while allowing the agency to clarify or supplement OMB's guidance in the future if required by statute or regional conditions.

Federal Permitting Improvement Steering Council (FPISC)

The Federal Permitting Improvement Steering Council does not have independent authority to issue regulations specific to Federal financial assistance programs. It has therefore received approval from OMB to implement 2 CFR part 200 as a policy of the Federal Permitting Improvement Steering Council applicable to Federal

awards made by the Federal Permitting Improvement Steering Council, rather than as a regulation.

Agency for International Development (USAID)

Through this rulemaking, the U.S. Agency for International Development (USAID) proposes to remove chapter VII from 2 CFR Subtitle B. This change reflects recent Executive Branch actions to realign foreign assistance functions and responsibilities.[102] Therefore, this document proposes to remove chapter VII to reflect the current administration of Federal foreign assistance programs.

VIII. Severability

In 2024, OMB added § 1.231 to the 2 CFR text addressing severability.[103] That section—which OMB does not propose to substantially modify through this rulemaking—explains that the provisions of OMB's regulatory text are separate and severable from one another. It further explains that if any provision of the regulatory text is held to be invalid or unenforceable as applied to a particular person or circumstance, the provision should be construed so as to continue to give the maximum effect permitted by law as applied to other persons not similarly situated or to dissimilar circumstances. If any provision is determined to be wholly invalid and unenforceable, it should be severed from the remaining provisions of the 2 CFR regulatory text, which should remain in effect.

In the revised regulations proposed through this document, OMB proposes a unified regulatory scheme addressing how Federal agencies will manage Federal financial assistance to improve transparency, accountability, and oversight for Federal awards across the Federal Government. While the revised regulations would best serve OMB's objectives for this rulemaking if left intact as proposed by OMB, the benefits of the guidance related to coordination across the Federal Government and improved transparency, accountability, and oversight do not hinge on any single provision. Accordingly, OMB considers individual provisions to be separate and severable from one another.

In the event of a stay or invalidation of any provision, or any provision as it applies to a particular person or circumstance, OMB's intent is to otherwise preserve the 2 CFR regulatory text to the fullest possible extent. The provisions that remain in effect will continue to provide government-wide policies applicable to Federal agencies to improve transparency, accountability, and oversight for Federal awards across the Federal Government. OMB believes that it is in the interest of Federal agencies, recipients and subrecipients of Federal awards, contractors, and other stakeholders in the Federal financial assistance community to leave the final regulatory text in place to the fullest extent possible and permitted by law.

IX. Indirect Cost Rates

On August 7, 2025, Executive Order 14332, Improving Oversight of Federal Grantmaking, directed OMB to revise the government-wide requirements related to indirect cost recovery to appropriately limit the use of discretionary grant funds for costs related to facilities and administration. Over the course of decades, reports from Congress, the oversight community, and various other organizations and commenters have expressed concerns regarding the Federal Government's spending on overhead associated with grants and other forms of financial assistance.[104] Reports have identified numerous flaws of the existing system, including its complexity, inefficiency, administrative burden, lack of public transparency, unfairness for smaller recipients, lack of oversight and public accountability, and lack of a policy mechanism to control excessive overhead costs.[105]

In January 2026, legislative language related to indirect costs was included within appropriations for fiscal year 2026. For example, some of these provisions: (i) required specified agencies to continue applying the negotiated indirect cost rates in § 200.414 to the same extent and in the same manner as such negotiated indirect cost rates were applied in fiscal year 2024; and (ii) prohibited specified agencies from using funds appropriated for fiscal year 2026 to develop, modify, or implement changes to fiscal year 2024 negotiated indirect cost rates. Report language accompanying these provisions recognized ''room for improvement in the system used to identify and recover indirect cost rates under the Uniform Guidance, particularly with respect to the need for greater transparency into these costs.'' The report language also recognized various models suggested to achieve improvements to the existing system, including a model proposed by officials from the Joint Associations Group on Indirect Costs (JAG). Some have criticized the proposed JAG model for reasons including that it may increase overhead payments to large organizations and fail to resolve significant problems of the existing system, including complexity, inefficiency, and excessive overhead spending by the Federal Government.[106] The JAG model appears to focus only on research awards, which are a subset of

[102] See, *e.g.,* Department of State, Congressional Notification Transmittal Letter, Mar. 28, 2025.

[103] 89 FR 30046 (Apr. 22, 2024).

[104] See GAO Report to the Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, ''Federal Research: System for Reimbursing Universities' Indirect Costs Should Be Reevaluated,'' United States Government Accountability Office (Aug. 26, 1992) (GAO Report No. 92–203); Genevieve J. Knezo, Cong. Rsch. Serv., Indirect Costs for R&D at Higher Education Institutions: Annotated Chronology of Major Federal Policies (CRS Report No. 94646) (Aug. 2, 1994); GAO Report to Congressional Committees, ''University Research: Effect of Indirect Cost Revisions and Options for Future Changes,'' United States Government Accountability Office (Mar. 6, 1995) (GAO Report No. 95–74); Genevieve J. Knezo, Cong. Rsch. Serv., Indirect Costs at Academic Institutions: Background and Controversy (CRS Report No. 91095) (Jan. 3, 1997); Roger G. Noll & William P. Rogerson, The Economics of University Indirect Cost Reimbursement in Federal Research Grants (1997). Stanford University Department of Economics WP 97–039; GAO Report to the Ranking Member, Committee on the Budget, U.S. Senate, ''Biomedical Research: NIH Should Assess the Impact of Growth in Indirect Costs on Its Mission,'' United States Government Accountability Office (Sep. 24, 2013) (GAO Report No. GAO–13–760); Anthony Cave, ''Taking a Hard Look at University Research,'' Stanford Social Innovation Review, Oct. 20, 2014; GAO Report to Congressional Requesters, ''NIH Biomedical Research: Agencies Involved in the Indirect Cost Rate-Setting Process Need to Improve Controls,'' GAO–16–616 (Sept. 28, 2016); GAO Report to the Chairman, Committee on Science, Space, and Technology, House of Representatives, ''National Science Foundation: Preliminary Observations on Indirect Costs for Research,'' United States Government Accountability Office (May 24, 2017) (GAO Report No. GAO–17–576T); GAO Report to the Chairman, Committee on Science, Space, and Technology, House of Representatives, ''National Science Foundation: Actions Needed to Improve Oversight of Indirect Costs for Research,'' United States Government Accountability Office (Sep. 28, 2017) (GAO Report No. GAO–17–721); Jay P. Greene and John Schoof, ''Indirect Costs: How Taxpayers Subsidize University Nonsense,'' Heritage Foundation. Jan. 18, 2022; USAID Office of Inspector General, ''Negotiated Indirect Cost Rate Agreements: Opportunities Exist to Improve Processes and Data Management,'' Jan. 26, 2024 (Audit Report No. 3–000–24–001–U); George Calhoun, ''Universities Face a Reckoning Over Federal R&D Funding (Pt 1),'' Forbes, Feb. 26, 2025; Stephen Porter, ''The research racket: How universities cash in on federal grants,'' The Washington Examiner (Mar. 11, 2025); Heather Mac Donald, ''Racist—But Underfunded?'' City Journal, Spring 2025; Marcy E. Gallo & Laurie Harris, Cong. Rsch. Serv., Universities and Indirect Costs for Federally Funded Research (CRS Report No. R48540) (May 16, 2025); Marcy E. Gallo & Kavya Sekar, Cong. Rsch. Serv., NIH Indirect Costs Policy for Research Grants: Recent Developments (CRS Report No. IN12516) (Dec. 9, 2025); Open the Books Oversight Report, ''Transparency Crisis: A Black Box of Overhead Spending & Academia's Mission Creep from Rigorous Science,'' Dec. 2025.

[105] *Id.*

[106] Jeffrey Mervis, ''U.S. research community says new indirect cost model is still too complicated,'' Science, Jul. 18, 2025.

those awards subject to indirect cost requirements under 2 CFR part 200.

In consideration of this legislative and report language, OMB is not proposing updates to the indirect cost rate negotiation system through this document. OMB may consider issuing a request for information on this topic in the future, but commenters should not submit comments on the indirect cost rate negotiation system in response to this document. As no changes are proposed on that topic, OMB does not intend to consider or respond to any such comments in the final rule.

X. Request for Comments

OMB and the participating agencies request comments on all aspects of the proposed regulation in this document, including on any reliance interests that commenters may have based on the existing text of 2 CFR that proposed revisions may affect, and that OMB and agencies should consider in deciding whether or how to finalize this regulation. OMB is also requesting information from recipients on requirements in 2 CFR that increase administrative burden—and particularly those that increase administrative costs. OMB also welcomes comments related to policies contained in 2 CFR that are not required by statute that OMB may consider removing.

The Federal agencies participating in this rulemaking also request comment on all aspects of their proposed regulations in this document, including on any reliance interests that commenters may have based on the existing text of 2 CFR subtitle B that the Federal agencies' respective proposals may affect, and that Federal agencies should consider in deciding whether or how to finalize this regulation.

XI. Proposed Effective Date and Length of Comment Period

OMB proposes to issue a final rule that is effective by October 1, 2026. The proposed effective date is important to ensure that only a single set of government-wide requirements apply to Federal awards made during fiscal year 2027. An effective date of October 1 is useful for the audit process and other reasons, including ensuring government-wide uniformity and transparency regarding which requirements apply to Federal awards made and amended during fiscal year 2027.

OMB is providing a 45-day comment period on the proposed rule. Before issuing this document, OMB also considered a shorter comment period of 30 days or a longer period of 60 days. The 45-day comment period is intended to balance providing a path to issuing a final rule that is effective by October 1 with providing sufficient time for the public to comment on the proposed revisions in this document. Late comments will be considered only to the extent practicable.

Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Orders (E.O.s) 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, public health and safety effects, distributive impacts, and equity). The OMB Regulation for Grants and Agreements published in subtitle A of 2 CFR is a regulation applicable to Federal agencies. 2 CFR 1.100(b) (proposed version). The Office of Information and Regulatory Affairs within OMB has determined that the proposed amendments to 2 CFR are a significant regulatory action under section 3(f) of E.O. 12866. This rule is not expected to be considered a regulatory action under Executive Order 14192 because OMB has determined that it is exempt under that Executive Order.

Regulatory Impact Assessment

The Regulatory Impact Assessment (RIA) is included as a separate document.

Regulatory Flexibility Act

The Initial Regulatory Flexibility Analysis (IRFA) is included as a separate document. OMB also provides the following information related to the attached IRFA. For a rule subject to the notice-and-comment provisions of the APA, the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.,* requires that an agency provide a final regulatory flexibility analysis or to certify that the rule will not have a significant economic impact on a substantial number of small entities. Based on the nature of the revisions proposed in this notice, OMB does not expect this guidance to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Courts have explained that the requirement under the RFA to analyze effects on small entities only applies to direct effects. Small entities that may be impacted indirectly, but not directly, are not subject to analysis under the RFA. *See Nat'l Women, Infants, & Child. Grocers Ass'n* v. *Food & Nutrition Serv.,* 416 F. Supp. 2d 92, 109–10 (D.D.C. 2006). Certain small entities that could be impacted by OMB's revised policies will only be impacted indirectly by agency-specific implementation of the requirements or through their interactions with recipients of Federal awards.

Unfunded Mandates Reform Act of 1995

The proposed revisions would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48). The proposed guidance would not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $168 million or more in any one year (2 U.S.C. 1532). In addition, the definition of ''Federal Mandate'' in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. Federal financial assistance programs subject to 2 CFR generally permit this type of flexibility.

Executive Order 13132 (Federalism Assessment)

This proposed regulation has been analyzed in accordance with the principles and criteria contained in E.O. 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999). OMB has determined that this proposed regulation would not have sufficient federalism implications to warrant the preparation of a federalism assessment. The regulation in 2 CFR is inherently national in scope and significance.

Paperwork Reduction Act

This regulation does not contain a new requirement for information collection. Rather, it streamlines requirements in specific sections. Thus, the Paperwork Reduction Act does not apply.

Executive Order 13175 (Tribal Consultation)

OMB has analyzed this revised regulation in accordance with the principles and criteria contained in E.O. 13175, ''Consultation and Coordination with Indian Tribal Governments'' 65 FR 67249 (Nov. 9, 2000). During 2025, certain Tribal Nations shared concerns with OMB regarding potential impacts of 2 CFR revisions on the Federal Government's trust and treaty obligations to Tribal Nations, and related to implementation of certain statutes applicable to Tribes, such as the

Indian Self-Determination and Education Assistance Act (codified at 25 U.S.C. 5301–5423). OMB considered those concerns in developing this proposed rule. OMB will initiate formal Tribal consultation before a final rule is promulgated. Engagement with Tribes will help OMB to carefully consider Tribal concerns before proposed changes are made final.

List of Subjects

2 CFR Part 1

Grant programs, Grants administration.

2 CFR Part 25

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

2 CFR Part 170

Colleges and universities, Grant programs, Hospitals, International organizations, Loan programs, Reporting and recordkeeping requirements.

2 CFR Part 175

Administrative practice and procedure, Grant programs, Indians—tribal government, Nonprofit organizations, State and local governments.

2 CFR Part 176

Grants administration, Grant programs, Loan programs, Wages.

2 CFR Part 180

Administrative practice and procedure, Grant programs, Loan programs, Reporting and recordkeeping requirements.

2 CFR Part 182

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 183

Foreign aid, Grant programs, Grants administration, International organizations, Reporting and recordkeeping requirements.

2 CFR Part 200

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

2 CFR Part 300

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 376

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 382

Administrative practice and procedure, Drug abuse, Grant programs—health, Reporting and recordkeeping requirements.

2 CFR Part 400

Accounting, Administrative practice and procedure, Agriculture, Grant programs—agriculture, Loan programs—agriculture.

2 CFR Part 417

Administrative practice and procedure, Grant programs, Loan programs, Reporting and recordkeeping requirements.

2 CFR Part 421

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 600

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 601

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 700

Accounting, Administrative practice and procedure, Grant programs, Loan programs.

2 CFR Part 701

Foreign aid, Government contracts, Grant programs—foreign relations, Loan programs—foreign relations.

2 CFR Part 780

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 782

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 801

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 802

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 901

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 902

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 910

Accounting, Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1000

Accounting, Administrative practice and procedure, Grant programs, Grants administration, Reporting and recordkeeping requirements.

2 CFR Part 1104

Business and industry, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Nonprofit organizations, Small businesses, State and local governments.

2 CFR Part 1120

Business and industry, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Nonprofit organizations, Small businesses, State and local governments.

2 CFR Part 1122

Business and industry, Colleges and universities, Grant programs, Grants administration, Hospitals, Human research subjects, Indians, Nonprofit organizations, Research, Small businesses, State and local governments.

2 CFR Part 1125

Administrative practice and procedure, Business and industry, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Nonprofit organizations, Reporting and recordkeeping requirements, Small businesses, State and local governments.

2 CFR Part 1126

Grant programs, Grants administration.

2 CFR Part 1200

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1201

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 1326

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1327

Accounting, Administrative practice and procedure, Government contracts, Grants administration.

2 CFR Part 1329

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1400

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1401

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1402

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 1500

Accounting, Administrative practice and procedure, Grant programs, Grant programs—environmental protection, Grants administration, Loan programs, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water resources, Water supply, Watersheds.

2 CFR Part 1532

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1536

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1600

Administrative practice and procedure, Reporting and recordkeeping requirements.

2 CFR Part 1800

Fees, Government property, Government publications, Grant programs, Grants administration.

2 CFR Part 1880

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1882

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 1900

Accounting, Administrative practice and procedure, Grant programs, Grants administration, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements.

2 CFR Part 2000

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2001

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2200

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2205

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 2245

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2300

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 2336

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2339

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2400

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 2424

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2429

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2500

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 2520

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2600

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 2700

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2701

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 2800

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 2867

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 2900

Accounting, Administrative practice and procedure, Government contracts, Grant programs, Grant programs—labor, Grants administration, Labor, Reporting and recordkeeping requirements.

2 CFR Part 2998

Administrative practice and procedure, Government procurement, Grant programs, Grants administration, Reporting and recordkeeping requirements.

2 CFR Part 3000

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3001

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3002

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 3185

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3186

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3187

Administrative practice and procedure, Civil rights, Grant programs, Museums.

2 CFR Part 3254

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3255

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 3256

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3369

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3373

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3374

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 3474

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 3485

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3513

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3603

Accounting, Administrative practice and procedure, Government contracts, Grants administration, Loan programs, Scholarships and fellowships.

2 CFR Part 3700

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 3701

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 5800

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

2 CFR Part 5801

Accounting, Administrative practice and procedure, Federal financial assistance, Grant programs, Grants administration, Intergovernmental relations, State and local governments.

2 CFR Part 5900

Accounting, Administrative practice and procedure, Grant programs, Grants administration.

2 CFR Part 6000

Accounting, Administrative practice and procedure, Grant programs, Grants administration, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirement.

2 CFR Part 6100

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

2 CFR Part 6200

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

2 CFR Part 6300

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

2 CFR Part 6400

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

2 CFR Part 6500

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

2 CFR Part 6600

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Grants administration, Hospitals, Indians, Loan programs, Nonprofit organizations, Reporting and recordkeeping requirements, State and local governments.

The Secretary of the Department of Health and Human Services, Robert F. Kennedy, Jr., approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

The Principal Deputy Chief Financial Officer of the Department of Agriculture, Candice M. Kinn, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Candice M. Kinn,

Principal Deputy Chief Financial Officer.

The Senior Advisor and Deputy Chief Acquisition Officer of the U.S. Department of State, Kyle Ilgenfritz, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for

purposes of publication in the **Federal Register**.

Kyle Ilgenfritz,

Senior Advisor and Deputy Chief Acquisition Officer.

The Chief Acquisition Officer of the Agency for International Development, Matthew Dickinson, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Matthew Dickinson,

Chief Acquisition Officer.

The Assistant Secretary for Management and Chief Financial Officer of the Department of Veteran Affairs, Richard Topping, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Richard Topping,

Assistant Secretary for Management and Chief Financial Officer.

The Office of Management Director of the Department of Energy, Derek Passarelli, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Derek Passarelli,

Office of Management Director.

The Assistant Secretary for Management of the Department of the Treasury, Dr. John W. York, Ph.D., approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

John W. York,

Assistant Secretary for Management.

The Research Policy Director of the Department of Defense, Jason Day, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Jason Day,

Research Policy Director.

The Assistant Secretary for Administration of the Department of Transportation, Anne Byrd, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Anne Sanford Byrd,

Assistant Secretary for Administration.

The Director for Acquisition Management of the Department of Commerce, Olivia Bradley, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Olivia Bradley,

Director for Acquisition Management.

Effective immediately, Troy Finnegan, Deputy Assistant Secretary, Exercising the Delegated Authority of the Assistant Secretary—Policy, Management and Budget, approves the *Regulation for Federal Financial Assistance.* The OMB Director, Russell Vought, is authorized to digitally sign the aforementioned document for publication in the **Federal Register**.

Troy Finnegan,

Deputy Assistant Secretary, Exercising the Delegated Authority of the Assistant Secretary—Policy, Management and Budget.

The Chief Financial Officer and Chief Administrative Office of the U.S. Environmental Protection Agency, C. Paige Hanson, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

C. Paige Hanson,

Chief Financial Officer and Chief Administrative Officer.

The Administrative Counsel of the U.S. International Development Finance Corporation, Lisa Wischkaemper, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Lisa Wischkaemper,

Administrative Counsel.

The Acting Senior Procurement Executive, Assistant Administrator for Procurement of the National Aeronautics and Space Administration, Marvin L. Horne, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Marvin L. Horne,

Assistant Administrator for Procurement.

The Deputy Director of Management Services of the U.S. Agency for Global Media, Christopher Luer, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Christopher Luer,

Deputy Director of Management Services.

The Acting Director of the Office of Administration of the Nuclear Regulatory Commission, Eleni Jernell, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Eleni Jernell,

Acting Director, Office of Administration.

The Interim Agency Head of the Corporation for National and Community Service, Jennifer Bastress, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Jennifer Bastress,

Interim Agency Head.

The General Counsel of the Social Security Administration, Mark Steffensen, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Mark Steffensen,

General Counsel.

The Deputy Secretary of the Department of Housing and Urban Development, Andrew Hughes, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Andrew Hughes,

Deputy Secretary.

The Senior Official Performing the Duties of the Director of the National Science Foundation, Brian Stone, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Brian Stone,

Senior Official Performing the Duties of the Director.

The Acting Archivist of the United States of the National Archives and Records Administration, Edward C. Forst, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Edward C. Forst,

Acting Archivist of the United States.

The Administrator of the Small Business Administration, Kelly Loeffler, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Kelly Loeffler,

Administrator.

Pursuant to authority delegated from the Acting Attorney General, the Assistant Attorney General of the Office of Legal Policy, Department of Justice, Daniel E.

Burrows, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Daniel E. Burrows,

Assistant Attorney General, Office Of Legal Policy.

The Assistant Secretary for Administration and Management of the Department of Labor, Dean Heyl, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Dean Heyl,

Assistant Secretary for Administration and Management.

The Deputy Secretary of the Department of Homeland Security, Troy Edgar, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Troy Edgar,

Deputy Secretary.

The Deputy General Counsel and Acting General Counsel of the Institute of Museum and Library Services, Victoria H. Kauffman, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Victoria H. Kauffman,

Deputy General Counsel and Acting General Counsel.

The Chairman of the National Endowment for the Arts, Mary Anne Carter, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Mary Anne Carter,

Chairman.

The Acting General Counsel of the National Endowment for the Humanities, Lisette Voyatzis, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Lisette Voyatzis,

Acting General Counsel.

The Assistant Secretary of the Department of Education, Murray Bessette, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Murray Bessette,

Assistant Secretary for the Office of Planning, Evaluation, and Policy Development.

The General Counsel of the Export-Import Bank of the United States, Tony Onorato, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Tony Onorato,

General Counsel.

The General Counsel of the Office of National Drug Control Policy, Dario Camacho, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Dario Camacho,

General Counsel.

The General Counsel of the Peace Corps, Alexis Fowler, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Alexis Fowler,

General Counsel.

The Executive Director of the Election Assistance Commission, Brianna Schletz, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Brianna Schletz,

Executive Director.

The Executive Director of the Gulf Coast Ecosystem Restoration Council, Mary Walker, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Mary Walker,

Executive Director.

The Managing Director of the Federal Communications Commission, Daniel Daly, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Daniel Daly,

Managing Director.

The Secretary of the Consumer Product Safety Commission, Alberta E. Mills, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Alberta E. Mills,

Secretary.

The Federal Co-Chairman of the Delta Regional Authority, Corey Wiggins, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Corey Wiggins,

Federal Co-Chairman.

The Acting Executive Director of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, Frederick Griefer, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Frederick Griefer,

Acting Executive Director.

The Executive Director of the Marine Mammal Commission, Peter O. Thomas, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Peter O. Thomas,

Executive Director.

The Acting Vice President and Chief Financial Officer of the Millennium Challenge Corporation, Abdel Maliky, approves this document, Regulation for Federal Financial Assistance, and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Abdel Maliky,

Acting Vice President and Chief Financial Officer.

By the National Credit Union Administration Board, this 13th day of May, 2026, the Secretary of the Board of the National Credit Union Administration, Melane Conyers-Ausbrooks, approves this Notice of Proposed Rule, Regulation for Federal Financial Assistance, (RIN 3133–AG07) and authorizes Russell T. Vought, Director of the Office of Management and Budget to digitally sign this document for purposes of publication in the **Federal Register**.

Melane Conyers-Ausbrooks,

Secretary of the Board.

Russell T. Vought,

Director, Office of Management and Budget.

For the reasons stated in the preamble, 2 CFR subtitles A and B are proposed to be amended as set forth below:

1. Revise part 1 to read as follows:

PART 1—ABOUT TITLE 2 OF THE CODE OF FEDERAL REGULATIONS AND SUBTITLE A

Subpart A—Introduction to Title 2 of the CFR

Sec.
100 Content of this title.
1.105 Organization and subtitle content.
1.110 Issuing authorities.

Subpart B—Introduction to Subtitle A

1.200 Purpose of chapters I and II.
1.205 Applicability to Federal financial assistance.
1.210 Applicability to Federal agencies and others.
1.215 Relationship to previous issuances by OMB.
1.220 Federal agency implementation of this subtitle.
1.221 Alternative implementation of this subtitle by certain Federal agencies.
1.230 Maintenance of this subtitle.
1.231 Severability.

Subpart C—Responsibilities of OMB and Federal Agencies

1.300 OMB responsibilities.
1.305 Federal agency responsibilities.

Authority: 31 U.S.C. 503; 31 U.S.C. 1111; 31 U.S.C. 6307; 41 U.S.C. 1121; E.O. 11541, 35 FR 10737, 3 CFR, 1966–1970 Comp., p. 939; Reorganization Plan No. 2 of 1970.

Subpart A—Introduction to Title 2 of the CFR

§ 1.100 Content of this title.

This title contains:

(a) Office of Management and Budget (OMB) regulations applicable to Federal agencies on Government-wide policies for the award and administration of Federal financial assistance, including the Uniform Grants Regulation (UGR) at part 200; and

(b) Federal agency regulations implementing or supplementing the OMB regulations.

§ 1.105 Organization and subtitle content.

(a) This title is organized into two subtitles.

(b) The OMB regulations described in § 1.100(a) are published in this subtitle.

(c) Each Federal agency that awards Federal financial assistance has a chapter in subtitle B of this title in which it issues the regulations described in § 1.100(b). Federal agency regulations in subtitle B adopt and implement the OMB regulations in this subtitle.

§ 1.110 Issuing authorities.

OMB issues this subtitle. Each Federal agency that has a chapter in subtitle B of this title issues that chapter.

Subpart B—Introduction to Subtitle A

§ 1.200 Purpose of chapters I and II.

Chapters I and II of this subtitle provide OMB regulations applicable to Federal agencies that help to ensure consistent and uniform Government-wide policies, requirements, and procedures for the management of the agencies' Federal financial assistance.

§ 1.205 Applicability to Federal financial assistance.

The types of instruments that are subject to the regulations in this subtitle vary from one portion of the regulations to another. All portions of the regulations apply to grants and cooperative agreements, and some portions also apply to other types of Federal financial assistance.

§ 1.210 Applicability to Federal agencies and others.

(a) This subtitle contains regulations that directly apply only to Federal agencies.

(b) The regulations in this subtitle may affect other entities through each Federal agency's implementation of the regulations, portions of which may apply to:

(1) The agency's awarding or administering officials;

(2) Recipients and subrecipients that receive or apply for the agency's Federal financial assistance or receive subawards under grants or cooperative agreements; or

(3) Any other entities involved in agency transactions subject to the regulations in this chapter.

§ 1.215 Relationship to previous issuances by OMB.

This subtitle superseded previous OMB guidance issued under certain OMB circulars and other guidance documents related to the same subject matter.

§ 1.220 Federal agency implementation of this subtitle.

A Federal agency that awards Federal financial assistance subject to the OMB regulations in this subtitle implements or supplements the OMB regulations in agency regulations in subtitle B of this title and in guidance documents, policy documents, and procedural issuances, such as internal instructions to the agency's awarding and administering officials. An applicant, recipient, or subrecipient would see the effect of that implementation in the organization and content of the agency's announcements of funding opportunities and in its award terms and conditions.

§ 1.221 Alternative implementation of this subtitle by certain Federal agencies.

The Federal agencies listed in this section received approval from OMB to implement the OMB regulations in this subtitle, including part 200, as policy applicable to their Federal awards without establishing agency regulations in subtitle B of this title as described at § 1.220. Like all other Federal agencies, the listed Federal agencies must implement the requirements in this subtitle in their announcements of funding opportunities and the terms and conditions of their Federal awards. The listed Federal agencies are:

(a) Denali Commission;

(b) Southwest Border Regional Commission (SBRC);

(c) Southeast Crescent Regional Commission (SCRC);

(d) Appalachian Regional Commission (ARC);

(e) Northern Border Regional Commission (NBRC);

(f) Federal Permitting Improvement Steering Council; and

(g) Export Import Bank of the United States.

§ 1.230 Maintenance of this subtitle.

OMB issues regulations in this subtitle after publication in the **Federal Register**. Any portion of the regulations that has a potential impact on the public is published with an opportunity for public comment.

§ 1.231 Severability.

The provisions of this subtitle are separate and severable from one another. If any provision of this subtitle is held invalid or unenforceable as applied to a particular person or circumstance, the provision should be construed so as to continue to give the maximum effect permitted by law as applied to other persons not similarly situated or to dissimilar circumstances. If any provision is determined to be wholly invalid and unenforceable, it should be severed from the remaining provisions of this subtitle, which should remain in effect.

Subpart C—Responsibilities of OMB and Federal Agencies

§ 1.300 OMB responsibilities.

OMB is responsible for:

(a) Issuing and maintaining the regulations in this subtitle, as described in § 1.230;

(b) Interpreting requirements in this subtitle;

(c) Reviewing Federal agency regulations implementing or supplementing the requirements of this subtitle, as required by Executive Order 12866;

(d) Conducting broad oversight of Government-wide compliance with the regulations in this subtitle; and

(e) Performing other OMB functions specified in this subtitle.

§ 1.305 Federal agency responsibilities.

The head of each Federal agency that awards and administers Federal financial assistance subject to the OMB regulations in this subtitle is responsible for:

(a) Implementing the regulations in this subtitle;

(b) Ensuring that the Federal agency complies with its implementation of the OMB regulations;

(c) Coordinating with the Council on Federal Financial Assistance, the Grants Quality Service Management Office, and other governance committees as appropriate; and

(d) Performing other functions specified in this subtitle.

■ 2. Revise the heading of chapter I to read as follows:

Chapter I—OFFICE OF MANAGEMENT AND BUDGET GOVERNMENT-WIDE REGULATION FOR FEDERAL FINANCIAL ASSISTANCE

PART 25—UNIQUE ENTITY IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT

■ 3. The authority citation for part 25 continues to read as follows:

Authority: 31 U.S.C. 503; 31 U.S.C. 6101 note; 31 U.S.C. 6102; 31 U.S.C. 6307; 41 U.S.C. 2313; Pub. L. 109–282; Pub. L. 110–252; Pub. L. 113–101; Pub. L. 117–40.

■ 4. Revise § 25.100 to read as follows:

§ 25.100 Purpose of this part.

This part provides policies applicable to Federal agencies regarding:

(a) The unique entity identifier (UEI), which is the universal identifier for Federal financial assistance applicants, as well as recipients and their direct subrecipients (first-tier subrecipients); and

(b) The System for Award Management (*SAM.gov*), which is the repository for standard information about applicants and recipients.

■ 5. In § 25.200, revise paragraph (a) to read as follows:

§ 25.200 Requirements for notice of funding opportunities, regulations, and application instructions.

(a) A Federal agency that issues Federal financial assistance (see § 25.400) must include the requirements of paragraph (b) of this section in each notice of funding opportunity, regulation, or other issuance containing instructions for applicants that is issued on or after the effective date of this regulation. A notice of funding opportunity is any electronic issuance that a Federal agency uses to announce a funding opportunity, whether it is called a ''program announcement,'' ''notice of funding availability,'' ''broad agency announcement,'' ''research announcement,'' ''solicitation,'' or any other term.

* * * * *

■ 6. In appendix A, in paragraph I.(c), revise the definition of ''System for Award Management (*SAM.gov*)'' to read as follows:

Appendix A to Part 25—Award Term

I. * * *

(c) * * *

System for Award Management (SAM.gov) means the Federal repository into which a recipient must provide the information required for the conduct of business as a recipient. Additional information about registration procedures may be found in SAM.gov.

* * * * *

PART 170—REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION

■ 7. The authority citation for part 170 continues to read as follows:

Authority: 31 U.S.C. 503; 31 U.S.C. 6102; 31 U.S.C. 6307; Pub. L. 109–282; Pub. L. 110–252, Pub. L. 113–101, Pub. L. 117–40.

■ 8. Revise § 170.100 to read as follows:

§ 170.100 Purpose of this part.

This part provides policies applicable to Federal agencies on establishing requirements for recipients of Federal awards to report information on subawards and executive total compensation, as required by the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282), as amended by the Digital Accountability and Transparency Act of 2014 (Pub. L. 113–101) and other Public Laws, hereinafter referred to as the ''Transparency Act.''

■ 9. In § 170.200, revise paragraph (a) to read as follows:

§ 170.200 Federal agency reporting requirements.

(a) Federal agencies must publicly report Federal awards that equal or exceed the micro-purchase threshold (see 2 CFR 200.1). Federal agencies must publish the required Federal award information on *USAspending.gov* in accordance with the policies provided by OMB and the U.S. Department of the Treasury's Government-wide Spending Data Model (GSDM).

* * * * *

■ 10. In § 170.210, revise paragraph (a) to read as follows:

§ 170.210 Requirements for notices of funding opportunities, regulations, and application instructions.

(a) A Federal agency that makes Federal awards subject to the Transparency Act must include the requirements of paragraph (b) of this section in each notice of funding opportunity, regulation, or other issuance containing instructions for applicants under which Federal awards may be made that are subject to Transparency Act reporting requirements. A notice of funding opportunity is any electronic issuance that a Federal agency uses to announce a funding opportunity, whether it is called a ''program announcement,'' ''notice of funding availability,'' ''broad agency announcement,'' ''research announcement,'' ''solicitation,'' or any other term.

* * * * *

■ 11. In appendix A to part 170, revise paragraphs I.(a)(2)(i), I.(b)(2)(i), I.(c)(1)(iii), and I.(c)(2) to read as follows:

Appendix A to Part 170—Award Term

I. * * *

(a) * * *

(2) * * *

(i) The recipient must report each subaward described in paragraph (a)(1) of this award term to the Transparency Act Subaward Reporting System at *SAM.gov*.

* * * * *

(b) * * *

(2) * * *

(i) As part of the recipient's registration profile at *SAM.gov*.

* * * * *

(c) * * *

(1) * * *

(iii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at *https://www.sec.gov/answers/execomp.htm*.)

(2) *Reporting Requirements.* Subrecipients must report to the recipient their executive total compensation described in paragraph (c)(1) of this appendix. The recipient is required to submit this information to the Transparency Act Subaward Reporting System at *SAM.gov* no later than the end of the month following the month in which the subaward was made. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).

* * * * *

PART 175—AWARD TERM FOR TRAFFICKING IN PERSONS

■ 12. The authority citation for part 175 continues to read as follows:

Authority: 22 U.S.C. 7104(g); 22 U.S.C. 7104a; 22 U.S.C. 7104b; 22 U.S.C. 7104c; 31 U.S.C. 503; 31 U.S.C. 6307; 31 U.S.C. 1111; 41 U.S.C. 1121; Reorganization Plan No. 2 of 1970; E.O. 11541, 35 FR 10737.

■ 13. In § 175.105, revise paragraph (a) introductory text to read as follows:

§ 175.105 Statutory requirement.

(a) Federal agencies are required to include in each Federal grant or cooperative agreement a condition that authorizes the Federal agency to terminate the award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if a private entity receiving funds under the award as a recipient or subrecipient engages in any of the activities described in 22 U.S.C. 7104(g) related to human trafficking, including:

* * * * *

PART 176—[Removed]

■ 14. Remove part 176.

PART 180—OMB GUIDELINES TO AGENCIES ON GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

■ 15. The authority citation for part 180 continues to read as follows:

Authority: 31 U.S.C. 503; 31 U.S.C. 6102; 31 U.S.C. 6307; Pub. L. 103–355; Pub. L. 109–282; Pub. L. 110–252; Pub. L. 111–84; Pub. L. 113–101Pub. L. 115–232; Pub. L. 117–40; E.O. 12549; E.O. 12689.

■ 16. Revise § 180.5 to read as follows:

§ 180.5 What does this part do?

This part provides regulatory guidelines applicable to Federal agencies regarding how to implement the Government-wide debarment and suspension system for nonprocurement programs and activities.

■ 17. Revise § 180.15 to read as follows:

§ 180.15 To whom does this part apply?

This part provides regulatory guidelines applicable to Federal agencies. Federal agencies' implementation of this part governs the rights and responsibilities of other persons affected by the nonprocurement debarment and suspension system.

■ 18. Revise § 180.20 to read as follows:

§ 180.20 What must a Federal agency do to implement these guidelines?

As section 3 of Executive Order 12549 requires, each Federal agency with nonprocurement programs and activities covered by subparts A through I of this part must issue regulations consistent with those subparts.

■ 19. In § 180.25, revise paragraph (a) and paragraph (b) introductory text to read as follows:

§ 180.25 What must a Federal agency address in its implementation of this part?

* * * * *

(a) Must establish policies and procedures for that Federal agency's nonprocurement debarment and suspension programs and activities consistent with this part. When adopted by a Federal agency, this part has a regulatory effect on that Federal agency's programs and activities. Federal agencies must not deviate from the requirements of this part on matters for which discretion is not provided.

(b) Must address some matters for which this part gives each Federal agency some discretion. Specifically, the regulation must:

* * * * *

■ 20. Revise § 180.150 to read as follows:

§ 180.150 Against whom may a Federal agency take an exclusion action?

Given a cause that justifies an exclusion under this part, a Federal agency may exclude any person who has been, is, or may reasonably be expected to be, a participant or principal in a covered transaction.

■ 21. In § 180.215, revise paragraph (h) to read as follows:

§ 180.215 Which nonprocurement transactions are not covered transactions?

* * * * *

(h) Notwithstanding paragraph (a) of this section, covered transactions must include non-procurement and procurement transactions involving entities engaged in activity that contributed to or is a significant factor in a country's non-compliance with its obligations under arms control, nonproliferation or disarmament agreements, or commitments with the United States. Federal agencies and primary tier non-procurement recipients must not award, renew, or extend a non-procurement transaction or procurement transaction, regardless of amount or tier, with any entity listed in *SAM.gov* Exclusions on the basis of involvement in activities that violate arms control, nonproliferation or disarmament agreements, or commitments with the United States (see section 1290 of the National Defense Authorization Act for Fiscal Year 2017). The head of a Federal agency may grant an exception to the requirement under this section only if the exception is:

(1) Made in accordance with § 180.135; and

(2) The OMB Director provides concurrence.

■ 22. Revise § 180.530 to read as follows:

§ 180.530 Where can I find SAM.gov Exclusions?

You may access *SAM.gov* Exclusions through the internet, currently at *SAM.gov*.

■ 23. Revise § 180.620 to read as follows:

§ 180.620 Do Federal agencies coordinate suspension and debarment actions?

Yes. When more than one Federal agency has an interest in a suspension or debarment, the agencies may consider designating one Federal agency as the lead agency for making the decision. Agencies are encouraged to establish methods and procedures for coordinating their suspension and debarment actions.

■ 24. In § 180.745, revise paragraph (b) to read as follows:

§ 180.745 How is fact-finding conducted?

* * * * *

(b) A transcribed record of fact-finding proceedings must be made, unless you, as a respondent, and the Federal agency agree to waive it in advance. If you want a copy of the transcribed record, you may purchase it and the Federal agency must provide it to you within five business days.

■ 25. In § 180.840, revise paragraph (b) to read as follows:

§ 180.840 How is fact-finding conducted?

* * * * *

(b) A transcribed record of fact-finding proceedings must be made unless you, as a respondent, and the Federal agency agree to waive it in advance. If you want a copy of the transcribed record, you may purchase it and the Federal agency must provide it to you within five business days.

■ 26. Revise § 180.915 to read as follows:

§ 180.915 Civil judgment.

Civil judgment means the disposition of a civil action by any court of competent jurisdiction, whether by verdict, decision, settlement, stipulation, or other disposition which creates a civil liability for the complained of wrongful acts or a final determination of liability under the Administrative False Claims Act of 2023 (31 U.S.C. 3801–3812).

■ 27. Revise § 180.965 to read as follows:

§ 180.965 Legal proceedings.

Legal proceeding means any criminal proceeding or any civil judicial proceeding, including a proceeding under the Administrative False Claims Act of 2023 (31 U.S.C. 3801–3812), to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term also includes appeals from those proceedings.

PART 182—GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 28. The authority citation for part 182 continues to read as follows:

Authority: 41 U.S.C. 8101–8106; 31 U.S.C. 503; 31 U.S.C. 6307.

■ 29. Revise § 182.5 to read as follows:

§ 182.5 What does this part do?

This part provides regulations applicable to Federal agencies on the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101–8106, as amended) that applies to grants. It also applies the provisions of the Act to cooperative agreements and other financial assistance awards, as a matter of Federal Government policy.

■ 30. Revise § 182.15 to read as follows:

§ 182.15 To whom does this part apply?

This part provides regulations applicable to Federal agencies. Federal agencies' implementation of this part governs the rights and responsibilities of other persons affected by the drug-free workplace requirements.

■ 31. Revise § 182.20 to read as follows:

§ 182.20 What must a Federal agency do to implement this part?

To comply with the requirement in 41 U.S.C. 8106 for Government-wide regulations, each Federal agency that awards grants or cooperative agreements or makes other financial assistance awards that are subject to the drug-free workplace requirements in subparts A through F of this part must issue a regulation consistent with those subparts.

■ 32. In § 182.25, revise paragraphs (a), (b) introductory text, and (c) to read as follows:

§ 182.25 What must a Federal agency address in its implementation of this part?

* * * * *

(a) Must establish drug-free workplace policies and procedures for that Federal agency's Federal awards consistent with this part. When adopted by a Federal agency, this part has a regulatory effect on that Federal agency's awards. Federal agencies must not deviate from the requirements of this part on matters for which discretion is not provided.

(b) Must address some matters for which this part gives the Federal agency discretion. Specifically, the regulation must:

* * * * *

(c) May also, at the Federal agency's option, identify any specific types of financial assistance awards, in addition to grants and cooperative agreements, to which the Federal agency makes this part applicable.

■ 33. Revise § 182.30 to read as follows:

§ 182.30 Where does a Federal agency implement this part?

Each Federal agency that awards grants or cooperative agreements or makes other financial assistance awards that are subject to the drug-free workplace regulation in this part must issue a regulation implementing the policy within its chapter in subtitle B of this title.

■ 34. Revise § 182.40 to read as follows:

§ 182.40 How is this part maintained?

The OMB publishes proposed changes to this part in the **Federal Register** for public comment, considers comments with the help of appropriate interagency working groups, and then issues any changes to this part in final form.

■ 35. In § 182.300, revise paragraph (b)(3) to read as follows:

§ 182.300 What must I do to comply with this part if I am an individual recipient?

* * * * *

(b) * * *

(3) To the Federal agency awarding official or their designee for each Federal award that you currently have, unless the agency designates a central point for the receipt of the notices, either in the award document or its regulation implementing the regulation in this part. When notice is made to a central point, it must include the identification number(s) of each affected Federal award.

■ 36. In § 182.510, revise paragraph (c) to read as follows:

§ 182.510 What actions will the Federal Government take against a recipient determined to have violated this part?

* * * * *

(c) Suspension or debarment of the recipient under the Federal agency's regulation implementing the OMB regulation on nonprocurement debarment and suspension (2 CFR part 180) for a period not to exceed five years.

■ 37. In § 182.630, revise the section to read as follows:

§ 182.630 Debarment.

Debarment means an action taken by a Federal agency to prohibit a recipient from participating in Federal Government procurement contracts and covered nonprocurement transactions. A recipient so prohibited is debarred, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and Federal agency regulations implementing the OMB regulation on nonprocurement debarment and suspension (2 CFR part 180, which implements Executive Orders 12549 and 12689).

■ 38. Revise § 182.670 to read as follows:

§ 182.670 Suspension.

Suspension means an action taken by a Federal agency that immediately prohibits a recipient from participating in Federal Government procurement contracts and covered nonprocurement transactions for a temporary period, pending completion of an investigation and any judicial or administrative proceedings that may ensue. A recipient so prohibited is suspended in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and Federal agency regulations implementing the OMB regulation on nonprocurement debarment and suspension (2 CFR part 180, which implements Executive Orders 12549 and 12689). Suspension of a recipient is a distinct and separate action from suspension of an award or suspension of payments under an award.

PART 183—NEVER CONTRACT WITH THE ENEMY

■ 39. The authority citation for part 183 continues to read as follows:

Authority: Pub. L. 113–291, as amended by Pub. L. 115–232, Pub. L. 116–92, Pub. L. 116–283, Pub. L. 117–263; 31 U.S.C. 503; 31 U.S.C. 6307.

■ 40. Revise § 183.5 to read as follows:

§ 183.5 Purpose of this part.

This part provides regulations applicable to Federal agencies on the implementation of the Never Contract with the Enemy requirements applicable to certain grants and cooperative agreements, as specified in subtitle E, title VIII of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015 (Pub. L. 113–291), as amended by sec. 820 of the National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117–263), hereinafter cited as ''Never Contract with the Enemy''.

■ 41. In § 183.35, revise the definition of ''Covered combatant command'' to read as follows:

§ 183.35 Definitions.

* * * * *

Covered combatant command is defined in Pub. L. 113–291.

* * * * *

PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 42. The authority citation for part 200 continues to read as follows:

Authority: 31 U.S.C. 503; 31 U.S.C. 6101–6106; 31 U.S.C. 6307; 31 U.S.C. 7501–7507.

■ 43. In § 200.1:

■ a. Revise the definitions for ''Compliance supplement'' and ''Federal award date'';

■ b. Remove the definition for ''Fixed amount award'';

■ c. Revise the definitions of ''Improper payment'', ''Notice of funding opportunity'', and ''Personally Identifiable Information (PII)'';

■ d. Remove the definition for ''Protected Personally Identifiable Information (Protected PII)''; and

■ e. Revise the definition of ''Unobligated balance''.

The revisions read as follows:

§ 200.1 Definitions.

* * * * *

Compliance supplement means an authoritative source of information for auditors that identifies existing important compliance requirements that the Federal Government expects to be considered as part of an audit. Auditors use it to understand the Federal program's objectives, procedures, and compliance requirements, as well as audit objectives and suggested audit procedures for determining compliance with the relevant Federal program.

* * * * *

Federal award date means the date when the authorized official of the Federal agency:

(1) Signed (physically or digitally) the Federal award; or

(2) Obligated the Federal award by alternative means consistent with the requirements of 31 U.S.C. 1501.

* * * * *

Improper payment means a payment that should not have been made or that was made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements. The term improper payment includes: any payment to an ineligible recipient; any payment for an ineligible good or service; any duplicate payment; any payment for a good or service not received, except for those payments where authorized by law; any payment that is not authorized by law; and any payment that does not account for credit for applicable discounts. See OMB Circular A–123 Appendix C, *Requirements for Payment Integrity Improvement,* for additional definitions and guidance on the requirements for payment integrity.

* * * * *

Notice of funding opportunity (NOFO) means a formal announcement of the availability of Federal funding through a financial assistance program from a Federal agency. The notice of funding opportunity provides information on the award, such as who is eligible to apply, the evaluation criteria for selecting a recipient or subrecipient, the required components of an application, and how to submit the application. The notice of funding opportunity is any electronic issuance that an agency uses to announce a funding opportunity, whether it is called a ''program announcement,'' ''notice of funding availability,'' ''broad agency announcement,'' ''research announcement,'' ''solicitation,'' or some other term.

* * * * *

Personally Identifiable Information (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

* * * * *

Unobligated balance means the amount of funds under a Federal award that the recipient or subrecipient has not obligated. For purposes of this definition, ''obligated'' means funds that the recipient or subrecipient has legally committed through actions such as placing an order, awarding a contract or subaward, or otherwise incurring a liability for which payment will be due. The amount of an unobligated balance is computed by subtracting the cumulative amount of the recipient's or subrecipient's unliquidated financial obligations and expenditures under the Federal award from the cumulative amount of funds the Federal agency or pass-through entity authorized the recipient or subrecipient to obligate.

* * * * *

■ 44. In § 200.101, revise paragraphs (b)(3)(ii), (b)(4), (b)(5)(i), (c)(2), (d), and (f) introductory text to read as follows:

§ 200.101 Applicability.

* * * * *

(b) * * *

(3) * * *

(ii) Section 200.216 (Prohibition of certain equipment, services, and systems) applies to loans and grants (see Pub. L. 115–232, Div. A, Title VIII, sec. 889, as amended); and

* * * * *

(4) Subpart E (Cost Principles) applies to grants and cooperative agreements, but does not apply to the following:

(i) Food commodities provided through grants and cooperative agreements;

(ii) Agreements for loans, loan guarantees, interest subsidies, and insurance; and

(iii) Federal awards to hospitals (see Appendix IX—Hospital Cost Principles).

(5) * * *

(i) Grants and cooperative agreements;

* * * * *

(c) * * *

(2) *Cost-reimbursement contract under the FAR awarded to a non-Federal entity.* When a non-Federal entity is awarded a cost-reimbursement contract under the FAR, only subpart D, §§ 200.331 through 200.333, and subparts E and F are applicable. See 48 CFR 16.301–2.

* * * * *

(d) *Governing provisions in cases of conflict*—(1) *Statutory conflicts.* With the exception of subpart F, which is required by the Single Audit Act, Federal statutes govern in any circumstances where they conflict with the provisions of this part. For agreements with Indian Tribes, this includes the provisions of the Indian Self-Determination and Education and Assistance Act (ISDEAA), as amended (see 25 U.S.C. 5301–5423).

(2) *Regulatory conflicts.* In the case of a Federal regulation that conflicts with the provisions of this part but that is not required by a Federal statute, once a Federal agency has issued regulations adopting the OMB regulations in this part, the following provisions of this part will govern in any circumstances where they conflict with the other regulatory provision: all sections in subpart F and § 200.340 in subpart D. See also § 200.106(a) regarding the process for issuing codified exceptions under this title. For other non-statutory conflicts involving a policy in a Federal regulation, once a Federal agency has issued regulations adopting the OMB regulations in this part, the Federal agency should apply the Government-wide policies in this part to the greatest extent permitted by law. If a Federal agency is aware of regulatory conflicts

that could potentially affect activities under a Federal program or Federal award, the agency should clarify which provisions govern in funding opportunities and Federal award documents. Unless prohibited by statute, as a default presumption, a Federal agency should generally apply the government-wide policies in this part if it can do so consistent with law. Federal agencies should work to resolve any such regulatory conflicts consistent with their rulemaking authorities; applicable provisions of this part, such as §§ 200.102, 200.106, and 200.110; or both.

* * * * *

(f) *Additional program applicability.* Except for §§ 200.203 and 200.216, the regulation in subpart C does not apply to the following programs:

* * * * *

■ 45. In § 200.102, revise paragraphs (b) and (c) to read as follows:

§ 200.102 Exceptions.

* * * * *

(b) *Statutory and regulatory exceptions.* Except for subpart F of this part, and subject to § 200.101(d), a Federal agency may adjust requirements applicable to a class of Federal awards, recipients, or subrecipients when required by Federal statutes or regulations. Except for provisions in subpart F, when a Federal statute requires exceptions to requirements of this part for a class of Federal awards, recipients, or subrecipients, a Federal agency does not need OMB approval to allow those exceptions. See also § 200.106.

(c) *Federal agency exceptions.* Federal agencies may allow exceptions to requirements of this part on a case-by-case basis for individual Federal awards, recipients, or subrecipients, except when the exceptions are prohibited by law or other approval is expressly required by this part. See, for example, § 200.340. Only the cognizant agency for indirect costs may authorize exceptions related to cost allocation plans or indirect cost rate proposals.

■ 46. Revise § 200.106 to read as follows:

§ 200.106 Agency implementation and responsibilities.

(a) *Agency implementation of this part.* The specific requirements and responsibilities of Federal agencies, non-Federal entities, recipients, and subrecipients are set forth in this part. Federal agencies making Federal awards to non-Federal entities must implement the language in subparts A through F of this part in codified regulations unless different provisions are required by Federal statute or are approved by OMB.

(b) *Agency responsibilities.* Through adoption of this part in codified regulations, unless different provisions are required by Federal statute or are approved by OMB, Federal agencies are responsible for implementing:

(1) The language in subparts A through F of this part; and

(2) Other applicable requirements for Federal awards in parts 25, 170, 175, 180, 182, 183, and 184 of chapter I of this subtitle.

■ 47. Revise § 200.108 to read as follows:

§ 200.108 Inquiries.

Inquiries from Federal agencies concerning this part may be directed to OMB. Inquiries from recipients or subrecipients should be addressed to the Federal agency, the cognizant agency for indirect costs, the cognizant agency for audit, or the pass-through entity, as appropriate.

■ 48. In § 200.110, revise paragraph (a) to read as follows:

§ 200.110 Effective date.

(a) The Government-wide standards set forth in this part affecting the administration of Federal awards by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this part becomes final. Thus, once Federal agencies have issued regulations in subtitle B of this title adopting the OMB regulations in this part, the process for future updates of regulations in subtitle B will be complete each time OMB issues a final rule amending this part. If required by Federal statute or otherwise approved by OMB, Federal agencies remain permitted to amend their regulations in subtitle B to make agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures in this part. See § 200.106(a).

* * * * *

■ 49. Revise § 200.111 to read as follows:

§ 200.111 English language.

All Federal financial assistance announcements, applications, and Federal award information must be in the English language and must be in terms of U.S. dollars.

■ 50. Revise § 200.112 to read as follows:

§ 200.112 Conflict of interest.

Federal agencies must establish conflict of interest policies for Federal awards. A recipient or subrecipient must disclose in writing any potential conflict of interest to the Federal agency or pass-through entity in accordance with the established Federal agency policies. A recipient or subrecipient must also disclose whether any employees who worked on an application for, or proposal in support of, a resulting Federal award, or are anticipated to work on activities under the Federal award, were employed by the awarding Federal agency during the preceding two years prior to application submission. This disclosure must be provided to agencies for informational purposes.

■ 51. Revise § 200.113 to read as follows:

§ 200.113 Mandatory disclosures.

An applicant, recipient, or subrecipient of a Federal award must promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in title 18 of the United States Code or a violation of the Federal civil False Claims Act (31 U.S.C. 3729–3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity (if applicable). Recipients and subrecipients are also required to report matters related to recipient integrity and performance in accordance with appendix XII to this part. Failure to make required disclosures can result in any of the administrative actions described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3354, and 41 U.S.C. 2313.) Any such disclosures made to the agency's office of Inspector General must be transmitted to the United States Attorney's Office for the District of Columbia within ten days of receipt.

■ 52. Revise § 200.201 to read as follows:

§ 200.201 Use of grants, cooperative agreements, and contracts.

(a) *Federal awards.* The Federal agency must decide on the appropriate type of agreement for a Federal award (for example, a grant, cooperative agreement, or contract) in accordance with this regulation. See the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301–6309). See § 200.332 for information applicable to pass-through entities.

(b) *Fixed amount awards.* Fixed amount awards are not permitted unless otherwise authorized by Federal statute. The term *fixed amount award* means a type of grant or cooperative agreement in which the Federal agency or pass-

through entity provides a specific amount of funding without regard to actual costs incurred under the Federal award. See also § 200.333 regarding fixed amount subawards, which also are not permitted.

■ 53. In § 200.202:

■ a. Revise paragraphs (a) introductory text, (a)(1), and (b); and

■ b. Add paragraphs (c) through (g).

The revisions and additions read as follows:

§ 200.202 Program planning and design.

(a) *Elements of program design.* The Federal agency must design a Federal program and create an Assistance Listing before announcing the Notice of Funding Opportunity. A Federal program must be designed:

(1) With clear goals and objectives that:

(i) Aim to achieve meaningful results;

(ii) Are consistent with the public purpose of the program as authorized by law; and

(iii) Align with administration policies and priorities;

* * * * *

(b) *Other considerations.* Federal agencies should develop Federal programs in consultation with communities benefiting from or impacted by the program. In addition, Federal agencies should consider available data, evidence, and evaluation results from past programs and make every effort to extend eligibility requirements to all potential applicants. Federal agencies are encouraged to coordinate with other agencies during program planning and design, particularly when the goals and objectives of a program or project align with those of other agencies.

(c) *Limitations on authorized use of Federal program funds.* Federal agencies must develop Federal programs and implement activities under those programs in a manner that ensures compliance with all applicable restrictions on the use of Federal funds, including ensuring that Federal program funds are only used for public purposes of support authorized by law. For example, Federal agencies must ensure that Federal program funds are not used to promote, subsidize, or support political activities or initiatives unrelated to authorized public purposes, such as political advocacy, lobbying, or any attempt to influence legislation, elections, or government officials. Federal programs should be developed to avoid even the appearance of supporting such prohibited activities to ensure that all activities performed under Federal awards are authorized by law.

(d) *Eligibility of nonprofit organizations.* To the extent permitted by law, when a Federal agency determines it is necessary to restrict eligibility among different types of nonprofit organizations, the notice of funding opportunity must specify the applicable Internal Revenue Code designation for eligible nonprofit organizations (for example, 501(c)(3) organizations) and expressly state that other types of nonprofit organizations not specifically identified are ineligible (for example, 501(c)(4) organizations). When eligibility is restricted among different types of nonprofit organizations, the Federal agency is not required to list every type of ineligible organization, but should ensure that eligibility information is sufficiently clear for prospective applicants. Federal agencies should consider exercising such discretion when warranted by statute, program objectives, or risk considerations.

(e) *Eligibility of entities for research and development awards.* (1) To the extent permitted by law, Federal awards for research and development must be made to entities that are organized under the laws of the United States, a State, or Tribal government. Federal agencies may not issue Federal awards for research and development to foreign entities except where expressly authorized by statute or where a compelling interest exists for the agency's mission, the administration's priorities, and for the United States, as determined by the agency's senior appointee.

(2) When designing research and development programs, and evaluating applications, Federal agencies must apply a domestic-first framework, under which international elements may be included only if the Federal agency determines that such elements are justified, consistent with program objectives, and in the national interest of the United States.

(3) Federal agencies should consider, as applicable, the following factors when determining whether an international element is warranted:

(i) The extent to which the proposed international element is necessary to achieve the scientific or technical objectives of the project and is integral to the scientific rationale of the program.

(ii) The extent to which the international element provides access to unique expertise, facilities, data, study populations, environmental conditions, or other resources that are not reasonably available within the United States.

(iii) The likelihood that the proposed international element will enhance the scientific enterprise of the United States, including through the development of new knowledge, methodologies, technologies, or collaborative networks that can be applied domestically.

(iv) The adequacy of the facilities, equipment, personnel, and administrative capacity at the international site, or of any foreign entities that would perform work, to carry out the proposed scope of work under the Federal award at a level comparable to that of a domestic recipient performing similar activities.

(4) Nothing in this paragraph (e) prohibits the participation of foreign entities as subrecipients or contractors under a research and development award made to an eligible U.S. entity.

(5) For the purposes of this section, international elements may include performance of activities under the Federal award outside of the United States or by a foreign entity.

(f) *Multi-year awards.* When consistent with program objectives, and subject to restrictions in law, Federal agencies are encouraged to design Federal programs to allow for multi-year awards with budget periods longer than one year, rather than issuing separate notices of funding opportunities on an annual basis. Such Federal awards must be designed to comply with all applicable funding limitations and must not be administered in a manner that would result in a violation of the Antideficiency Act.

(g) *Awards for scientific research.* Federal agencies that issue Federal financial assistance for scientific research must categorize those awards as basic research, applied research, and experimental development consistent with the definitions in OMB Circular A–11. This categorization must be communicated to the recipient and included in the terms and conditions of the Federal award. See § 200.211(d).

■ 54. Revise § 200.204 to read as follows:

§ 200.204 Notices of funding opportunities.

(a) *In general.* The Federal agency must publicly announce funding opportunities for all discretionary awards. As appropriate and consistent with authorizing law, funding opportunities may allow for open competition, limited competition, or selection on a non-competitive basis. See the definition of *discretionary award* in § 200.1. In developing notices of funding opportunities (NOFOs) for

discretionary awards, Federal agencies must:

(1) Post the NOFO on *Grants.gov*. A Federal agency head (or designee) may approve exceptions to this requirement when the agency determines that publicly announcing an opportunity would pose a risk to national security or is in the national interest of the United States. The Federal agency may either post the entire notice or a link to the entire notice;

(2) Require applicants to apply using *Grants.gov*, unless a program specific exception is expressly authorized by Federal statute or approved by the Federal agency head (or designee);

(3) Write the NOFO in plain language. The Federal agency must make efforts to limit the length and complexity of the NOFO and only include the information necessary for the effective communication of the program objectives. The Federal agency must not require the applicant to employ technical or legal consultants to complete an application in response to the NOFO. A NOFO should be drafted to reasonably allow for all applicants to compete and succeed against institutions that have historically received consecutive awards in prior years;

(4) Follow the policy in § 200.111; and

(5) Make every effort to identify all eligible applicants in the notice.

(b) *Pre-application technical assistance.* Federal agencies may offer pre-application technical assistance or provide clarifying information for funding opportunities. However, Federal agencies must ensure these resources are made accessible and widely available to all potential applicants (for example, by posting answers to questions and requests on *Grants.gov*).

(c) *Statement of Interest (SOI).* When a Federal agency anticipates receiving a large volume of applications, or where proposals are expected to be long and complex, the agency is strongly encouraged to request a Statement of Interest (SOI) as part of the notice of funding opportunity. A SOI is a short pre-application submission, typically no more than a few pages, that allows applicants to summarize their project concept, objectives, and anticipated approach. Following submission of SOIs, the Federal agency must review SOI proposals in accordance with § 200.205 to determine which applicants will be invited to submit full proposals. When utilizing a SOI process, Federal agencies must not compare any SOI submission against a full proposal, and may only review full proposals from applicants that are invited to submit a full proposal based on their SOI. The purpose of an SOI is to reduce burden on applicants by avoiding the preparation of lengthy proposals while also assisting Federal agencies in identifying the most competitive applicants early in the process.

(d) *Summary information in notices of funding opportunities.* The Federal agency must display the following information on *Grants.gov* or other system authorized by Federal statute or approved by the Federal agency head (or designee), in a location preceding the full text of the announcement:

(1) Federal Agency Name;

(2) Funding Opportunity Title;

(3) Announcement Type (whether the funding opportunity is the initial announcement or a modification of a previously announced opportunity);

(4) Funding Opportunity Number (required, if the Federal agency has assigned a number to the funding opportunity announcement);

(5) Assistance Listing Number(s);

(6) Funding Details. To the extent appropriate, the total amount of funding that the Federal agency expects to award, the anticipated number of awards, and the expected dollar values of individual awards, which may be a range or average;

(7) Key Dates. Key dates include due dates for submitting applications or Executive Order 12372 submissions, as well as for any letters of intent or SOI submissions. For any announcement issued before a program's application materials are available, key dates also include the date on which those materials will be released; and any other additional information, as deemed applicable by the Federal agency. For opportunities that require the submission of a SOI, the Federal agency must provide a date by which it will inform selected applicants to submit a full proposal. For all opportunities, if possible, the Federal agency should provide an anticipated award date. If the notice of funding opportunity states that applications will be evaluated on a ''rolling'' basis (that is, at different points during a specified period of time), the Federal agency should provide an estimate of the time needed to process an application and notify the applicant of the Federal agency's decision;

(8) Executive Summary. A brief description that is written in plain language and summarizes the goals and objectives of the program, the target audience, and eligible applicants. The text of the executive summary must not exceed 500 words, unless authorized by the head of the Federal agency (or their designee); and

(9) Agency contact information.

(e) *Availability period.* The Federal agency should make all funding opportunities available for application for at least 60 calendar days. However, the Federal agency may modify the availability period of an opportunity if needed. For example, extending the period may be necessary to provide technical assistance to an applicant pool that was not anticipated when the announcement was made or has less experience with applying for Federal financial assistance. The Federal agency may also determine that an availability period of less than 60 days is sufficient for a particular funding opportunity. However, no funding opportunity will be available for less than 30 calendar days unless the Federal agency determines that exigent circumstances justify this and includes this justification in the funding opportunity.

(f) *Full text of notices of funding opportunities.* (1) The Federal agency must include the information in appendix I for every NOFO. (2) Federal agencies must write NOFOs in plain language. To the extent possible Federal agencies must streamline opportunities to make them accessible, particularly for funding opportunities that are new, or intended to reach inexperienced applicants. Federal agencies, when feasible, should strive to ensure that NOFOs are accessible to a broad range of applicants, including those that have not previously received Federal awards. OMB will periodically analyze recipients of Federal awards. Federal agencies may be required to submit a report to OMB detailing the specific recipients or types of recipients that received Federal awards from the Federal agency over a specific time period.

(3) To reduce application burden, Federal agencies should consider whether programmatic or administrative requirements specific to the agency, program, or funding opportunity must be met at the time of application or as a requirement of receiving a Federal award.

■ 55. Revise § 200.205 to read as follows:

§ 200.205 Federal agency merit review of proposals.

(a) *In general.* Unless prohibited by Federal statute, the Federal agency must design and execute a merit review process of applications for all discretionary awards. See the definition of *discretionary award* in § 200.1. The objective of a merit review process is to select recipients most likely to be

successful in delivering results based on the program objectives as outlined in § 200.202. A merit review is an objective process of evaluating Federal award applications in accordance with the written standards of the Federal agency. These standards should identify the number of people the agency requires to participate in the merit review process. The merit review process explained in this section, including the pre-issuance review described in paragraph (b) of this section, must be described or incorporated by reference in the applicable NOFO. The pre-issuance review described in paragraph (b) may form the basis of a decision not to select an applicant to receive a Federal award. See § 200.204 and appendix I to this part. The Federal agency must also periodically review its merit review process.

(b) *Pre-issuance review.* As part of the merit review process, Federal agencies must perform pre-issuance reviews to ensure that Federal award proposals selected for funding are consistent with applicable law, Federal agency priorities, and the national interest. In doing so, Federal agencies heads must designate one or more senior appointees to conduct a pre-issuance review of all discretionary awards. As part of this pre-issuance review for discretionary awards, senior appointees (or their designee) must, as relevant and to the extent consistent with applicable law, apply the following principles when reviewing Federal award proposals:

(1) Discretionary awards must, where applicable, demonstrably advance the President's policy priorities.

(2) Discretionary awards must not be used to fund, promote, encourage, subsidize, or facilitate:

(i) Racial preferences or other forms of racial discrimination by the recipient, including activities where race or intentional proxies for race will be used as a selection criterion for employment or program participation;

(ii) Denial by the recipient of the sex binary in humans or the notion that sex is a chosen or mutable characteristic;

(iii) Illegal immigration; or

(iv) Any other initiatives that compromise public safety or promote anti-American values.

(3) All else being equal, preference for discretionary awards should be given to institutions with lower indirect cost rates.

(4) Discretionary awards should be given to a broad range of recipients. Research grants should be awarded to a mix of recipients likely to produce immediately demonstrable results and recipients with the potential for potentially longer-term, breakthrough results, in a manner consistent with the notice of funding opportunity.

(5) In performing activities under Federal awards, applicants should commit to complying with administration policies, procedures, and guidance respecting Gold Standard Science.

(6) Discretionary awards should include benchmarks for measuring success and progress towards relevant goals and, as relevant for awards pertaining to scientific research, a commitment to achieving Gold Standard Science. See also § 200.202(a).

(7) To the extent institutional affiliation is considered in making discretionary awards, agencies should prioritize an institution's commitment to rigorous, reproducible scholarship over its historical reputation or perceived prestige. For science grants, agencies should prioritize institutions that have demonstrated success in implementing Gold Standard Science.

(8) See also §§ 200.202(c) and 200.300.

(c) *Procedure for pre-issuance review.* When conducting a pre-issuance review, senior appointees (or their designee) must not ministerially ratify or routinely defer to the recommendations of others, but must instead use their independent judgment when evaluating Federal award proposals.

(d) *Use of peer review.* Nothing in this part must be construed to discourage or prevent the use of peer review methods to evaluate proposals for discretionary awards or otherwise inform agency decision making, provided that peer review recommendations remain advisory and are not ministerially ratified, routinely deferred to, or otherwise treated as de facto binding by senior appointees or their designees. Further, nothing in this part must be construed to create any rights to any particular level of review or consideration for any funding applicant except as consistent with applicable law.

(e) *Agency discretion to reissue funding opportunities.* A Federal agency is not required to issue a discretionary award as a result of a NOFO if doing so would fund low-quality proposals or be inconsistent with the principles of this part. The agency may, at its discretion, repost a funding opportunity.

■ 56. In § 200.206, revise paragraphs (b) and (d) to read as follows:

§ 200.206 Federal agency review of risk posed by applicants.

* * * * *

(b) *Risk assessment*—(1) *In general.* The Federal agency must establish and maintain policies and procedures for conducting a risk assessment to evaluate the risks posed by applicants before issuing Federal awards. This assessment helps identify risks that may affect the advancement toward or the achievement of a project's goals and objectives. Risk assessments assist Federal managers in determining appropriate resources and time to devote to project oversight and monitor recipient progress. This assessment should be conducted no earlier than 30 days before the award decision and may incorporate elements such as the quality of the application, award amount, risk associated with the program, cybersecurity, and fraud risks. If the Federal agency determines that the Federal award will be made, specific conditions that address the assessed risk may be implemented in the Federal award. The risk criteria to be evaluated must be described in the announcement of the funding opportunity described in § 200.204.

(2) *Items for consideration.* In evaluating risks posed by applicants, the Federal agency should consider the following items:

(i) *Financial stability.* The applicant's record of effectively managing financial risks, assets, and resources;

(ii) *Financial capacity.* The applicant's ability to manage and oversee high-dollar awards, especially those that are in excess of awards the applicant typically implements, as determined by the Federal agency;

(iii) *Management systems and standards.* Quality of management systems and ability to meet the management standards prescribed in this part;

(iv) *History of performance.* The applicant's record of managing previous and current Federal awards, including compliance with reporting requirements and conformance to the terms and conditions of Federal awards. If prior performance is considered, it should be evaluated solely on the outcomes of prior work, with both positive and negative outcomes measured against the goals of the funding opportunity and given equal weight, if applicable;

(v) *Audit reports and findings.* Reports and findings from audits performed under subpart F of this part or the reports and findings of any other available audits, if applicable;

(vi) *Ability to effectively implement requirements.* The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on recipients of Federal awards;

(vii) *History of questionable practices.* Based on publicly available and verifiable information, the applicant's record of:

(A) Plagiarism in studies or papers published by the applicant or its staff;

(B) Discredited or non-replicable studies published by the applicant or its staff;

(C) Engaging in activities or initiatives that are inconsistent with Federal civil rights laws, including the equal protection principles of the U.S. Constitution and prohibitions against unlawful discrimination; or

(D) Engaging in activities or initiatives that are inconsistent with religious liberty laws.

(viii) *Memberships and affiliations.* Based on publicly available and verifiable information, the applicant's membership in or affiliation with organizations engaged in activities that violate Federal law, undermine public safety or national security, or advocate for the overthrow of the United States Government; and

(ix) *Foreign gift and contract reporting.* As applicable, the applicant's compliance with foreign gift and contract disclosure requirements under section 117 of the Higher Education Act of 1965 (Pub. L. 89–329, as amended, codified at 20 U.S.C. 1011f).

* * * * *

(d) *Suspension and debarment compliance.* The Federal agency must comply with the Government-wide suspension and debarment regulation in 2 CFR part 180 and individual Federal agency suspension and debarment requirements in title 2 of the Code of Federal Regulations. Federal agencies must also require recipients to comply with these requirements. These requirements restrict making Federal awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from receiving Federal awards or participating in Federal awards.

■ 57. In § 200.207, add paragraph (c) to read as follows:

§ 200.207 Standard application requirements.

* * * * *

(c) *Reducing administrative and regulatory burden.* Federal agencies that issue Federal financial assistance must periodically review programmatic and administrative requirements specific to the agency, program, or award(s) to determine whether such requirements are unnecessary and not required by this part or applicable law. Federal agencies should update OMB annually on any such requirements that have been removed.

■ 58. Revise § 200.208 to read as follows:

§ 200.208 Specific conditions.

(a) *In general.* Federal agencies are responsible for ensuring that specific Federal award conditions and performance expectations for Federal awards are consistent with the program design (see §§ 200.202 and 200.301).

(b) *Adjustment of specific conditions.* (1) To the extent permitted by law, based on consideration of the factors listed in paragraph (c) of this section, the Federal agency may:

(i) Add specific conditions when a Federal award is made; and,

(ii) Add or remove specific conditions throughout the period of performance.

(2) The addition or removal of specific conditions for existing Federal awards based on consideration of the factors listed in paragraph (c) of this section must occur within 15 calendar days after the Federal agency's determination to adjust the conditions. Specific conditions not based on factors in paragraph (c) may be added or removed during the period of performance only with the agreement of the recipient.

(c) *Factors for consideration.* The Federal agency or pass-through entity may adjust specific conditions in the Federal award based on an analysis of the following factors:

(1) Review of OMB-designated repositories of Government-wide data (for example, *SAM.gov*) or review of its risk assessment (see § 200.206);

(2) The recipient's or subrecipient's history of compliance with the terms and conditions of Federal awards, including the Federal award the Federal agency is adjusting (see also § 200.339);

(3) The recipient's or subrecipient's ability to meet expected performance goals as described in § 200.211; or

(4) A determination of whether a recipient or subrecipient has inadequate financial capability to perform the Federal award.

(d) *Examples of specific conditions.* Specific conditions may include the following:

(1) Requiring payments as reimbursements rather than advance payments;

(2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance;

(3) Requiring additional or more detailed financial reports, which may include requiring information on payments to subrecipients, contractors and vendors;

(4) Requiring additional project monitoring, which may include financial integrity-related site visits with the goal of improving the financial integrity of the program or recipient organization;

(5) Requiring the recipient or subrecipient to obtain technical or management assistance; or

(6) Establishing additional prior approvals.

(e) *Notification.* Prior to imposing specific conditions, the Federal agency or pass-through entity must notify the recipient or subrecipient as to:

(1) The nature of the specific condition(s);

(2) The reason why the specific condition(s) is being imposed;

(3) The nature of the action needed to remove the specific condition(s);

(4) The time allowed for completing the actions; and

(5) The method for requesting the Federal agency or pass-through entity to reconsider imposing a specific condition.

(f) *Program-level specific conditions.* Notwithstanding any other provision of this section, the Federal agency may include program-level specific Federal award conditions, including any of the specific conditions described in paragraph (d) of this section, in any Federal award made under a Federal program that the Federal agency determines presents elevated programmatic risk related to program administration, program oversight, or effective monitoring of the use or expenditure of Federal funds by recipients or subrecipients. Federal agencies are responsible for ensuring that program-level specific Federal award conditions and performance expectations are consistent with the program design (see §§ 200.202 and 200.301) and applicable law. The Federal agency may remove program-level specific conditions if it determines that the Federal program no longer presents elevated programmatic risk.

■ 59. In § 200.211:

■ a. Revise paragraphs (b)(15) and (16) and (c)(1)(v);

■ b. Remove paragraph (c)(3); and

■ c. Redesignate paragraph (c)(4) as paragraph (c)(3).

The revisions read as follows:

§ 200.211 Information contained in a Federal award.

* * * * *

(b) * * *

(15) Identification of whether the Award is Research and Development (R&D) (see also § 200.202(g)); and

(16) Indirect cost rate for the Federal award (including if the de minimis rate is charged per § 200.414).

(c) * * *

(1) * * *

(v) *Termination provisions.* Federal agencies must inform recipients of the termination provisions in § 200.340.

Except as provided in § 200.340(b), the Federal agency must always include the termination provisions set forth in § 200.340(a)(1) through (4) in each Federal award or expressly incorporate them by reference. Pursuant to § 200.340(a)(5), if applicable, the Federal agency must also inform recipients of any additional termination provisions that apply to a Federal award, including any applicable termination provisions in the Federal agency's regulations. Subject to the limitations in § 200.340(b), such additional provisions must not limit the right of the Federal agency to terminate for any of the reasons in § 200.340(a)(1) through (4).

* * * * *

■ 60. In § 200.213, revise paragraph (e) to read as follows:

§ 200.213 Reporting a determination that an applicant is not qualified for a Federal award.

* * * * *

(e) Federal agencies must not post any information that will be made publicly available in the non-public segment of the responsibility and qualification records that is covered by a disclosure exemption under the Freedom of Information Act. If a recipient asserts within seven calendar days to a Federal agency that some or all of the publicly available information is covered by a disclosure exemption under the Freedom of Information Act (5 U.S.C. 552), the Federal agency that posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

■ 61. Revise § 200.215 to read as follows:

§ 200.215 Never contract with the enemy.

Federal agencies, recipients, and subrecipients are subject to the regulation implementing Never Contract with the Enemy in 2 CFR part 183. The regulation in 2 CFR part 183 affects covered contracts, grants, and cooperative agreements that are expected to exceed $50,000 during the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

■ 62. Revise § 200.216 to read as follows:

§ 200.216 Prohibition of certain equipment, services, and systems.

(a) *Prohibition of certain telecommunications and video surveillance equipment or services.* Pursuant to section 889 of Public Law 115–232, the following prohibition applies to certain telecommunications and video surveillance equipment or services.

(1) *General prohibition.* Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

(i) Procure or obtain prohibited telecommunications equipment or services;

(ii) Extend or renew a contract to procure or obtain prohibited telecommunications equipment or services; or

(iii) Enter into a contract (or extend or renew a contract) to procure or obtain prohibited telecommunications equipment or services.

(2) *Definition of prohibited telecommunications equipment or services.* As described in section 889 of Public Law 115–232, prohibited telecommunications equipment or services (referred to in the statute as ''covered telecommunications equipment or services'') means any of the following:

(i) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

(ii) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

(iii) Telecommunications or video surveillance services provided by such entities or using such equipment; and

(iv) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country, as defined in section 889 of Public Law 115–232.

(3) *Inclusion in definition of prohibited telecommunications equipment or services.* For the purposes of this section, ''covered telecommunications equipment or services'' also include systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(4) *Certification.* When the recipient or subrecipient accepts a loan or grant, it is certifying that it will comply with the prohibition on prohibited telecommunications equipment and services in this section. The recipient or subrecipient is not required to certify that funds will not be expended on prohibited telecommunications equipment or services beyond the certification provided upon accepting the loan or grant and those provided upon submitting payment requests and financial reports.

(5) *Additional information.* For additional information, see section 889 of Public Law 115–232 and § 200.471.

(b) *Prohibition of procurement and operation of prohibited unmanned aircraft systems.* Pursuant to section 1825 of the American Security Drone Act of 2023 (Pub. L. 118–31), on or after December 22, 2025, the following prohibition restricts the extent to which funds provided through a Federal grant or cooperative agreement, or otherwise made available, may be used by a recipient or subrecipient for procurement and operation of Federal Acquisition Security Council (FASC)-prohibited unmanned aircraft systems. This prohibition applies to all Federal awards, regardless of whether the FASC-prohibited unmanned aircraft system to be acquired or operated will process, store, or transmit Federal information.

(1) *Definitions.* The terms ''FASC-prohibited unmanned aircraft system'' and ''unmanned aircraft system'' have the definitions provided in 48 CFR 40.201.

(2) *General prohibition.* On or after December 22, 2025, except as provided in paragraphs (b)(3) through (6) of this section, no Federal funds awarded through a grant or cooperative agreement, or otherwise made available, may be used by a recipient or subrecipient:

(i) To procure a FASC-prohibited unmanned aircraft system; or

(ii) In connection with the operation of such a FASC-prohibited unmanned aircraft system.

(3) *Department of Homeland Security, Department of Defense, Department of State, and the Department of Justice exemptions.* (i) The Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, and the Attorney General are exempt from the restriction under paragraph (b)(2) of this section if the procurement or operation

is required in the national interest of the United States and:

(A) Is for the sole purposes of research, evaluation, training, testing, or analysis for electronic warfare, information warfare operations, cybersecurity, or development of unmanned aircraft system or counter-unmanned aircraft system technology;

(B) Is for the sole purposes of conducting counterterrorism or counterintelligence activities, protective missions, or Federal criminal or national security investigations, including forensic examinations, or for electronic warfare, information warfare operations, cybersecurity, or development of an unmanned aircraft system or counter-unmanned aircraft system technology; or

(C) Is an unmanned aircraft system that, as procured or as modified after procurement but before operational use, can no longer transfer to, or download data from, a covered foreign entity and otherwise poses no national security cybersecurity risks as determined by the exempting official.

(ii) The Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, and the Attorney General must notify OMB within five calendar days of issuing an award with exemptions to paragraph (b)(3)(i) of this section).

(4) *Department of Transportation exemption.* The Secretary of Transportation is exempt from the restriction under paragraph (b)(2) of this section if the operation or procurement is deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, including activities carried out under the Federal Aviation Administration's Alliance for System Safety of UAS through Research Excellence (ASSURE) Center of Excellence (COE) and any other activity deemed to support the safe, secure, or efficient operation of the National Airspace System or maintenance of public safety, as determined by the Secretary or the Secretary's designee.

(5) *National Oceanic and Atmospheric Administration (NOAA) exemption.* The Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, is exempt from the restriction under paragraph (b)(2) of this section if the operation or procurement is necessary for the purpose of meeting NOAA's science or management objectives or operational mission.

(6) *Waivers.* The head of a Federal agency may waive the prohibition under paragraph (b)(2) of this section on a case-by-case basis:

(i) With the approval of the Director of the Office of Management and Budget, after consultation with the Federal Acquisition Security Council; and

(ii) Upon notification to:

(A) The Committee on Homeland Security and Governmental Affairs of the Senate;

(B) The Committee on Oversight and Accountability in the House of Representatives; and

(C) Other appropriate congressional committees of jurisdiction.

■ 63. Add § 200.218 to read as follows:

§ 200.218 Prohibition of using Federal awards to promote or support theories of disparate-impact liability.

(a) *General prohibition.* To the maximum extent permitted by law, Federal agencies must eliminate the use of disparate-impact liability in all contexts relevant to Federal awards. Disparate-impact liability imperils the effectiveness of civil rights laws by mandating, rather than proscribing, discrimination.

(b) *Federal agency and pass-through entity responsibilities.* To the maximum extent permitted by law, to avoid violating the Constitution and Federal civil rights laws, the Federal agency or pass-through entity must:

(1) Ensure that Federal awards are administered in a way that does not promote or support the use of disparate-impact liability. This includes ensuring, unless expressly required by law, that Federal awards are not used in support of disparate-impact studies, disparate-impact litigation, or other related activities; and that Federal award activities based on the assumed risk of disparate-impact liability are not allowed;

(2) Not adopt, issue, or enforce terms and conditions, guidance, or other policies and procedures related to Federal financial assistance that promote, support, or otherwise include the use of disparate-impact liability; and

(3) Review terms and conditions, guidance, and other policies and procedures related to Federal financial assistance to ensure alignment with this paragraph (b).

(c) *Recipient and subrecipient responsibilities.* To the maximum extent permitted by law, to avoid violating the Constitution and Federal civil rights laws, recipients and subrecipients must:

(1) Not adopt, issue, or enforce disparate-impact liability standards in administering programs or activities supported by a Federal award; and

(2) Review their policies and procedures related to Federal financial assistance to ensure alignment with this paragraph (c).

(d) *Exception for analysis for internal use.* Nothing in this section prohibits a recipient or subrecipient from conducting statistical or demographic analysis for internal program evaluation, research, or other purposes, provided that Federal award funds are not used for conducting such analysis, and the results of such analysis are not used in connection with or applied to activities under the Federal award, such as:

(1) Treating individuals unequally based on federally protected characteristics, such as race or sex, regardless of individual strengths, effort, or achievement; or

(2) Adjusting activities or performance under the Federal award based on theories, or the assumed risk of, disparate-impact liability.

(e) *Definition of disparate-impact liability.* For the purposes of this section, *disparate-impact liability* means a theory under which a facially neutral policy or practice (for example, a merit-based employment policy or practice) gives rise to an automatic or near-insurmountable presumption of the existence of unlawful discrimination on the basis of federally protected characteristics (such as race or sex) where there are any differences or disparities in outcomes (for example, disproportionate effects) among different races, sexes, or similar groups. Under a theory of disparate-impact liability, this presumption would apply even if there is no facially discriminatory policy or practice, there is no discriminatory intent involved, and equal opportunity is provided. Discriminatory intent is irrelevant in a disparate-impact claim. Disparate-impact liability effectively mandates consideration of federally protected characteristics, such as race or sex, and incentivizes racial balancing, contrary to principles of equal treatment and merit-based opportunity.

■ 64. Add § 200.219 to read as follows:

§ 200.219 Prohibition of discriminatory event services.

(a) *Public entities.* Public entities that are a recipient or subrecipient of Federal financial assistance must not discriminate on the basis of the viewpoint, content, or subject matter of speech—including on the basis of political, ideological, or religious affiliation or perspective—in providing services for events, meetings, or other expressive activities. This paragraph (a) includes ensuring that, on the basis of the viewpoint, content, or subject matter of speech, the recipient or subrecipient does not:

(1) Deny, reduce, or otherwise modify services for events, meetings, or other expressive activities in a manner that is inconsistent with the level services or access ordinarily provided for events, meetings, or expressive activities of a similar type and size;

(2) Impose additional, inconsistent, or unreasonable fees, security costs, insurance requirements, related charges, or other administrative burdens; or

(3) Otherwise apply event or facility-use policies in a manner that has the purpose or effect of suppressing lawful expression of speech protected by the First Amendment.

(b) *Non-public entities.* To ensure that Federal funds are not used in a manner inconsistent with the First Amendment, the requirements of paragraph (a) of this section also apply to non-public entities to the extent that the relevant activities are within the scope of activities funded by a Federal award.

(c) *Scope.* (1) The prohibition in paragraph (a) of this section applies to events sponsored, hosted, or permitted by a recipient or subrecipient of Federal financial assistance on property or facilities it owns, leases, or otherwise controls.

(2) For purposes of this section, the term ''services'' includes security, crowd management, access to facilities, and other logistical or safety support ordinarily provided by the recipient or subrecipient for events of a similar type and size.

■ 65. Add § 200.220 to read as follows:

§ 200.220 Prohibition of using Federal funds for covered foreign collaborations.

(a) *General prohibition.* Except as provided in paragraph (c) of this section, Federal funds may not be obligated or expended by a recipient or subrecipient to support a bilateral or multilateral collaboration, agreement, program, or activity with a covered foreign country or covered foreign entity.

(b) *Scope.* The prohibition in paragraph (a) of this section applies regardless of whether Federal funds are used for direct programmatic activities, research, technical assistance, travel, or indirect costs allocable to such collaborations.

(c) *Exceptions.* A Federal agency may authorize an exception to this section when expressly authorized by Federal statute or the Federal agency head (or designee) determines that the activity does not pose a risk to national security and is in the national interest of the United States.

(d) *Definitions.* For purposes of this section:

(1) *Covered foreign country* means any country designated by statute, Executive order, or other Federal law as:

(i) A foreign adversary;

(ii) A country of particular concern; or

(iii) A country subject to sanctions or restrictions relating to national security, defense, or intelligence activities.

(2) *Covered foreign entity* means:

(i) An entity owned or controlled by, or acting on behalf of, a covered foreign country;

(ii) An entity identified as an ''entity of particular concern'' on a list maintained by a Federal agency pursuant to statute (including lists maintained under a National Defense Authorization Act or the International Emergency Economic Powers Act); or

(iii) An entity affiliated with the military, intelligence, or security services of a covered foreign country.

■ 66. Revise § 200.300 to read as follows:

§ 200.300 Statutory and national policy requirements.

(a) *In general.* The Federal agency or pass-through entity must manage and administer the Federal award to ensure that Federal funding is expended and associated programs are implemented in full accordance with the U.S. Constitution and applicable Federal statutes and regulations—including provisions protecting free speech and religious liberty, and those prohibiting discrimination—and the requirements of this part. Consistent with Federal law, this includes managing and administering the Federal award to ensure that no person otherwise eligible will be unlawfully excluded from participation in, unlawfully denied the benefits of, or otherwise subjected to unlawful discrimination in the administration of Federal programs, activities, projects, assistance, and services. The Federal agency or pass-through entity must communicate to a recipient or subrecipient all relevant requirements, including those contained in general appropriations provisions, and incorporate them directly or by reference in the terms and conditions of the Federal award and all subawards.

(b) *Limitations on authorized use of Federal award funds.* In administering Federal awards, to the maximum extent permitted by law, the Federal agency or pass-through entity must ensure that Federal awards and subawards are not used to fund, promote, encourage, subsidize, or facilitate:

(1) ''Diversity, equity, and inclusion'' (DEI) or ''diversity, equity, inclusion, and accessibility'' (DEIA) policies, principles, or practices that violate any applicable Federal anti-discrimination laws. This includes racial preferences or other forms of racial discrimination used by the recipient or subrecipient that violate any applicable Federal anti-discrimination laws, including activities where race or intentional proxies for race will be used as a selection criterion for employment or program participation. See also § 200.218;

(2) Gender ideology as defined in Executive Order 14168. Gender ideology includes theories or ideologies that deny the biological reality of sex or the sex binary in humans, or endorse or advocate for the notion that sex is a chosen or mutable characteristic; or

(3) The so-called ''transition'' of a child under 19 years of age from one sex to another, including the chemical and surgical mutilation of children. The term ''chemical and surgical mutilation'' has the meaning provided in Executive Order 14187.

(c) *Non-discrimination against faith-based organizations.* Federal agencies and pass-through entities may not discriminate against or in favor of an applicant on the basis of the organization's religious character, affiliation, exercise, or lack thereof, nor on the basis of conduct that would not be considered ground to favor or disfavor a similarly situated secular organization. Faith-based organizations are eligible to apply for Federal financial assistance on the same basis as any other eligible organization. Applicants that meet all eligibility requirements may be considered for a Federal award under a notice of funding opportunity.

■ 67. In § 200.303, revise paragraphs (a) and (e) and add paragraphs (f) and (g) to read as follows:

§ 200.303 Internal controls.

* * * * *

(a) Establish, document, and maintain effective internal control over the Federal award that provides reasonable assurance that the recipient or subrecipient is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.

* * * * *

(e) Take reasonable cybersecurity and other measures to safeguard information including personally identifiable information (PII), confidential business information, and other types of information subject to protections against disclosure under applicable law. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the recipient or subrecipient considers sensitive and is consistent with applicable Federal,

State, local, and tribal laws regarding privacy and responsibility over confidentiality.

(f) Participate in the Department of Homeland Security's E-verify program to confirm the employment eligibility of all employees and contractors hired in or performing work in the United States under a Federal award.

(1) Recipients and subrecipients must comply with all requirements of the E-verify program and applicable Federal law.

(2) If a recipient or subrecipient receives a Final Nonconfirmation (FNC) notice through E-verify, the recipient or subrecipient must submit this information to the Federal agency or pass-through entity. The recipient or subrecipient must also provide the Federal agency or pass-through entity with the FNC case verification number and confirm that the recipient or subrecipient has taken appropriate actions consistent with E-Verify program requirements. Failure to provide notice or take appropriate action may result in the termination of the Federal award.

(g) In carrying out the internal control requirements of this section, a non-Federal entity that is a State must, prior to the disbursement of payments made using Federal award funds subject to this part, review available data sources with relevant information to verify the eligibility of payees and prevent improper payments. Such reviews may be conducted through the Department of the Treasury's Do Not Pay (DNP) system, or through an alternative payment screening process that provides protection against improper payments. This requirement is in addition to, and does not replace, any program-specific eligibility verification or payment screening requirements applicable to a Federal award.

■ 68. In § 200.305:

■ a. Redesignate paragraphs (a) and (b) as paragraphs (b) and (d), respectively;

■ b. Add new paragraph (a) and paragraph (c); and

■ c. Revise newly redesignated (d) introductory text.

The additions and revision read as follows:

§ 200.305 Federal payment.

(a) *Treasury Do Not Pay (DNP) System Review and Verification.* Prior to the disbursement of any Federal payment under this part, the Federal agency must review available data sources with relevant information on the eligibility of the recipient included in the Department of the Treasury's Do Not Pay (DNP) System to verify eligibility and prevent improper payments.

* * * * *

(c) *Payment justifications for recipients and subrecipients other than States.* (1) In coordination with OMB and the Department of the Treasury, each Federal agency must use an information system for payments capable of recording a brief, written justification for each payment request. Federal agencies must require payment justifications as described in this paragraph (c) as soon as information systems with this capability become available.

(2) Payment requests under paragraph (d) of this section from a recipient to the Federal agency or a subrecipient to the pass-through entity must include a brief, written justification regardless of whether the payment is made in advance or to reimburse the recipient or subrecipient. The brief, written justification must include information on the activities or aspects of the Federal award that correspond to the payment request. For example, this may include project milestones, project activities, administrative activities, or other requirements that must be completed under the Federal award.

(d) *Payments for recipients and subrecipients other than States.* For recipients and subrecipients other than States, payment methods must minimize the time elapsing between the transfer of funds from the Federal agency or the pass-through entity and the disbursement of funds by the recipient or subrecipient regardless of whether the payment is made by electronic funds transfer or by other means. See § 200.302(b)(6). Except as noted in this part, the Federal agency must require recipients to use only OMB-approved, Government-wide information collections to request payment.

* * * * *

■ 69. Revise § 200.306 to read as follows:

§ 200.306 Cost sharing.

(a) *Criteria for cost sharing funds.* For all Federal awards, the Federal agency or pass-through entity must accept any cost sharing funds (including cash and third-party in-kind contributions, and also including funds committed by the recipient, subrecipient, or third parties) as part of the recipient's or subrecipient's contributions to a program when the funds:

(1) Are verifiable in the recipient's or subrecipient's records;

(2) Are not included as contributions for any other Federal award;

(3) Are necessary and reasonable for achieving the objectives of the Federal award;

(4) Are allowable under subpart E of this part;

(5) Are not paid by the Federal Government under another Federal award, except where the program's Federal authorizing statute specifically provides that Federal funds made available for the program can be applied to cost sharing requirements of other Federal programs;

(6) Are provided for in the approved budget when required by the Federal agency; and

(7) Conform to other applicable provisions of this part.

(b) *Inclusion of unrecovered indirect costs.* Unrecovered indirect costs, including indirect costs on cost sharing, may be included as part of cost sharing with the prior approval of the Federal agency or pass-through entity. Unrecovered indirect costs means the difference between the amount charged to the Federal award and the amount which could have been charged to the Federal award under the recipient's or subrecipient's approved indirect cost rate.

(c) *Valuation for contribution of services.* Values for recipient or subrecipient contributions of services and property must be established in accordance with the cost principles in subpart E of this part. When a Federal agency or pass-through entity authorizes the recipient or subrecipient to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing must be the lesser of paragraph (c)(1) or (2) of this section.

(1) The value of the remaining life of the property recorded in the recipient's or subrecipient's accounting records at the time of donation.

(2) The current fair market value. However, when there is sufficient justification, the Federal agency or pass-through may approve using the current fair market value of the donated property, even if it exceeds the value described in paragraph (c)(1) of this section at the time of donation.

(d) *Volunteer services by third-parties.* Volunteer services furnished by third-party professional and technical personnel, consultants, and other labor may be counted as cost sharing if the service is necessary for the program. Rates for third-party volunteer services must be consistent with those paid for similar work by the recipient or subrecipient. When the required skills are not found in the recipient's or subrecipient's workforce, rates must be

consistent with those paid for similar work in the labor market where the recipient or subrecipient competes for the services involved. In either case, fringe benefits that are allowable, allocable, and reasonable may be included in the valuation.

(e) *Valuation for services of third-party employees.* When a third-party organization furnishes the services of an employee, these services must be valued at the employee's regular rate of pay plus an amount of fringe benefits that is reasonable, necessary, allocable, and otherwise allowable, and indirect costs at either the third-party organization's approved federally-negotiated indirect cost rate or, a rate in accordance with § 200.414 provided these services employ the same skill(s) for which the employee is normally paid. Where donated services are treated as indirect costs, indirect cost rates will separate the value of the donated services so that reimbursement for the donated services will not be made.

(f) *Donated property from third parties.* Donated property from third parties may include items such as equipment, office supplies, laboratory supplies, or workshop and classroom supplies. The assessed value of donated property included as cost sharing must not exceed the property's fair market value at the time of the donation.

(g) *Valuation of donated equipment, buildings, and land.* The method used for determining the value of donated equipment, buildings, and land for which title passes to the recipient or subrecipient may differ according to the following:

(1) If the purpose of the Federal award is to assist the recipient or subrecipient in acquiring equipment, buildings, or land, the aggregate value of the donated property may be claimed as cost sharing.

(2) If the purpose of the Federal award is to support activities that require the use of equipment, buildings, or land, only depreciation charges for equipment and buildings may be made. However, the fair market value of equipment or other capital assets and fair rental charges for land may be allowed if provided in the terms and conditions of the Federal award. See § 200.420.

(h) *Accounting policies for donated property.* The value of donated property must be determined in accordance with the accounting policies of the recipient or subrecipient with the following qualifications:

(1) The value of donated land and buildings must not exceed its fair market value at the time of donation to the recipient or subrecipient as established by an independent appraiser (for example, certified real property appraiser or General Services Administration representative) and certified by a responsible official of the recipient or subrecipient as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601–4655), except as provided in the implementing regulations at 49 CFR part 24.

(2) The value of donated equipment must not exceed the fair market value at the time of donation.

(3) The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(4) The value of loaned equipment must not exceed its fair rental value.

(i) *Documentation and support for fair market value.* The fair market value of third-party in-kind contributions must be documented and, to the extent feasible, supported by the same methods used internally by the recipient or subrecipient.

(j) *Voluntary committed cost sharing for research grants.* Voluntary committed cost sharing is not expected under Federal research grants. The Federal agency may not use voluntary committed cost sharing as a factor during the merit review of applications or proposals for Federal research grants unless authorized by Federal statutes or agency regulations and specified in the notice of funding opportunity. Federal agencies are also discouraged from using voluntary committed cost sharing as a factor during the merit review of applications for other Federal financial assistance programs. If voluntary committed cost sharing is used for this purpose for other programs, the notice of funding opportunity must specify how an applicant's proposed cost sharing will be considered. See §§ 200.414 and 200.204 and appendix I to this part.

(k) *Voluntary uncommitted cost sharing for institutions of higher education.* For institutions of higher education (IHE), voluntary uncommitted cost sharing should be treated differently from mandatory or voluntary committed cost sharing. Voluntary uncommitted cost sharing should not be included in the organized research base for computing the indirect cost rate or reflected in any allocation of indirect costs. Voluntary uncommitted cost sharing includes faculty-donated additional time above that agreed to as part of the award.

■ 70. In § 200.307, revise paragraph (a) to read as follows:

§ 200.307 Program income.

(a) *In general.* The recipient or subrecipient is encouraged to earn income to defray program costs when appropriate. Program income must be used for the original purpose of the Federal award. Program income earned during the period of performance may only be used for costs incurred during the period of performance or allowable closeout costs. See § 200.472(b). Program income must be expended prior to requesting additional Federal funds. Program income exceeding amounts specified in the Federal award may be added to or deducted from the total allowable costs in accordance with the terms and conditions of the Federal award.

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■ 71. In § 200.308, revise paragraph (e) to read as follows:

§ 200.308 Revision of budget and program plans.

* * * * *

(e) *Limitation on other prior approval requirements.* Unless specified in this part, the Federal agency must not impose additional prior approval requirements without OMB approval. See also §§ 200.102 and 200.407.

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■ 72. In § 200.313, revise paragraph (b) to read as follows:

§ 200.313 Equipment.

* * * * *

(b) *In general.* A State must use, manage and dispose of equipment acquired under a Federal award in accordance with State laws and procedures. Indian Tribes must use, manage, and dispose of equipment acquired under a Federal award in accordance with tribal laws and procedures. If such laws and procedures do not exist, Indian Tribes must follow the regulation in this section. Other recipients and subrecipients, including subrecipients of a State or Indian Tribe, must follow paragraphs (c) through (e) of this section.

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■ 73. In § 200.318, revise paragraph (l) to read as follows:

§ 200.318 General procurement standards.

* * * * *

(l) *Additional employment practices.* (1) The procurement standards in this subpart do not prohibit recipients or subrecipients from:

(i) Communicating a requirement that individuals hired or employed under the Federal award must be authorized to work in the United States under applicable Federal law; or

(ii) Using Project Labor Agreements (PLAs) or other types of pre-hire collective bargaining agreements if the use of such agreements will advance the interest of the Federal Government associated with the applicable Federal financial assistance program, including consideration of practicability and cost effectiveness.

(2) Federal agencies may allow recipients to use such practices if consistent with the U.S. Constitution, applicable Federal statutes and regulations, the objectives and purposes of the applicable Federal financial assistance program, and other requirements of this part. Recipients and subrecipients are also responsible for ensuring consistency with applicable law. Employment practices should be consistent with the foundational principles of recognizing merit and the ability of employees to fulfill the requirements of the contract.

■ 74. In § 200.320, revise the introductory text to read as follows:

§ 200.320 Procurement methods.

There are three types of procurement methods described in this section: informal procurement methods (for micro-purchases and simplified acquisitions); formal procurement methods (through sealed bids or proposals); and noncompetitive procurement methods. For any of these methods, the recipient or subrecipient must maintain and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319. Recipients are strongly discouraged from issuing cost-reimbursement contracts. When using cost-reimbursement contracts, the recipient must notify the awarding Federal agency of its use of this mechanism and maintain a written justification in its records. A Federal agency may, at its discretion, require prior approval of cost-reimbursement contracts in the terms and conditions of the Federal award, which may include review of the recipient's written justification.

* * * * *

■ 75. Revise § 200.321 to read as follows:

§ 200.321 Contracting with small businesses.

When possible, the recipient or subrecipient should ensure that small businesses, including subcategories of small businesses enumerated in Federal statute, are considered when issuing contracts under Federal financial assistance awards.

■ 76. Revise § 200.322 to read as follows:

§ 200.322 Domestic preferences for procurements.

(a) To the greatest extent practicable and consistent with law, Federal agencies must include terms and conditions in Federal awards to maximize the use of goods, products, and materials produced in the United States. If included in a Federal award, these requirements must also be included in all subawards, contracts, and purchase orders under Federal awards.

(b) Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in 2 CFR part 184.

■ 77. Revise § 200.323 to read as follows:

§ 200.323 Procurement of recovered materials.

A recipient or subrecipient that is a State agency, an agency of a political subdivision of a State, or a contractor to such entity, must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 as amended, 42 U.S.C. 6962. The requirements of section 6002 include procuring only items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

■ 78. In § 200.324, revise paragraph (a) to read as follows:

§ 200.324 Contract cost and price.

(a) The recipient or subrecipient must perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. However, as a starting point, the recipient or subrecipient must make independent estimates before receiving bids or proposals.

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■ 79. In § 200.329:

■ a. Revise paragraphs (b) and (e) through (g); and

■ b. Add paragraphs (h) and (i).

The revisions and additions read as follows:

§ 200.329 Monitoring and reporting program performance.

* * * * *

(b) *Reporting program performance.* The Federal agency must use OMB-approved common information collections (for example, Research Performance Progress Reports) when requesting performance reporting information. The Federal agency or pass-through entity may not collect performance reports more frequently than quarterly unless a specific condition has been implemented in accordance with § 200.208. To the extent practicable, the Federal agency or pass-through entity should align the due dates of performance reports and financial reports. When reporting program performance, the recipient or subrecipient must relate financial data and project or program accomplishments to the performance goals and objectives of the Federal award. Consistent with appendix A to 2 CFR part 170, the recipient must confirm that it has reported any subawards issued during the reporting period on *SAM.gov.* Also, the recipient or subrecipient must provide cost information to demonstrate cost-effective practices (for example, through unit cost data) when required by the terms and conditions of the Federal award. In some instances (for example, discretionary research awards), this may be limited to the requirement to submit technical performance reports. Reporting requirements must clearly indicate a standard against which the recipient's or subrecipient's performance can be measured. Reporting requirements should not solicit information from the recipient or subrecipient that is not necessary for the effective monitoring or evaluation of the Federal award. Federal agencies should consult monitoring framework documents such as the agency's Evaluation Plan to make that determination. As noted in OMB Circular A–11, Part 6, Section 280, measures of customer experience are of co-equal importance as traditional measures of financial and operational performance.

* * * * *

(e) *Scientific research performance reports.* When submitting a performance report for scientific research, the recipient must identify and include the categorization provided in the terms and conditions of the award. See § 200.202(g).

(f) *Significant developments.* When a significant development that could impact the Federal award occurs between performance reporting due dates, the recipient or subrecipient must notify the Federal agency or pass-through entity. Significant developments include events that enable meeting milestones and objectives sooner or at less cost than anticipated or that produce different beneficial results than originally planned. Significant developments also include problems, delays, or adverse conditions which will impact the recipient's or subrecipient's ability to meet milestones or the objectives of the Federal award. When significant developments occur that negatively impact the Federal award, the recipient or subrecipient must include information on their plan for corrective action and any assistance needed to resolve the situation.

(g) *Site visits.* The Federal agency or pass-through entity may conduct in-person or virtual site visits as warranted.

(h) *Reviewing subrecipient reporting in SAM.gov.* The Federal agency is responsible for providing oversight to ensure that recipients comply with their requirement to report subawards on *SAM.gov* and taking corrective action if recipients are not in compliance. See also § 200.332.

(i) *Performance report requirement waiver.* The Federal agency may waive any performance report that is not necessary to ensure the goals and objectives of the Federal award are being achieved. The Federal agency must justify this waiver, maintain the justification in the Federal agency's records, and incorporate in the agency's risk assessment the decision to waive the requirement.

■ 80. In § 200.331, add paragraph (c) to read as follows:

§ 200.331 Subrecipient and contractor determinations.

* * * * *

(c) *Transfers to related entities.* Pass-through entities may not circumvent the requirements of this section by treating payments of Federal funds to affiliates, subsidiaries, or other related entities that are separate legal persons as internal transfers not requiring a determination under this section. Such transfers of Federal funds must be evaluated under this section and treated as either subawards or contracts, as appropriate. For example, if a related entity receives payment to perform activities under the Federal award, such as carrying out a portion of the Federal award or providing goods and services, a determination is required. See also § 200.332(h).

■ 81. In § 200.332:

■ a. Revise paragraphs (g) through (i); and

■ b. Add paragraphs (j) through (l).

The revisions and additions read as follows:

§ 200.332 Requirements for pass-through entities.

* * * * *

(g) Comply with applicable requirements in 2 CFR part 170 to report subawards on *SAM.gov* no later than the end of the month following the month in which the subaward was issued.

(h) Make subrecipient or contractor determinations under § 200.331 for all downstream entities receiving payments from the pass-through entity, including affiliates, subsidiaries, or other related organizations. Internal organizational affiliations do not exempt pass-through entities from subaward or contract classification and related compliance and reporting requirements.

(i) Ensure that each subrecipient is in compliance with the terms and conditions of the subaward and does not take actions that could significantly damage the reputation of the pass-through entity, the Federal agency making the award, or the Federal Government. If a pass-through entity determines that a subrecipient has taken such actions, it must consult with the Federal agency to determine whether the subaward should be terminated under § 200.340. If the Federal agency determines that such significant reputational harm has occurred, it may either direct the pass-through entity to terminate the subaward or terminate the Federal award to the pass-through entity.

(j) Verify that a subrecipient is audited as required by subpart F of this part.

(k) Consider whether the results of a subrecipient's audit, site visits, or other monitoring necessitate adjustments to the pass-through entity's records.

(l) Consider taking enforcement action against noncompliant subrecipients as described in § 200.339 and in program regulations.

■ 82. Revise § 200.333 to read as follows:

§ 200.333 Fixed amount subawards.

Fixed amount subawards are not permitted.

■ 83. In § 200.334, revise the introductory text to read as follows:

§ 200.334 Record retention requirements.

The recipient and subrecipient must retain all Federal award records for three years from the date of submission of their final financial report. For awards that are renewed quarterly or annually, the recipient and subrecipient must retain records for three years from the date of submission of their quarterly or annual financial report, respectively. Records to be retained include, but are not limited to, financial records, supporting documentation, and statistical records. Federal agencies or pass-through entities may not impose any other record retention requirements except for the following:

* * * * *

■ 84. Revise § 200.336 to read as follows:

§ 200.336 Methods for collection, transmission, and storage of information.

When practicable, the Federal agency or pass-through entity and the recipient or subrecipient must collect, transmit, and store Federal award information in open and machine-readable formats. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a computer system. Upon request, the Federal agency or pass-through entity must always provide paper versions of Federal award information to and from the recipient or subrecipient. The Federal agency or pass-through entity must not require additional copies of Federal award information submitted in paper versions. The recipient or subrecipient is not required to create and retain paper copies when original records are electronic and cannot be altered. In addition, the recipient or subrecipient may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system. Recipients and subrecipients are strongly encouraged to utilize domestic storage capabilities for electronic records.

■ 85. Revise § 200.338 to read as follows:

§ 200.338 Restrictions on public access to records.

Federal agencies may not place restrictions on the recipient or subrecipient that limit public access to the records of the recipient or subrecipient pertaining to a Federal award, except for personally identifiable information (PII), confidential business

information, or other sensitive information subject to protections against disclosure under applicable law. Federal agencies may only place such restrictions when the Federal agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (FOIA) (5 U.S.C. 552) or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the Federal agency. The Freedom of Information Act does not apply to records that remain under the recipient's or subrecipient's control except as required by § 200.315. Unless required by Federal, State, local, or tribal law, recipients and subrecipients are not required to permit public access to their records. The recipient's or subrecipient's records provided to a Federal agency generally will be subject to FOIA and applicable exemptions.

■ 86. Revise § 200.339 to read as follows:

§ 200.339 Remedies for noncompliance.

(a) *Remedies for noncompliance.* The Federal agency or pass-through entity may implement specific conditions if the recipient or subrecipient fails to comply with the U.S. Constitution, Federal statutes, regulations, or terms and conditions of the Federal award. See § 200.208 for additional information on specific conditions. When the Federal agency or pass-through entity determines that noncompliance cannot be remedied by imposing specific conditions, the Federal agency or pass-through entity may take one or more of the following actions:

(1) Temporarily withhold payments until the recipient or subrecipient takes corrective action.

(2) Disallow costs for all or part of the activity associated with the noncompliance of the recipient or subrecipient.

(3) Suspend or terminate the Federal award in part or in its entirety.

(4) Initiate suspension or debarment proceedings as authorized in 2 CFR part 180 and the Federal agency's regulations, or for pass-through entities, recommend suspension or debarment proceedings be initiated by the Federal agency.

(5) Withhold further Federal funds (new awards or continuation funding) for the project or program.

(6) Pursue other legally available remedies.

(b) *Private causes of action.* If applicable and consistent with law and regulation, a Federal agency, may, at its discretion, cooperate with individuals or organizations in their pursuit of private causes of action and civil remedies based on the failure of a recipient or subrecipient to comply with the U.S. Constitution, Federal statutes, regulations, or the terms and conditions of a Federal award. Consistent with § 200.318(k), this generally would not include cases related to the settlement of contractual or administrative issues arising out of a recipient's or subrecipient's procurement transactions, except as necessary to comply with law or if the matter is primarily a Federal concern. A Federal agency should only cooperate with a private cause of action if it determines that such cooperation is in the interest of the United States.

■ 87. Revise § 200.340 to read as follows:

§ 200.340 Termination and suspension.

(a) *Termination provisions.* The Federal award may be terminated in part or its entirety as follows:

(1) *For noncompliance by the recipient or subrecipient.* The Federal agency or pass-through entity may terminate a Federal award in part or its entirety if the recipient or subrecipient fails to comply with the terms and conditions of the Federal award, including a failure of the recipient to report subawards on *SAM.gov* pursuant to the award term required by 2 CFR part 170. See also §§ 200.341 and 200.342;

(2) *At the discretion of the Federal agency or pass-through entity.* The Federal agency or pass-through entity, to the extent permitted by law, may terminate a Federal award in part or its entirety if the Federal agency or pass-through entity determines that a termination is in the interest of the Federal agency or pass-through entity, including if a Federal award does not effectuate program goals, Federal agency priorities, or the national interest as they exist at the time of the termination. See also § 200.341;

(3) *By mutual agreement of the parties.* The Federal agency or pass-through entity may terminate a Federal award in part or its entirety with the consent of the recipient or subrecipient, in which case the two parties must agree upon the termination conditions. These conditions include the effective date of the termination and, in the case of partial termination, the portion to be terminated; or

(4) *Upon notification by the recipient or subrecipient.* The recipient or subrecipient may terminate a Federal award in part or its entirety upon sending the Federal agency or pass-through entity a written notification of the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal agency or pass-through entity determines that the remaining portion of the Federal award will not accomplish the purposes for which the Federal award was made, the Federal agency or pass-through entity may terminate the Federal award in its entirety; or

(5) *Pursuant to additional terms and conditions.* The Federal agency or pass-through entity, to the extent permitted by law, may terminate a Federal award in part or its entirety pursuant to any additional termination provisions included in the terms and conditions of the Federal award.

(b) *Requirements for termination provisions*—(1) *General requirements.* The Federal agency or pass-through entity must clearly and unambiguously specify all termination provisions in the terms and conditions of the Federal award. To the extent permitted by law, and except as provided in paragraph (b)(2) of this section, the Federal agency and pass-through entity must ensure that all Federal awards allow termination for the reasons described in paragraphs (a)(1) through (4) of this section. For example, the Federal agency or pass-through entity may include a termination provision incorporating this section of the regulation by reference or including all of the reasons for termination in paragraphs (a)(1) through (4). In accordance with paragraph (a)(5) of this section, to the extent authorized by law, the Federal agency or pass-through entity may also include additional termination provisions not specified in this section. See also § 200.211(c)(1)(v).

(2) *Exceptions.* Paragraph (a)(2) of this section does not apply to any Federal award in which inclusion of such a discretionary termination provision would conflict with a Federal statute. See §§ 200.101(d) and 200.102(b) regarding statutory conflicts and exceptions. The discretionary termination provision is generally applicable to discretionary awards, but not to Federal awards made under programs where legislation establishes an entitlement to the funds on the part of the recipient, such as block grants, those awarded based on a statutory formula, or disaster recovery grants. Consistent with Executive Order 14332, paragraph (a)(2) also does not apply to agreements entered into in furtherance of international trade agreements or those awarded by the Department of Commerce under title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283), the CHIPS

Act of 2022 (Pub. L. 117–167), or division F of the Infrastructure Investment and Jobs Act (Pub. L. 117–58). If questions arise regarding applicability of paragraph (a)(2) to specific Federal programs or types of Federal awards, Federal agencies are strongly encouraged to consult with OMB. Federal agencies must seek approval from OMB prior to allowing any class exceptions for paragraph (a)(2) related to a Federal program or type of Federal award not set forth in this paragraph (b)(2).

(c) *Reporting requirements related to terminations for noncompliance.* When the Federal agency terminates the Federal award prior to the end of the period of performance due to the recipient's material failure to comply with the terms and conditions of the Federal award, the Federal agency must report the termination in *SAM.gov.* A Federal agency must use the Contractor Performance Assessment Reporting System (CPARS) to enter information in *SAM.gov.*

(1) The information required under this paragraph (c) is not to be reported in *SAM.gov* until the recipient has either:

(i) Exhausted its opportunities to object or challenge the decision (see § 200.342); or

(ii) Has not, within 30 calendar days after being notified of the termination, informed the Federal agency that it intends to appeal the decision to terminate.

(2) If a Federal agency, after entering information about a termination in *SAM.gov,* subsequently:

(i) Learns that any of that information is erroneous, the Federal agency must correct the information in the system within three business days; and

(ii) Obtains an update to that information that could be helpful to other Federal agencies, the Federal agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(3) The Federal agency must not post any information that will be made publicly available in the non-public segment of *SAM.gov* that is covered by a disclosure exemption under the Freedom of Information Act (FOIA). When the recipient asserts within seven calendar days to the Federal agency which posted the information that a disclosure exemption under FOIA covers some of the information made publicly available, the Federal agency that posted the information must remove the posting within seven calendar days of receiving the assertion. Before reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's FOIA procedures.

(d) *Closeout requirements following termination.* When the Federal award is terminated in part or its entirety, the Federal agency or pass-through entity and recipient or subrecipient remain responsible for compliance with the closeout requirements in §§ 200.344 and 200.345.

(e) *Temporary suspension*—(1) *In general.* The Federal agency or pass-through entity, to the extent permitted by law, may at any time issue a written order temporarily suspending a Federal award in part or its entirety if the Federal agency or pass-through entity determines that a suspension is in the interest of the Federal agency or pass-through entity. A suspension order under this provision must not exceed a period of 90 days unless the parties mutually agree to an extended period. The period of suspension will begin to run after a written order of suspension is delivered to the recipient or subrecipient. The suspension order must:

(i) Direct the recipient or subrecipient to temporarily stop all or part of the activities under the Federal award;

(ii) Specify the effective date, scope, and expected duration of the suspension, which may not exceed a period of 90 days unless extended by mutual agreement; and

(iii) Consistent with paragraph (e)(2) of this section, direct the recipient or subrecipient to take all reasonable steps to minimize the incurrence of costs allocable to activities covered by the order during the suspension period.

(2) *Activities during suspension period.* During the suspension period, the recipient or subrecipient must take reasonable steps to minimize the incurrence of costs allocable to activities covered by the order. See § 200.343. The Federal agency or pass-through entity may determine to cancel the suspension order before its expiration if warranted under the circumstances. The Federal agency may also proceed to terminate the Federal award in whole or in part under paragraph (a) of this section.

(3) *Resumption of activities following suspension period.* If the suspension order is cancelled, or after the period covered by the order or any extension of the order expires, the Federal agency or pass-through entity should consider and seek to resolve any budgetary or schedule impacts resulting from the order. Consistent with law, and as appropriate and warranted under the circumstances, the Federal agency should consider making adjustments to the project schedule, project budget, or both. The recipient or subrecipient must promptly resume activities under the Federal award at the conclusion of the suspension period.

(4) *Inclusion of suspension provision in Federal award.* The Federal agency or pass-through entity must clearly and unambiguously include the suspension provision described in this section in the terms and conditions of the Federal award. The suspension provision described in this section does not apply to any Federal award in which inclusion of such a suspension provision would conflict with a Federal statute. See §§ 200.101(d) and 200.102(b) regarding statutory conflicts and exceptions. The suspension provision is generally applicable to discretionary awards, but not to Federal awards made under programs where legislation establishes an entitlement to the funds on the part of the recipient, such as block grants, those awarded based on a statutory formula, or disaster recovery grants. If questions arise regarding applicability of the suspension provision to specific Federal programs or types of Federal awards, Federal agencies are strongly encouraged to consult with OMB.

(5) *Suspension for non-compliance.* The suspension provision in this section does not limit the authority in § 200.339 related to a suspension for noncompliance. Consistent with law, the suspension authority in § 200.339 may apply more broadly, including under Federal programs in which the Federal agency or pass-through entity finds that the suspension provision in this section does not apply. Federal agencies must follow procedures described in § 200.342 upon initiating a remedy for noncompliance.

■ 88. Revise § 200.341 to read as follows:

§ 200.341 Notification of termination requirement.

(a) *In general.* The Federal agency or pass-through entity must provide written notice of termination to the recipient or subrecipient. The written notice of termination should include the reasons for termination, the effective date, and the portion of the Federal award to be terminated, if applicable.

(b) *Notifications of termination for noncompliance.* If the Federal award is terminated for the recipient's material failure to comply with a Federal award, for the portion of the Federal award to be terminated, which may encompass up to the entirety of the Federal award, the notification must instruct the recipient or subrecipient to stop work, make no additional financial obligations, and, to the extent authorized by law, terminate all subawards and contracts related to the

terminated portion of the Federal award. Consistent with § 200.342, the notification for a termination for noncompliance must also provide the recipient with an opportunity to object and provide information challenging the action. The notification must also state the following:

(1) The termination decision will be reported in *SAM.gov;*

(2) The information will be available in *SAM.gov* for five years from the date of the termination and then archived;

(3) Federal agencies that consider making a Federal award to the recipient during the five year period must consider this information in judging whether the recipient is qualified to receive the Federal award when the Federal share of the Federal award is expected to exceed the simplified acquisition threshold over the period of performance; and

(4) The recipient may comment on any information in *SAM.gov* about the recipient for future consideration by Federal agencies. The recipient may submit comments in *SAM.gov.*

(5) Federal agencies should consider the recipient's comments when determining whether the recipient is qualified for a Federal award.

(c) *Notifications of discretionary termination.* In the case of a discretionary termination under § 200.340(a)(2), the notice must provide:

(1) A brief summary of the reason or reasons for finding that termination is in the interest of the Federal agency or pass-through entity. The reason or reasons may apply to an individual award or class of awards. The Federal agency or pass-through entity is not required to provide a detailed or exhaustive analysis;

(2) For the portion of the Federal award to be terminated, which may encompass up to the entirety of the Federal award, instructions to the recipient or subrecipient to stop work, make no additional financial obligations, and, to the extent authorized by law, terminate all subawards and contracts related to the terminated portion of the Federal award; and

(3) An opportunity for the recipient or subrecipient to submit a written statement of termination costs, which shall constitute a complete and accurate statement of all costs, financial obligations, expenditures, claims, and other commitments the recipient or subrecipient believes are relevant to the termination. Under this paragraph (c)(3), *termination costs* means those costs that are reasonably related to winding down activities undertaken as a result of the Federal award. See also § 200.472(a) for cost principles applicable to termination and standard closeout costs. The notice from the Federal agency or pass-through entity must provide a reasonable time for submission of the written statement (such as 30 or 60 days, as appropriate) and explain that the Federal agency or pass-through entity will consider the written statement in reaching a final decision regarding allowable costs under §§ 200.343 and 200.344.

(4) The written statement of termination costs must be sufficiently detailed to permit the Federal agency or pass-through entity to evaluate the allowability, allocability, and reasonableness of the claimed costs. The written statement must represent the recipient's or subrecipient's complete presentation of termination-related costs and claims, subject to review and resolution under §§ 200.343 and 200.344. The statement of termination costs from the recipient or subrecipient must include:

(i) A written statement regarding any termination costs it believes are relevant, including costs, financial obligations, expenditures, claims, and other commitments the recipient or subrecipient made in reasonable expectation of continued funding under the Federal award; the financial or programmatic impact of terminating those commitments; and any steps the recipient or subrecipient has taken, or proposes to take, to avoid, minimize, mitigate, or otherwise reduce those impacts;

(ii) Documentation in support of any termination costs the recipient or subrecipient believes are relevant; and

(iii) Information regarding whether commitments are cancelable, the terms for cancelling those commitments, and any penalties or costs of cancellation. If commitments are not cancellable, the written statement should explain why the commitments were not structured to allow cancellation, and whether they could have been.

(iv) A certification, signed by an authorized official of the recipient or subrecipient, stating that the written statement of termination costs is true, complete, and accurate to the best of the official's knowledge and belief, and that the costs claimed:

(A) Are based on records maintained in the ordinary course of business;

(B) Reflect the recipient's or subrecipient's good-faith assessment of costs reasonably incurred or committed as a result of the Federal award; and

(C) Do not include costs that are unallowable, speculative, or unrelated to the termination.

(d) *Reporting for all terminations.* Upon termination of the Federal award, the Federal agency must provide the information required by the Federal Funding Accountability and Transparency Act (FFATA) to *USAspending.gov.* In addition, the Federal agency must update or notify any other relevant Government-wide systems or entities of any indications of poor performance as required by 41 U.S.C. 2313 and 31 U.S.C. 3354.

■ 89. Revise § 200.342 to read as follows:

§ 200.342 Opportunities to object, hearings, and appeals.

The Federal agency must maintain written procedures for processing objections, hearings, and appeals related to remedies for noncompliance. Upon initiating a remedy for noncompliance (for example, disallowed costs, a corrective action plan, or termination for noncompliance), the Federal agency must provide the recipient with an opportunity to object and provide information challenging the action. The Federal agency or pass-through entity must comply with any requirements for hearings, appeals, or other administrative proceedings to which the recipient or subrecipient is entitled under any statute or regulation applicable to the action involved. The Federal agency is not required to allow for objections, hearings, and appeals related to any reasons for termination except termination for noncompliance.

■ 90. Revise § 200.343 to read as follows:

§ 200.343 Effects of suspension and termination.

(a) *In general.* Costs to the recipient or subrecipient resulting from financial obligations incurred by the recipient or subrecipient during a suspension or after the termination of a Federal award are not allowable unless the Federal agency or pass-through entity expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if:

(1) The costs result from financial obligations which were properly incurred by the recipient or subrecipient before the effective date of suspension or termination, and not in anticipation of it; and

(2) The costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect, provided that the recipient or subrecipient takes all reasonable steps to cancel, mitigate, or otherwise reduce such financial obligations and provides documentation

of those efforts to the Federal agency upon request.

(b) *Costs resulting from discretionary terminations.* (1) This section does not expressly require the Federal agency to authorize any additional costs to the recipient or subrecipient resulting from financial obligations incurred after the termination of a Federal award. However, as appropriate and consistent with law, upon making a discretionary termination under § 200.340(a)(2), the Federal agency may consider allowing the Federal share of necessary and reasonable costs resulting from financial obligations incurred by the recipient or subrecipient after the termination of a Federal award based on information provided by the recipient in response to the notice under § 200.341(c).

(2) The decision regarding whether to allow additional costs under paragraph (b)(1) of this section is left to the reasonable discretion of the Federal agency. The Federal agency may weigh payment of additional termination costs against competing policy concerns such as responsible stewardship of Federal funds, program goals, Federal agency priorities, or the national interest.

■ 91. In § 200.400, revise paragraph (g) to read as follows:

§ 200.400 Policy guide.

* * * * *

(g) The recipient or subrecipient must not earn or keep any profit resulting from Federal financial assistance unless explicitly authorized by the terms and conditions of the Federal award. See also § 200.307.

■ 92. In § 200.401:

■ a. Remove paragraph (a)(3);

■ b. Redesignate paragraphs (a)(4) through (6) as paragraphs (a)(3) through (5), respectively; and

■ c. Revise paragraph (c).

The revision reads as follows:

§ 200.401 Application.

* * * * *

(c) *Exemptions.* Some nonprofit organizations, because of their size and nature of operations, can be considered to be similar to for-profit organizations in terms of the applicability of cost principles. These nonprofit organizations must operate under Federal cost principles that apply to for-profit organizations located at 48 CFR 31.2. This exemption only applies to nonprofit organizations that receive 90 percent or more of their Federal funding in the form of contracts or operate a Federally Funded Research and Development Center (FFRDC). Federal agencies and pass-through entities may not allow any exceptions to this policy under § 200.102(c) unless expressly required by Federal statute or approved by the cognizant agency for indirect costs in coordination with OMB in extraordinary circumstances.

■ 93. Revise § 200.402 to read as follows:

§ 200.402 Composition of costs.

The total cost of a Federal award is the sum of the allowable direct and indirect costs minus any applicable credits.

■ 94. In § 200.403, revise paragraph (g) to read as follows:

§ 200.403 Factors affecting allowability of costs.

* * * * *

(g) Be adequately documented. See §§ 200.300 through 200.309 and 200.334 through 200.338.

* * * * *

■ 95. In § 200.405, revise paragraph (d) to read as follows:

§ 200.405 Allocable costs.

* * * * *

(d) *Direct cost allocation principles.* If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. However, when those proportions cannot be determined because of the interrelationship of the work involved, then, notwithstanding paragraph (c) of this section, the costs may be allocated or transferred to benefited projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved, when no longer needed for the purpose for which it was originally required. See also §§ 200.310 through 200.316 and 200.439.

* * * * *

■ 96. In § 200.407:

■ a. Remove paragraph (d);

■ b. Redesignate paragraphs (e) through (l) as paragraphs (d) through (k), respectively; and

■ c. Insert a new paragraph (l).

The revision reads as follows:

§ 200.407 Prior written approval (prior approval).

* * * * *

(l) Section 200.454 Memberships, subscriptions, and professional activity costs;

* * * * *

■ 97. Revise § 200.421 to read as follows:

§ 200.421 Advertising and public relations.

(a) *In general.* Except as provided in paragraph (b) of this section, advertising and public relations costs (including those related to magazines, newspapers, radio and television, direct mail, exhibits, and electronic or computer transmittals) are unallowable under Federal awards and may not be charged directly, indirectly, or through another cost allocation methodology.

(b) *Exceptions.* The only exceptions to paragraph (a) of this section are for advertising and public relation costs specifically required by Federal statute or advertising costs which are solely for:

(1) The procurement of goods and services for the performance of a Federal award;

(2) The disposal of scrap or surplus materials acquired in the performance of a Federal award except when the recipient or subrecipient is reimbursed for disposal costs at a predetermined amount; or

(3) Program advertising and outreach (for example, recruiting project participants) and other specific purposes necessary to meet the Federal award requirements.

■ 98. Revise § 200.429 to read as follows:

§ 200.429 Commencement and convocation costs.

Costs incurred for commencements and convocations are unallowable.

■ 99. In § 200.430, revise paragraph (h) and paragraph (i) introductory text to read as follows:

§ 200.430 Compensation—personal services.

* * * * *

(h) *Nonprofit organizations.* This paragraph (h) provides policy applicable only to nonprofit organizations. For compensation to members of nonprofit organizations, trustees, directors, associates, officers, or the immediate families thereof, a determination must be made that the compensation is reasonable for the actual personal services rendered rather than a distribution of earnings above actual costs. Compensation may include director's and executive committee member's fees, incentive awards, off-site or incentive pay, location allowances, hardship pay, and cost-of-living differentials.

(i) *Institutions of Higher Education (IHEs).* This paragraph (h) provides policy only applicable to IHEs.

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■ 100. In § 200.432:

■ a. Designate the undesignated paragraph as paragraph (a); and

■ b. Add paragraph (b).

The addition reads as follows:

§ 200.432 Conferences.

* * * * *

(b) The costs for attending conferences are allowable only if participation in the conference is expressly approved by the Federal agency and included in the terms and conditions of the Federal award. See § 200.475.

■ 101. In § 200.438, revise paragraph (b) to read as follows:

§ 200.438 Entertainment and prizes.

* * * * *

(b) *Prizes.* Costs of prizes or challenges are allowable if they have a specific and direct programmatic purpose and are included in the Federal award.

■ 102. In § 200.442, revise paragraphs (b) and (c) to read as follows:

§ 200.442 Fundraising and investment management costs.

* * * * *

(b) Costs of investment counsel and staff and similar expenses incurred to enhance income from investments are unallowable except when associated with investments covering pension, self-insurance, or other funds, which include Federal participation allowed by this part. Such costs are only allowable with the prior written approval of the Federal agency.

(c) Costs related to the physical custody and control of monies and securities are allowable. Such costs are only allowable with the prior written approval of the Federal agency.

* * * * *

■ 103. Revise § 200.444 to read as follows:

§ 200.444 General costs of government.

(a) For States, local governments, and Indian Tribes, the general costs of government are unallowable except as provided in § 200.475.

(b) General costs of government are those costs related to the general activities of the executive, legislative, or judicial branches of government, including general activities related to public safety, public information, citizenship, enrollment, or taxation that are not related to a specific Federal award. Unallowable costs may include:

(1) Salaries and expenses of the Office of the Governor of a State or the chief executive of a local government or the chief executive of an Indian Tribe;

(2) Salaries and other expenses of a State legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, or school board, whether incurred for purposes of legislation or executive direction;

(3) Costs of the judicial branch of a government;

(4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation. However, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435; and

(5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided as a direct cost under a program statute or regulation.

■ 104. In § 200.450:

■ a. Revise paragraph (a);

■ b. Redesignate paragraphs (c)(1)(iii) and (iv) as paragraphs (c)(1)(vi) and (vii), respectively; and

■ c. Add new paragraphs (c)(1)(iii) and (iv) and paragraph (c)(1)(v).

The revision and additions read as follows:

§ 200.450 Lobbying.

(a) *Lobbying costs associated with obtaining Federal assistance awards.* The costs of certain influencing activities associated with obtaining grants, cooperative agreements, contracts, or loans are unallowable. Lobbying with respect to certain grants, cooperative agreements, contracts, and loans is governed by:

(1) Relevant statutes, including the provisions of 31 U.S.C. 1352;

(2) Regulations, for example ''New Restrictions on Lobbying,'' (55 FR 6739, February 26, 1990), including the definitions; and

(3) Other applicable OMB guidance.

* * * * *

(c) * * *

(1) * * *

(iii) Establishing, administering, contributing to, or paying the expenses of a voter registration campaign, voter registration drive, or any similar activity, or paying the expenses of another entity engaged in such activities;

(iv) Engaging in issue advocacy or public messaging that promotes or opposes a particular social, political, or public policy position unrelated to the statutory objectives or performance requirements of the Federal award, including messaging designed to influence public attitudes on matters not necessary to accomplish the purpose of the Federal award;

(v) Attempting to influence the executive branch of any State government on matters unrelated to the objectives or performance requirements of the Federal award, including attempts to affect State agency policymaking, rulemaking, or administrative actions for purposes other than carrying out objectives of the Federal award;

* * * * *

■ 105. Revise § 200.454 to read as follows:

§ 200.454 Memberships, subscriptions, and professional activity costs.

(a) Costs of the recipient's or subrecipient's membership in professional, civic, business, and technical organizations are allowable if necessary to fulfill the award requirements. Such costs must receive prior written approval of the Federal agency.

(b) Costs of the recipient's or subrecipient's subscriptions to business, professional, academic, and technical periodicals are unallowable.

(c) Costs of membership in any country club or social or dining club or organization are unallowable.

(d) Costs of membership in organizations whose primary purpose is lobbying or issue advocacy are unallowable. See § 200.450.

■ 106. In § 200.455, revise paragraph (c) to read as follows:

§ 200.455 Organization costs.

* * * * *

(c) The costs related to data and evaluation are allowable. Data costs include (but are not limited to) the expenditures needed to gather, acquire, store, track, manage, analyze, disaggregate, secure, share, publish, or otherwise use data to administer or improve the program, such as data systems, personnel, data dashboards, cybersecurity, and related items. Data costs may also include direct or indirect costs associated with building integrated data systems—data systems that link individual-level data from multiple State and local government agencies for purposes of management, research, and evaluation. Data costs related to integrated data systems should align with the finalized Federal grants data standards as published on *Grants.gov*. Evaluation costs include (but are not limited to) evidence reviews, evaluation planning and feasibility assessment, conducting evaluations, sharing evaluation results, and other personnel or materials costs related to the effective building and use of evidence and evaluation for program design, administration, or improvement.

■ 107. Revise § 200.461 to read as follows:

§ 200.461 Publication and printing costs.

(a) *In general.* Except as provided in paragraph (b) of this section, publication costs (including page charges, article

processing charges (APCs), or similar fees such as open access fees for professional journal publications and other peer-reviewed publications) are unallowable under Federal awards. Printing costs (including distribution and general handling) are allowable.

(b) *Exceptions.* The only exceptions to paragraph (a) of this section are for publication costs that are specifically required by Federal statute or approved in advance by the Federal agency on a case-by-case basis. A general requirement to make results publicly available must not be construed as authorizing publication costs.

(c) *Requirements.* (1) Allowable publication costs included in the terms and conditions of a Federal award must meet the following requirements:

(i) The publications report work supported by the Federal Government; and

(ii) The charges are levied impartially on all items published by the journal, whether or not under a Federal award.

(2) The recipient or subrecipient may charge the Federal award during closeout for the costs of publication or sharing of research results if the costs were not incurred during the period of performance of the Federal award. These costs must be charged to the final budget period of the award unless otherwise specified by the Federal agency.

■ 108. Revise § 200.467 to read as follows:

§ 200.467 Selling and marketing costs.

Costs of selling and marketing any products or services of the recipient or subrecipient are unallowable unless they are expressly included in the Federal award *and necessary to meet the requirements of the Federal award.*

■ 109. In § 200.472, revise paragraph (a)(5) introductory text to read as follows:

§ 200.472 Termination and standard closeout costs.

(a) * * *

(5) The following settlement expenses are generally allowable:

* * * * *

■ 110. In § 200.475, revise paragraph (d) to read as follows:

§ 200.475 Travel costs.

* * * * *

(d) *Establishing rates and amounts.* In the absence of an established written policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701–11, by the Administrator of General Services, or by the President (or designee) pursuant to any provisions of such subchapter must apply to travel under Federal awards (48 CFR 31.205–46(a)).

* * * * *

■ 111. Add § 200.477 to read as follows:

§ 200.477 Abortion.

Costs associated with elective abortions are unallowable, except as expressly authorized by Federal law.

■ 112. In § 200.503, revise paragraph (b) to read as follows:

§ 200.503 Relation to other audit requirements.

* * * * *

(b) *Conducting additional audits.* Notwithstanding paragraph (a) of this section, a Federal agency, Inspector General, or GAO may conduct or arrange additional audits to carry out its responsibilities only under applicable Federal statutes. The provisions of this part do not authorize any non-Federal entity to constrain, in any manner, such Federal agency from carrying out or arranging for such additional audits, except that the Federal agency must plan such audits not to be duplicative of other audits of Federal awards. Prior to commencing such an audit, the Federal agency or pass-through entity must review the FAC for recent audits submitted by the non-Federal entity, and to the extent such audits meet a Federal agency or pass-through entity's needs, the Federal agency or pass-through entity must rely upon and use such audits. Any additional audits must be planned and performed in such a way as to build upon work performed, including the audit documentation, sampling, and testing already performed by other auditors.

* * * * *

■ 113. In § 200.507, revise paragraph (c)(1) to read as follows:

§ 200.507 Program-specific audits.

* * * * *

(c) * * *

(1) *Submission deadline and public availability.* The audit must be completed and submitted in accordance with paragraph (c)(2) or (3) of this section. Unless a different period is specified in the program-specific audit guide, the audit must be submitted within 30 calendar days after the auditee receives the auditor's report(s) or nine months after the end of the audit period (whichever is earlier). The submission is due the next business day when the due date falls on a Saturday, Sunday, or Federal holiday. Unless restricted by Federal law or regulation, the auditee must make copies of the reporting package available for public inspection. Auditees and auditors must ensure that their respective parts of the reporting package do not include personally identifiable information (PII) and other information subject to protections against disclosure under applicable law.

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■ 114. In § 200.512, revise paragraphs (a)(2) and (b)(2)(ii) to read as follows:

§ 200.512 Report submission.

(a) * * *

(2) The auditee must make copies available for public inspection unless restricted by Federal statute or regulation. Auditees and auditors must ensure that their respective parts of the reporting package do not include personally identifiable information (PII) and other information subject to protections against disclosure under applicable law.

(b) * * *

(2) * * *

(ii) The reporting package does not include personally identifiable information (PII) and other information subject to protections against disclosure under applicable law;

* * * * *

■ 115. In § 200.513, revise paragraphs (c)(4) and (c)(6)(vii) to read as follows:

§ 200.513 Responsibilities.

* * * * *

(c) * * *

(4) Provide OMB with updates to the compliance supplement. These updates include working with OMB to ensure that the compliance supplement focuses the auditor on testing the compliance requirements most likely to cause improper payments, fraud, waste, abuse, or generate audit findings for which the Federal agency will take action in accordance with § 200.505. Prior to submitting compliance supplement drafts to OMB, Federal agencies should engage with external audit stakeholders, the Federal agency's Office of Inspector General, and the National Single Audit Coordinator (NSAC).

* * * * *

(6) * * *

(vii) Ensure the Federal agency provides OMB with updates to the compliance supplement consistent with the compliance supplement preparation guide.

* * * * *

■ 116. In § 200.514, revise paragraph (c)(1) to read as follows:

§ 200.514 Standards and scope of audit.

* * * * *

(c) * * *

(1) The compliance supplement provides guidance on internal controls over Federal programs.

* * * * *

■ 117. In appendix I to part 200:
■ a. Revise paragraphs (a)(3)(i) through (viii), (b)(1)(i)(H), (b)(3), and (b)(4)(ii)(A) and (B);
■ b. Remove paragraph (b)(4)(ii)(D);
■ c. Redesignate paragraphs (b)(4)(ii)(E) through (J) as paragraphs (b)(4)(ii)(D) through (I), respectively; and
■ d. Revise paragraphs (b)(5)(iii) and (iv), (b)(6)(iii)(A)(*2*), and (b)(8)(ii)(C).

The revisions read as follows:

Appendix I to Part 200—Full Text of Notice of Funding Opportunity

(a) * * *
(3) * * *
(i) Basic Information.
(ii) Eligibility.
(iii) Funding Opportunity Description.
(iv) Application Contents and Format.
(v) Submission Requirements and Deadlines.
(vi) Application Review Information.
(vii) Award Notices.
(viii) Post-Award Requirements and Administration.

* * * * *

(b) * * *
(1) * * *
(i) * * *

(H) Executive Summary. A brief description that is written in plain language and summarizes the goals and objectives of the program, the target audience, and eligible recipients. The text of the executive summary must not exceed 500 words, unless authorized by the head of the Federal agency (or designee).

* * * * *

(3) *Funding Opportunity Description.* This section contains the full description of the funding opportunity.
(4) * * *
(ii) * * *
(A) Limitations on page numbers or words.
(B) Formatting requirements, including font and font size, margins, page size, and color limitations.

* * * * *

(5) * * *
(iii) *Submission Instructions.* This section addresses how the applicant will submit the application. It must include the following:
(A) Actions needed prior to applying: Instructions on any registrations required to access electronic submission systems or links to them. Where possible, provide the expected time frames needed to complete the registration process.
(B) The methods for submitting the application:
(*1*) The Federal agency must inform applicants that applications must be submitted via *Grants.gov*, unless a program specific exception is expressly authorized by Federal statute or approved by the Federal agency head (or designee).
(*2*) The Federal agency must provide a link to the instructions on how to submit an application.
(C) If applicable, this section also must say how applicants must submit pre-applications, letters of intent, Statements of Interest (SOI), third-party information, or other information required before the award.
(D) This section must also include what to do in the event of system problems and a point of contact who will be available if the applicant experiences technical difficulties.
(iv) *Submission Dates and Times.* This section must include due dates and times for all submissions. This includes the following:
(A) Full applications.
(B) Any preliminary submissions, such as letters of intent, Statements of Interest (SOI), white papers, or pre-applications.
(C) Any other submissions required before Federal award separate from the full application.
(D) If the funding opportunity is a general announcement that is open for a period of time with no specific due dates for applications, this section should say so.

* * * * *

(6) * * *
(iii) * * *
(A) * * *
(*2*) A brief description of the merit review process, including how the Federal agency uses merit review (including pre-issuance review) outcomes in final decision-making. For example, whether they are advisory only.

* * * * *

(8) * * *
(ii) * * *
(C) The means of submission.

* * * * *

■ 118. In appendix II to part 200, revise paragraph (C) to read as follows:

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

* * * * *

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR part 60, all contracts that meet the definition of ''federally assisted construction contract'' in 41 CFR 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b).

* * * * *

Appendix VIII to Part 200 [Removed and Reserved]

■ 119. Remove and reserve appendix VIII to part 200.

■ 120. Revise appendix IX to part 200 to read as follows:

Appendix IX to Part 200—Hospital Cost Principles

Until such time as revised guidance is proposed and implemented for hospitals, the existing principles located at appendix IX to part 300 of this title remain in effect.

SUBTITLE B—FEDERAL AGENCY REGULATIONS FOR GRANTS AND AGREEMENTS

CHAPTER III—DEPARTMENT OF HEALTH AND HUMAN SERVICES

PART 300—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

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

Authority: 5 U.S.C. 301, 2 CFR part 200.

■ 122. Revise § 300.106 to read as follows:

§ 300.106 Adoption of 2 CFR part 200.

The Department of Health and Human Services adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, with the additions included in this part and part 376 of this chapter. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Health and Human Services. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 300.300 [Removed and Reserved]

■ 123. Remove and reserve § 300.300.

■ 124. Revise § 300.414 to read as follows:

§ 300.414 Indirect costs.

In addition to 2 CFR 200.414(c), the following specific indirect cost provisions apply:

(a) Indirect costs on training grants are limited to a fixed rate of eight percent of MTDC exclusive of tuition and related fees, direct expenditures for equipment, and subawards in excess of $25,000; and

(b) Indirect costs on grants awarded to foreign organizations and foreign public entities and performed fully outside of the territorial limits of the U.S. may be paid to support the costs of compliance with Federal requirements at a fixed rate of eight percent of MTDC exclusive of tuition and related fees, direct expenditures for equipment, and subawards in excess of $25,000.

PART 376—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 125. The authority citation for part 376 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 6101 (note); E.O. 12689 (3 CFR, 1989 Comp., p. 235); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 11738 (3 CFR, 1973 Comp., p. 799).

§§ 376.10 and 376.30 [Redesignated as §§ 376.5 and 376.10]

■ 126. Redesignate §§ 376.10 and 376.30 as §§ 376.5 and 376.10, respectively.

■ 127. Revise newly redesignated §§ 376.5 and 376.10 to read as follows:

§ 376.5 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Health and Human Services (HHS or Department) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation for Federal awards issued by HHS as supplemented by this part. This part satisfies the requirements in 2 CFR 180.20, section 3 of Executive Order 12549, ''Debarment and Suspension'', Executive Order 12689, ''Debarment and Suspension'', and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 376.10 What policies and procedures must I follow?

The policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, including the corresponding sections that HHS published in this part identified by the same section number. The contracts under a nonprocurement transaction, that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 376.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, HHS policies and procedures are those in the OMB regulation at 2 CFR part 180.

§ 376.20 [Redesignated as § 376.120 and Transferred to Subpart A]

■ 128. Redesignate § 376.20 as § 376.120 and transfer newly redesignated § 376.120 to subpart A.

■ 129. Revise newly redesignated § 376.120 to read as follows:

§ 376.120 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)), apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' under subpart B of 2 CFR part 180, as supplemented by this part, and the definition of nonprocurement transaction'' at 2 CFR 180.970.

(b) Respondent in HHS suspension or debarment action.

(c) HHS debarment or suspension official.

(d) HHS grants officer, agreements officer, or other HHS official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

■ 130. Revise § 376.220 to read as follows:

§ 376.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b), this part also applies to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB regulation at 2 CFR 180.220(c). (See optional lower tier coverage in the diagram in appendix A to 2 CFR part 180.)

■ 131. Revise § 376.437 to read as follows:

§ 376.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and require the participant to include a similar term or condition in lower-tier covered transactions.

PART 382—REQUIREMENTS FOR DRUG–FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 132. The authority citation for part 382 is revised to read as follows:

Authority: 41 U.S.C. 8101–8106.

■ 133. Revise §§ 382.10 through 382.30 to read as follows:

§ 382.10 What does this part do?

This part requires that the award and administration of Department of Health and Human Services (HHS) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101–8106, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Adopts the OMB regulation (subparts A through F of 2 CFR part 182) for the HHS grants and cooperative agreements; and

(b) Establishes HHS policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 8106 for Governmentwide implementing regulations.

§ 382.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of an HHS grant or cooperative agreement; or

(b) HHS awarding official.

§ 382.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 382.225	Whom in HHS a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 382.300	Whom in HHS a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 382.500	Who in HHS is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(4) 2 CFR 182.505	§ 382.505	Who in HHS is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, HHS policies and procedures are the same as those in the OMB regulation.

■ 134. Revise § 382.400 to read as follows:

§ 382.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of part 382, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 8101–8106).

CHAPTER IV—DEPARTMENT OF AGRICULTURE

PART 400—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 135. The authority citation for part 400 continues to read as follows:

Authority: 5 U.S.C. 301; 2 CFR part 200.

§§ 400.0, 400.1, and 400.2 [Redesignated as §§ 400.1, 400.106, and 400.112]

■ 136. Redesignate §§ 400.0, 400.1, and 400.2 as §§ 400.1, 400.106, and 400.112, respectively.

■ 137. Revise newly redesignated § 400.106 to read as follows:

§ 400.106 Agency implementation.

This part adopts the OMB regulation in subparts A through F of 2 CFR part 200, as supplemented by this chapter, as USDA policies and procedures for uniform administrative requirements, cost principles, and audit requirements for Federal awards. This part gives regulatory effect to the OMB regulation, as supplemented by this chapter, for Federal awards issued by USDA. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

PART 417—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 138. The authority citation for part 417 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 2209j; Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); Pub. L. 101–576, 104 Stat. 2838; E.O. 12549 (51 FR 6370, 3 CFR, 1986 Comp., p. 189); E.O. 12689 (54 FR 34131, 3 CFR, 1989 Comp., p. 235); 2 CFR part 180; 7 CFR 2.28.

■ 139. Revise §§ 417.10 through 471.30 to read as follows:

§ 417.10 What does this part do?

This part adopts the OMB regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the USDA policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for the USDA to the OMB regulation, as supplemented by this part. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, USDA policies and procedures are those in the OMB regulation. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 417.20 Does this part apply to me?

Through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a:

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970, as supplemented by §§ 417.215 and 417.220);

(b) Respondent in a USDA debarment and suspension action;

(c) USDA debarment or suspension official; or

(d) USDA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 417.30 What policies and procedures must I follow?

The USDA policies and procedures that you must follow are the policies and procedures specified in this part and each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 417.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, USDA policies and procedures are those in the OMB regulation.

■ 140. Revise subparts C and D to read as follows:

Subpart C—Responsibilities of Participants Regarding Transactions

§ 417.332 What methods must I use to pass down requirements to participants in lower tier covered transactions with whom I intend to do business?

You as a participant must include a term or condition in lower tier covered transactions requiring lower tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Department of Agriculture Officials Regarding Transactions

§ 417.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower tier covered transactions.

PART 421—REQUIREMENTS FOR DRUG—FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 141. The authority citation for part 421 is revised to read as follows:

Authority: 41 U.S.C. 8101–8106.

■ 142. Revise §§ 421.10 through 421.30 to read as follows:

§ 421.10 What does this part do?

This part requires that the award and administration of U.S. Department of Agriculture (USDA) grants and cooperative agreements comply with the Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101–8106, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Adopts the OMB regulation (subparts A through F of 2 CFR part 182) for USDA's grants and cooperative agreements; and

(b) Establishes USDA policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 8106 for Governmentwide implementing regulations.

§ 421.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a USDA grant or cooperative agreement; or

(b) USDA awarding official.

§ 421.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 421.225	Whom in the USDA a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 421.300	Whom in the USDA a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 421.500	Who in the USDA is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 421.505	Who in the USDA is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, USDA policies and procedures are the same as those in the OMB regulation.

■ 143. Revise § 421.400 to read as follows:

§ 421.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of 2 CFR part 421, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 8101–8106).

CHAPTER VI—DEPARTMENT OF STATE

PART 600—THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 144. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C 2651a, 22 U.S.C. 2151, 22 U.S.C. 2451, 22 U.S.C. 1461, 2 CFR part 200.

■ 145. Revise § 600.101 to read as follows:

§ 600.101 Applicability.

(a) The Department of State adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, as follows:

(1) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in 2 CFR part 200 (subparts A through F) shall apply to all non-Federal entities, except as noted in paragraph (a)(2) of this section.

(2) Subparts A through E of 2 CFR part 200 shall apply to all foreign organizations not recognized as Foreign Public Entities and subparts A through D of 2 CFR part 200 shall apply to all U.S. and foreign for-profit entities, except where the Federal awarding agency determines that the application of these subparts would be inconsistent with the international obligations of the United States or the statute or regulations of a foreign government. The Federal Acquisition Regulation (FAR) at 48 CFR parts 30 and 31 takes precedence over the cost principles in subpart E of 2 CFR part 200 for Federal awards to U.S. and foreign for-profit entities.

(b) This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of State. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

■ 146. Add § 600.201 to read as follows:

§ 600.201 Use of grants and cooperative agreements.

Notwithstanding 2 CFR 200.201(b), the DOS is permitted to issue fixed amount awards for Foreign Assistance and Public Diplomacy programs according to DOS internal policies and procedures that support the effective oversight and financial management of such awards.

§ 600.205 [Redesignated as § 600.206]

■ 147. Redesignate § 600.205 as § 600.206.

PART 601—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 148. The authority citation for part 601 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108; Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549; (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3); CFR, 1989 Comp., p. 235).

■ 149. Revise §§ 601.10 through 601.30 to read as follows:

§ 601.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of State (DOS) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for DOS to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189); Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355 (31 U.S.C. 6101 note).

§ 601.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a DOS suspension or debarment action;

(c) DOS debarment or suspension official; and

(d) DOS grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 601.30 What policies and procedures must I follow?

The DOS policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180 and any supplemental policies and procedures set forth in this part.

■ 150. Revise subparts B through D to read as follows:

Subpart B—Covered Transactions

§ 601.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b), this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the DOS under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the DOS nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB regulation at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in appendix A to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 601.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 601.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

CHAPTER VII—AGENCY FOR INTERNATIONAL DEVELOPMENT [REMOVED]

■ 151. Under the authority of 5 U.S.C. 301; Sec. 621, Public Law 87–195, 75 Stat 445, (22 U.S.C. 2381) as amended, E.O. 12163, Sept 29, 1979, 44 FR 56673; 2 CFR 1979 Comp., p. 435, remove chapter VII.

CHAPTER VIII—DEPARTMENT OF VETERANS AFFAIRS

PART 801—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 152. The authority citation for part 801 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235; 38 U.S.C. 501(a) and 3703(c).

■ 153. Revise §§ 801.10 through 801.30 to read as follows:

§ 801.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Veterans Affairs (VA) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation, as supplemented by this part, for the Department of Veteran Affairs. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 801.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970, as supplemented by subpart B of this part);

(b) Respondent in a Department of Veterans Affairs debarment or suspension action;

(c) Department of Veterans Affairs debarment or suspension official; or

(d) Department of Veterans affairs grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 801.30 What policies and procedures must I follow?

For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Department of Veterans Affairs policies and procedures are those in the OMB regulation. For any such section where there is a corresponding section in this part, the Department of Veterans Affairs policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, and as supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 801.220.

■ 154. Revise subparts A through D to read as follows:

Subpart A—General

§ 801.137 Who in the Department of Veterans Affairs may grant an exception to allow an excluded person to participate in a covered transaction?

Within the Department of Veterans Affairs, the Secretary of Veterans Affairs, the Under Secretary for Health, the Under Secretary for Benefits, the Under Secretary for Memorial Affairs, or other Designee of the Secretary each has the authority to grant an exception to allow an excluded person to participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 801.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

VA does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction, although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 801.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 801.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180 (as supplemented by subpart C of this part) and requires the participant to include a similar term or condition in lower-tier covered transactions.

■ 155. Revise the heading of subpart J to read as follows:

Subpart J—Limited Denial of Participation (Optional Regulations for OMB Regulations at 2 CFR Part 180)

PART 802—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 156. The authority citation for part 802 continues to read as follows:

Authority: 5 U.S.C. 301; 38 U.S.C. 501, 2 CFR part 200, and as noted in specific sections.

■ 157. Revise § 802.101 to read as follows:

§ 802.101 Applicability.

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in 2 CFR part 200 shall apply to the Department of Veterans Affairs. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Veterans Affairs. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

CHAPTER IX—DEPARTMENT OF ENERGY

PART 901—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 158. The authority citation for part 901 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235); 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 159. Revise §§ 901.10 through 901.30 to read as follows:

§ 901.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Energy (DOE) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation for Federal awards issued by DOE as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189); Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355 (31 U.S.C. 6101 note).

§ 901.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a DOE suspension or debarment action;

(c) DOE debarment or suspension official; and

(d) DOE grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 901.30 What policies and procedures must I follow?

The DOE policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180 and any supplemental policies and procedures set forth in this part.

■ 160. Revise subparts B through D to read as follows:

Subpart B—Covered Transactions

§ 901.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), DOE does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 901.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 901.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR

180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

PART 902—REQUIREMENTS FOR DRUG–FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 161. The authority citation for part 902 continues to read as follows:

Authority: 41 U.S.C. 701; 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 162. Revise §§ 902.10 through 902.30 to read as follows:

§ 902.10 What does this part do?

This part requires that the award and administration of Department of Energy (DOE) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for the DOE's grants and cooperative agreements; and

(b) Establishes DOE policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 902.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a DOE grant or cooperative agreement; or

(b) DOE awarding official.

§ 902.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a).	§ 902.225	Whom in the DOE a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b).	§ 902.300	Whom in the DOE a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 902.500	Who in the DOE is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 902.505	Who in the DOE is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(5) 2 CFR 182.605	§ 902.605	Definition of ''Award''.
(6) 2 CFR 182.645	§ 902.645	Definition of ''Federal agency or agency''.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, DOE policies and procedures are the same as those in the OMB regulation.

■ 163. Revise § 902.400 to read as follows:

§ 902.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of Part 902, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

PART 910—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 164. The authority citation for part 910 continues to read as follows:

Authority: 42 U.S.C. 7101, *et seq.;* 31 U.S.C. 6301–6308; 50 U.S.C. 2401 *et seq.;* 2 CFR part 200.

§§ 910.120 and 910.122 [Redesignated as §§ 910.100 and 910.101]

■ 165. Redesignate §§ 910.120 and 910.122 as §§ 910.100 and 910.101.

■ 166. Revise newly redesignated § 910.101 to read as follows:

§ 910.101 Purpose.

The Department of Energy adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, with the additions included in subparts B through F of this part. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Energy. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

■ 167. Revise § 910.350 to read as follows:

§ 910.350 Applicability of 2 CFR part 200.

(a) As stated in § 910.122, unless otherwise noted in this part, the definition of *Non-Federal entity* found in 2 CFR 200.1 is expanded for DOE to include for-profit organizations in addition to States, local governments, Indian tribes, institutions of higher education (IHE), and nonprofit organizations.

(b) A for-profit organization is defined as one that distributes any profit not reinvested into the business as profit or dividends to its employees or shareholders.

(c) This subpart contains specific changes to 2 CFR part 200 that apply only to For-Profit Recipients and, unless otherwise specified, subrecipients. In some cases, the coverage in this subpart will replace the language in a specific section of 2 CFR part 200.

CHAPTER X—DEPARTMENT OF THE TREASURY

PART 1000—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 168. The authority citation for part 1000 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 301; 2 CFR part 200.

■ 169. Revise § 1000.10 to read as follows:

§ 1000.10 Applicable regulations.

Except for the deviations set forth elsewhere in this part, the Department of the Treasury adopts the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth at 2 CFR part 200, for Federal awards issued by the Department. This part gives regulatory effect to the Office of Management and Budget (OMB) regulation for Federal awards issued by the Department of the Treasury. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

CHAPTER XI—DEPARTMENT OF DEFENSE

■ 170. Revise part 1104 to read as follows:

PART 1104—IMPLEMENTATION OF GOVERNMENTWIDE REGULATION FOR FEDERAL FINANCIAL ASSISTANCE

Sec.

1104.2 Purpose of this part.
1104.3 Award format for DoD Components' grants and cooperative agreements.
1104.5 Regulations governing DoD Components' general terms and conditions.
1104.10 Regulations governing DoD Components' award-specific terms and conditions.
1104.15 Regulations governing DoD Components' internal procedures.
1104.20 Definitions.

Authority: 5 U.S.C. 301 and 10 U.S.C. 113.

§ 1104.2 Purpose of this part.

Except as otherwise provided in this part, the Department of Defense (DoD) adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. Subject to certain exceptions, this part gives regulatory effect to the OMB regulation for Federal awards issued by DoD. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 1104.3 Award format for DoD Components' grants and cooperative agreements.

DoD Components must conform the format of new grants and cooperative agreements to the standard award format specified in part 1120 of the DoD Grant and Agreement Regulations (DoDGARS) (2 CFR part 1120). The standard format provides locations within the award for:

(a) General terms and conditions, including the administrative and national policy requirements discussed in § 1104.5(a) and (b), respectively.

(b) Any award-specific terms and conditions discussed in § 1104.10.

§ 1104.5 Regulations governing DoD Components' general terms and conditions.

(a) *Administrative requirements.* On an interim basis pending completion of the update of the DoDGARs to implement OMB regulation published in 2 CFR part 200, the following regulatory provisions govern the administrative requirements to be included in general terms and conditions of DoD Components' new grants and cooperative agreements:

(1) The provisions of parts 1126 through 1138 of the DoDGARs (2 CFR parts 1126 through 1138, which comprise subchapter D of this chapter) govern the administrative requirements to be included in the general terms and conditions of DoD Components' new grants and cooperative agreements awarded to institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes.

(2) Part 34 of the DoDGARs (32 CFR part 34) governs the administrative requirements to be included in general terms and conditions of DoD Components' grants and cooperative agreements awarded to for-profit entities.

(b) *National policy requirements.* Part 1122 of the DoDGARs (2 CFR part 1122) governs the national policy requirements to be included in DoD Components' new grants and cooperative agreements awarded to all types of entities.

§ 1104.10 Regulations governing DoD Components' award-specific terms and conditions.

On an interim basis pending completion of the update of the DoDGARs to implement OMB regulation published in 2 CFR part 200:

(a) The regulation in 2 CFR part 200 governs administrative requirements to be included in any award-specific terms and conditions used to supplement the general terms and conditions of a new grant or cooperative agreement awarded to an institution of higher education, nonprofit organization, State, local government, or Indian tribe.

(b) Part 34 of the DoDGARs (32 CFR part 34) governs the administrative requirements to be included in any award-specific terms and conditions of DoD Components' grants and cooperative agreements awarded to for-profit entities.

§ 1104.15 Regulations governing DoD Components' internal procedures.

On an interim basis pending completion of the update of the DoDGARs to implement OMB regulation published in 2 CFR part 200, DoD Components' internal pre-award, time-of-award, and post-award procedures will continue to comply with requirements in parts 21 and 22 of the DoDGARs (32 CFR parts 21 and 22) and other applicable Defense Grant and Agreement Regulatory System (DGARS) policies.

§ 1104.20 Definitions.

(a) *DoD Grant and Agreement Regulations.* The term *DoD Grant and Agreement Regulations* (*DoDGARs*) means the regulations in 32 CFR subtitle A, chapter I, subchapter C, and this chapter.

(b) *Other terms.* See part 1108 of the DoDGARs (2 CFR part 1108) for definitions of other terms used in this part.

PART 1120—AWARD FORMAT FOR DOD GRANTS AND COOPERATIVE AGREEMENTS

■ 171. The authority citation for part 1120 continues to read as follows:

Authority: 5 U.S.C. 301 and 10 U.S.C. 113.

■ 172. Revise § 1120.405 to read as follows:

§ 1120.405 Content of the preamble.

The preamble for each set of general terms and conditions must include at least the following information elements, organized in the order shown:

(a) *Table of contents.* This should show the articles within each other subdivision of the general terms and conditions (Subdivisions B and C for administrative and national policy requirements and, if needed, Subdivision D for programmatic requirements).

(b) *Scope.* This element identifies the programs, types of awards, and types of recipient entities that are subject to the set of general terms and conditions.

(c) *Effective date.* This is the date on which the particular version of the set of general terms and conditions became effective, which enables a recipient to easily distinguish it from any earlier or subsequent versions. The version date of each article within the general terms and conditions must be indicated in parentheses following the title of the

article, to help a recipient identify the articles that changed from previous versions of the general terms and conditions.

(d) *English language.* The purpose of this element of the preamble is to implement Office of Management and Budget (OMB) regulation in 2 CFR 200.111(b) by informing each recipient that all Federal financial assistance announcements, applications, and Federal award information must be in the English language and must be in terms of U.S. dollars.

(e) *Plain language.* This section of the preamble is required when the general terms and conditions use personal pronouns, in accordance with § 1120.310. Its purpose is to inform recipients about the meanings of those personal pronouns.

(f) *Definitions.* Providing the definitions of words and phrases that are used in the general terms and conditions and defined in the DoDGARs is more helpful to recipients than referring them to the DoDGARs to find the definitions.

PART 1122—NATIONAL POLICY REQUIREMENTS: GENERAL AWARD TERMS AND CONDITIONS

■ 173. The authority citation for part 1122 continues to read as follows:

Authority: 5 U.S.C. 301 and 10 U.S.C. 113.

■ 174. Revise § 1122.1 to read as follows:

§ 1122.1 Purpose of this part.

(a) This part specifies a standard format and standard wording of general terms and conditions for Subdivision B of the general terms and conditions of Department of Defense (DoD) grants and cooperative agreements, which concerns national policy requirements.

(b) This part implements:

(1) Office of Management and Budget (OMB) regulation in 2 CFR 200.210 and 200.300, as those sections of 2 CFR part 200 relate to national policy requirements for general terms and conditions of DoD grants and cooperative agreements to institutions of higher education and other nonprofit organizations, States, local governments, and Indian tribes.

(2) National policy requirements, to the extent they apply, for general terms and conditions of DoD awards to for-profit firms, foreign organizations, and foreign public entities.

PART 1125—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 175. The authority citation for part 1125 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235; 5 U.S.C. 301 and 10 U.S.C. 113.

■ 176. Revise §§ 1125.10 through 1125.40 to read as follows:

§ 1125.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Defense (DoD) policies and procedures for nonprocurement debarment and suspension. This part implements, for the Department of Defense, the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 1125.20 Does this part implement the OMB regulation in 2 CFR part 180 for all DoD nonprocurement transactions?

This part implements the OMB guidelines in 2 CFR part 180 for most DoD nonprocurement transactions. However, it does not implement the guidelines as they apply to prototype projects under the authority of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160), as amended. The Director of Defense Procurement and Acquisition Policy maintains a DoD issuance separate from this part that addresses section 845 transactions.

§ 1125.30 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970, as supplemented by subpart B of this part), other than a section 845 transaction described in § 1125.20;

(b) Respondent in a DoD Component's nonprocurement suspension or debarment action;

(c) DoD Component's debarment or suspension official; or

(d) DoD Component's grants officer, agreements officer, or other official authorized to enter into a nonprocurement transaction that is a covered transaction.

§ 1125.40 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through I of 2 CFR part 180, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 180, this part supplements eight sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 180.135 ..	§ 1125.137	Who in DoD may grant an exception for an excluded person to participate in a covered transaction.
(2) 2 CFR 180.220 ..	§ 1125.220	Which lower-tier contracts under a nonprocurement transaction are covered transactions.
(3) 2 CFR 180.330 ..	§ 1125.332	What method a participant must use to communicate requirements to a lower-tier participant.
(4) 2 CFR 180.425 ..	§ 1125.425	When a DoD awarding official must check to see if a person is excluded or disqualified.
(5) 2 CFR 180.435 ..	§ 1125.437	What method a DoD official must use to communicate requirements to a participant.
(6) 2 CFR 180.930 ..	§ 1125.930	Which DoD officials are debarring officials.
(7) 2 CFR 180.1010	§ 1125.1010	Which DoD officials are suspending officials.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through I of 2 CFR part 180 that is not listed in paragraph (b) of this section, DoD policies and procedures are the same as those in the OMB regulation.

177. Revise subparts A through D to read as follows:

Subpart A—General

§ 1125.137 Who in the Department of Defense may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of Defense, the Secretary of Defense, Secretary of a Military Department, Head of a Defense Agency, Head of the Office of Economic Adjustment, and Head of the Special Operations Command have the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 1125.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), the Department of Defense does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 1125.332 What method must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant in a covered transaction must include a term or condition in any lower-tier covered transaction into which you enter, to require the participant of that transaction to—

(a) Comply with subpart C of 2 CFR part 180; and

(b) Include a similar term or condition in any covered transaction into which it enters at the next lower tier.

Subpart D—Responsibilities of DoD Officials Regarding Transactions

Sec.

1125.425 When do I check to see if a person is excluded or disqualified?

1125.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

§ 1125.425 When do I check to see if a person is excluded or disqualified?

In addition to the four instances identified in the OMB regulation at 2 CFR 180.425, you as a DoD Component official must check to see if a person is excluded or disqualified before you obligate additional funding (*e.g.,* through an incremental funding action) for a pre-existing grant or cooperative agreement with an institution of higher education, as provided in 32 CFR 22.520(e)(5).

§ 1125.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

You as a DoD Component official must include a term or condition in each covered transaction into which you enter, to communicate to the participant the requirements to—

(a) Comply with subpart C of 2 CFR part 180, as supplemented by subpart C of this part; and

(b) Include a similar term or condition in any lower-tier covered transactions into which the participant enters.

PART 1126—SUBCHAPTER D OVERVIEW

■ 178. The authority citation for part 1126 continues to read as follows:

Authority: 5 U.S.C. 301 and 10 U.S.C. 113.

■ 179. Revise § 1126.1 to read as follows:

§ 1126.1 Purposes of this subchapter.

This subchapter:

(a) Addresses general terms and conditions governing administrative requirements for use by Department of Defense (DoD) Components when awarding cost-type grants and cooperative agreements to institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes. It does so by providing:

(1) A standard organization of the administrative requirements into articles of general terms and conditions, each of which is in a specific subject area.

(2) Standard wording for those articles; and

(3) Associated prescriptions for DoD Component's use of the standard wording to construct their general terms and conditions, which allow for adding, omitting, or varying in other ways from the standard wording in certain situations.

(b) Thereby implements Office of Management and Budget (OMB) regulation in 2 CFR part 200 as it relates to general terms and conditions of grants and cooperative agreements to institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes.

■ 180. Revise § 1126.3 to read as follows:

§ 1126.3 Exceptions from requirements in this subchapter.

(a) *Exceptions that are not permitted.* A DoD Component may not grant any exception to the requirements in this subchapter if the exception is:

(1) Prohibited by statute, Executive order, or regulation;

(2) Inconsistent with the OMB implementation of the Single Audit Act in subpart F of 2 CFR part 200.

(b) *Other exceptions.* Other exceptions are permitted from requirements in this subchapter for institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes as follows:

(1) *Statutory or regulatory exceptions.* A DoD Component's general terms and conditions may incorporate a requirement that is inconsistent with the requirements in this subchapter if that requirement is specifically authorized or required by a statute or regulation adopted in the Code of Federal Regulations after opportunity for public comment.

(2) *Individual exceptions.* The Head of the DoD Component or his or her designee may approve an individual exception affecting only one award in accordance with procedures stated in 32 CFR 21.340.

(3) *Small awards.* A DoD Component's terms and conditions for small awards may apply less restrictive requirements than those specified in this subchapter (a small award is an award for which the total value of obligated funding through the life of the award is not expected to exceed the simplified acquisition threshold).

(4) *Other class exceptions.* The Undersecretary of Defense for Research and Engineering has designated the Deputy Assistant Secretary of Defense for Science and Technology Foundations with the authority to approve any class exception affecting multiple awards other than small awards, with OMB concurrence if the class exception is for a requirement that is inconsistent with OMB regulation in 2 CFR part 200. Procedures for DoD Components' requests for class exceptions are stated in 32 CFR 21.340.

CHAPTER XII—DEPARTMENT OF TRANSPORTATION

PART 1200—NONPROCUREMENT SUSPENSION AND DEBARMENT

■ 181. The authority citation for part 1200 continues to read as follows:

Authority: 49 U.S.C. 322; Sec. 2455, Public Law 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

■ 182. Revise §§ 1200.10 through 1200.30 to read as follows:

§ 1200.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Transportation policies and procedures for nonprocurement suspension and debarment. This part gives regulatory effect for the Department of Transportation to the OMB regulation for Federal awards issued by the Department as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Suspension and Debarment'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Suspension and Debarment'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 1200.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a Department of Transportation suspension or debarment action;

(c) Department of Transportation debarment or suspension official; or

(d) Department of Transportation grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 1200.30 What policies and procedures must I follow?

The Department of Transportation policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220, as supplemented by § 1200.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Department of Transportation policies and procedures are those in the OMB regulation.

■ 183. Revise subparts B through D to read as follows:

Subpart B—Covered Transactions

§ 1200.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b), this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the Department of Transportation under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the Department of Transportation nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB regulation at 2 CFR 180.220(c) (see optional lower-tier coverage in the figure in appendix A to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 1200.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 1200.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180 and requires the participant to include a similar term or condition in lower-tier covered transactions.

PART 1201—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 184. The authority citation for part 1201 continues to read as follows:

Authority: 49 U.S.C. 322(a); 2 CFR 200.106.

§ 1201.1 [Redesignated as § 1201.5]

■ 185. Redesignate § 1201.1 as § 1201.5.

■ 186. Revise newly redesignated § 1201.5 to read as follows:

§ 1201.5 What does this part do?

Except as otherwise provided in this part, the Department of Transportation adopts the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200). This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Transportation (DOT). See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. This part superseded and repealed the requirements of the Department of Transportation Common Rules (49 CFR parts 18 and 19), except that grants and cooperative agreements executed prior to December 26, 2014, continue to be subject to 49 CFR parts 18 and 19 as in effect on the date of such grants or agreements.

■ 187. Revise § 1201.106 to read as follows:

§ 1201.106 DOT Component implementation.

The specific requirements and responsibilities for grant-making DOT Components are set forth in this part. DOT Components must implement the language in this part unless different provisions are required by Federal statute or are approved by DOT Headquarters. DOT Components making Federal awards to non-Federal entities must implement the language in subparts C through F of 2 CFR part 200 in codified regulations unless different provisions are required by Federal statute or are approved by DOT Headquarters.

CHAPTER XIII—DEPARTMENT OF COMMERCE

■ 188. Revise part 1326 to read as follows:

PART 1326—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

1326.10 What does this part do?
1326.20 Does this part apply to me?

1326.30 What policies and procedures must I follow?

Subpart A—General

1326.137 Who in the Department of Commerce may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

1326.216 Which nonprocurement transactions, in addition to those listed in 2 CFR 180.215, are not covered transactions?
1326.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

1326.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

1326.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–H [Reserved]

Subpart I—Definitions

1326.970 Nonprocurement transaction.

Subpart J [Reserved]

Authority: 5 U.S.C. 301; sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 1326.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Commerce policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Commerce, as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 1326.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970, as supplemented by subpart B of this part and § 1326.970);

(b) Respondent in a Department of Commerce suspension or debarment action;

(c) Department of Commerce debarment or suspension official; or

(d) Department of Commerce grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 1326.30 What policies and procedures must I follow?

The Department of Commerce policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 1326.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Department of Commerce policies and procedures are those in the OMB regulation.

Subpart A—General

§ 1326.137 Who in the Department of Commerce may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of Commerce, the Secretary of Commerce or designee has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 1326.216 Which nonprocurement transactions, in addition to those listed in 2 CFR 180.215, are not covered transactions?

(a) For purposes of the Department of Commerce, a transaction that the Department needs to respond to a national or agency-recognized emergency or disaster includes the Fisherman's Contingency Fund.

(b) For purposes of the Department of Commerce, an incidental benefit that results from ordinary governmental operations includes:

(1) Export Promotion, Trade Information and Counseling, and Trade policy.

(2) Geodetic Surveys and Services (Specialized Services).

(3) Fishery Products Inspection Certification.

(4) Standard Reference Materials.

(5) Calibration, Measurement, and Testing.

(6) Critically Evaluated Data (Standard Reference Data).

(7) Phoenix Data System.

(8) The sale or provision of products, information, and services to the general public.

(c) For purposes of the Department of Commerce, any other transaction if the application of an exclusion to the transaction is prohibited by law includes:

(1) The Administration of the Anti-dumping and Countervailing Duty Statutes.

(2) The export Trading Company Act Certification of Review Program.

(3) Trade Adjustment Assistance Program Certification.

(4) Foreign Trade Zones Act of 1934, as amended.

(5) Statutory Import Program.

§ 1326.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b), this part applies to a subcontract that is awarded by a participant in a procurement transaction covered under 2 CFR 180.220(a), if the amount of the subcontract exceeds or is expected to exceed $25,000. This extends the coverage of the Department of Commerce nonprocurement suspension and debarment requirements to one additional tier of contracts under covered nonprocurement transactions, as permitted under the OMB regulation at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in appendix A to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 1326.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 1326.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR

180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–H [Reserved]

Subpart I—Definitions

§ 1326.970 Nonprocurement transaction.

For purposes of the Department of Commerce, nonprocurement transaction includes the following:

(a) Joint project Agreements under 15 U.S.C. 1525.

(b) Cooperative research and development agreements.

(c) Joint statistical agreements.

(d) Patent licenses under 35 U.S.C. 207.

(e) NTIS joint ventures, 15 U.S.C. 3704b.

Subpart J [Reserved]

■ 189. Revise part 1327 to read as follows:

PART 1327—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.

1327.10 Adoption of 2 CFR part 200.
1327.11 [Reserved]

Authority: 5 U.S.C. 301; 38 U.S.C. 501; 2 CFR part 200.

§ 1327.10 Adoption of 2 CFR part 200.

The Department of Commerce adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Commerce. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 1327.11 [Reserved]

PART 1329—REQUIREMENTS FOR DRUG–FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 190. The authority citation for part 1329 continues to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 701–707.

■ 191. Revise §§ 1329.10 through 1329.30 to read as follows:

1329.10 What does this part do?

This part requires that the award and administration of Department of Commerce grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for the Department of Commerce's grants and cooperative agreements; and

(b) Establishes Department of Commerce policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

1329.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a Department of Commerce grant or cooperative agreement; or

(b) Department of Commerce awarding official.

1329.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a).	§ 1329.225	Whom in the Department of Commerce a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b).	§ 1329.300	Whom in the Department of Commerce a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500 ..	§ 1329.500	Who in the Department of Commerce is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505 ..	§ 1329.505	Who in the Department of Commerce is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, Department of Commerce policies and procedures are the same as those in the OMB regulation.

■ 192. Revise § 1329.400 to read as follows:

1329.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of 2 CFR part 1329, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

CHAPTER XIV—DEPARTMENT OF THE INTERIOR

PART 1400—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 193. The authority citation for part 1400 continues to read as follows:

Authority: Section 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 5 U.S.C. 301; E.O. 12549 (3 CFR, 1986 Comp., p. 189); and E.O. 12689 (3 CFR, 1989 Comp., p. 235).

■ 194. Revise §§ 1400.20 and 1400.30 to read as follows:

1400.20 When does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970, as supplemented by subpart B of this part and § 1400.970);

(b) Respondent in a Department of the Interior suspension or debarment action;

(c) Department of the Interior debarment or suspension official, *i.e.,* the Director, Office of Acquisition and Property Management; or

(d) Department of the Interior grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

1400.30 What policies and procedures must I follow?

(a) The Department of the Interior policies and procedures that you must follow are specified in:

(1) Each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180; and

(2) The supplement to each section of the OMB regulation that is found in this part under the same section number. (The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 1400.220.)

(b) For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Department of the Interior policies and procedures are those in the OMB regulation.

■ 195. Revise § 1400.137 to read as follows:

1400.137 Who in the Department of the Interior may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of the Interior, the Director, Office of Acquisition and Property Management has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

■ 196. Revise § 1400.220 to read as follows:

1400.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), the Department of the Interior does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

■ 197. Revise § 1400.332 read as follows:

1400.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180.

■ 198. Revise § 1400.437 to read as follows:

1400.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

PART 1401—REQUIREMENTS FOR DRUG–FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 199. The authority citation for part 1401 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 6101 note, 7501; 41 U.S.C. 252a; 41 U.S.C. 701–707.

■ 200. Revise §§ 1401.100 through 1401.110 to read as follows:

1401.100 What does this part do?

This part requires that the award and administration of the Department of the Interior (DOI) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988, 41 U.S.C. 701–707, as amended (hereinafter, ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for DOI's grants and cooperative agreements; and

(b) Establishes DOI policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Government-wide implementing regulations.

1401.105 Does this part apply to me?

(a) This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 apply if you are—

(1) A recipient of an assistance award from the Department of the Interior; or

(2) The Department of the Interior awarding official.

(b) Paragraphs (b)(1) through (3) of this section show the subparts that apply to you (in lieu of 2 CFR 182.115(b)):

If you are . . .	See subparts
(1) A recipient who is not an individual	A, C, and F.
(2) A recipient who is an individual	A, D, and F.
(3) A Department of the Interior awarding official	A, E, and F.

1401.110 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures set forth in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a).	§ 1401.335	Whom in the DOI a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b).	§ 1401.401	Whom in the DOI a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500 ..	§ 1401.600	Who in the DOI is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505 ..	§ 1401.605	Who in the DOI is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, DOI policies and procedures are the same as those in the OMB regulation.

■ 201. Revise § 1401.500 to read as follows:

§ 1401.500 What are my responsibilities as a DOI awarding official?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You, as the recipient, must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of part 1401, which adopts the government-wide implementation of 2 CFR part 182; sections 5152–5158 of the Drug-Free Workplace Act of 1988, Public Law 100–690, Title V, Subtitle D; 41 U.S.C. 701–707.

PART 1402—FINANCIAL ASSISTANCE INTERIOR REGULATION, SUPPLEMENTING THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 202. The authority citation for part 1402 continues to read as follows:

Authority: 5 U.S.C. 301 and 2 CFR part 200.

■ 203. Revise § 1402.100 to read as follows:

§ 1402.100 Purpose.

(a) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in 2 CFR part 200 apply to the Department of the Interior. This part adopts, as the Department of the Interior (DOI) policies and procedures, the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth in 2 CFR part 200 and gives regulatory effect to the OMB regulation for Federal awards issued by the Department of the Interior. The regulation applies in full except as stated in this part. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

(b) This part establishes DOI financial assistance regulations that implement or supplement the OMB regulation in 2 CFR part 200. It is designed to ensure that financial assistance is administered in full compliance with applicable law, regulation, policy, and best practices to ensure the American people get the most value from the funds DOI awards on financial assistance. For supplemental regulation, DOI has adopted section numbering that corresponds to related OMB regulation in 2 CFR part 200.

(c) This part extends 2 CFR part 200, subparts A through E, policies and procedures to foreign public entities and foreign organizations as allowed by 2 CFR 200.101, except as indicated throughout this part.

CHAPTER XV—ENVIRONMENTAL PROTECTION AGENCY

PART 1500—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 204. The authority citation for part 1500 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 136 *et seq.,* 15 U.S.C. 2601 *et seq.,* 20 U.S.C. 4011 *et seq.,* 33 U.S.C. 1251 *et seq.,* and 1401 *et seq.,* 42 U.S.C. 241, 242b, 243, 246, 300f *et seq.,* 1857 *et seq.,* 6901 *et seq.,* 7401 *et seq.,* and 9601 *et seq.;* 2 CFR part 200.

■ 205. Revise subpart A to read as follows:

Subpart A—Acronyms and Definitions

§ 1500.1 Definitions.

In addition to the definitions in 2 CFR 200.1, the following terms apply to this part:

Participant support costs, to provide that allowable participant support costs under Environmental Protection Agency (EPA) assistance agreements include:

(1) Rebates or other subsidies provided to program participants for purchases and installations of commercially available, standard (''off the shelf'') pollution control equipment or low emission vehicles under the Diesel Emission Reduction Act program or programs authorized by EPA appropriation acts and permitted by terms specified in EPA assistance agreements or regulation, when the program participant rather than the recipient owns the equipment.

(2) Subsidies, rebates, and other payments provided to program beneficiaries to encourage participation in statutorily authorized programs to encourage environmental stewardship and enable the public to participate in EPA funded research, pollution abatement, and other projects or programs to the extent permitted by statutes and terms specified in EPA assistance agreements or guidance.

■ 206. Revise § 1500.2 to read as follows:

§ 1500.2 Adoption of 2 CFR part 200.

Under the authority listed in the authority citation for this part, the Environmental Protection Agency adopts the Office of Management and Budget (OMB) regulation ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities'' (subparts A through F of 2 CFR part 200), as supplemented by this part, as the Environmental Protection Agency (EPA) policies and procedures for financial assistance administration. This part satisfies the requirements of 2 CFR 200.110(a) and gives regulatory effect to the OMB regulation for Federal awards issued by EPA, as supplemented by this part. EPA also has programmatic regulations located in 40 CFR chapter I, subchapter B. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

■ 207. Revise § 1500.4 to read as follows:

§ 1500.4 Exceptions.

Consistent with 2 CFR 200.102(c):

(a) In the EPA, the Director, Office of the Chief Grants Officer or designee, is authorized to grant exceptions on a case-by-case basis for recipients.

(b) The EPA Director or designee is also authorized to approve exceptions, on a class or an individual case basis, to EPA program specific assistance regulations other than those which implement statutory and Executive order requirements.

Subpart C—[Removed and Reserved]

■ 208. Remove and reserve subpart C, consisting of § 1500.6.

PART 1532—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 209. The authority citation for part 1532 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.;* 42 U.S.C. 7401 *et seq.;* Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 11738 (3 CFR, 1973 Comp., p. 799); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

■ 210. Revise §§ 1532.10 through 1532.30 to read as follows:

§ 1532.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Environmental Protection Agency (EPA) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for the EPA to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 1532.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in an EPA suspension or debarment action;

(c) EPA debarment or suspension official; or

(d) EPA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 1532.30 What policies and procedures must I follow?

The EPA policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 1532.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, EPA policies and procedures are those in the OMB regulation.

■ 211. Revise subparts A through D to read as follows:

Subpart A—General

§ 1532.137 Who in the EPA may grant an exception to let an excluded person participate in a covered transaction?

The EPA debarring official has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135. If the EPA debarring official grants an exception, the exception must be in writing and state the reason(s) for deviating from the Governmentwide policy in Executive Order 12549.

Subpart B—Covered Transactions

§ 1532.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b), this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the EPA under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the EPA nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB regulation at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in appendix A to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 1532.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 1532.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

■ 212. Revise § 1532.1125 to read as follows:

§ 1532.1125 How do award officials and others know if I am disqualified?

If you are convicted under the statutes in §§ 1532.1100 and 1532.1105, the EPA enters your name and address and that of the violating facility into the System for Award Management (*SAM.gov*) Exclusions as soon as possible after the EPA learns of your conviction. In addition, the EPA enters other information describing the nature of your disqualification. Federal award officials and others who administer Federal programs consult *SAM.gov* Exclusions before entering into or approving procurement and nonprocurement transactions. Anyone may access *SAM.gov* Exclusions through the internet, currently at *https://www.sam.gov.*

■ 213. In § 1532.1130, revise paragraph (a) to read as follows:

§ 1532.1130 How does disqualification under the CAA or CWA differ from a Federal discretionary suspension or debarment action?

(a) CAA and CWA disqualifications are exclusions mandated by statute. In contrast, suspensions and debarments imposed under subparts A through I of 2 CFR part 180 or under 48 CFR part 9, subpart 9.4, are exclusions imposed at the discretion of Federal suspending or debarring officials. This means that if you are convicted of violating the CAA

or CWA provisions described under § 1532.1105, ordinarily your name and that of the violating facility is placed into *SAM.gov* Exclusions before you receive a confirmation notice of the listing, or have the opportunity to discuss the disqualification with, or seek reinstatement from, the EPA.

* * * * *

■ 214. Revise § 1532.1200 to read as follows:

§ 1532.1200 How will I know if I am disqualified under the CAA or CWA?

There may be several ways that you learn about your disqualification. You are legally on notice by the CAA at 42 U.S.C. 4606 and CWA at 33 U.S.C. 1368 that a criminal conviction of any offense listed under 42 U.S.C. 7413(c) of the CAA or 33 U.S.C. 1319(c) of the CWA automatically disqualifies you. As a practical matter, you may learn about your disqualification from your defense counsel, a Federal contract or award official, or from someone else who sees your name on *SAM.gov* Exclusions. As a courtesy, the EPA will attempt to notify you that your name has been entered into *SAM.gov* Exclusions. The EPA will inform you of the procedures for seeking reinstatement and give you the name of a person you can contact to discuss your reinstatement request.

■ 215. Revise § 1532.1500 to read as follows:

§ 1532.1500 If I am reinstated, when will my name be removed from *SAM.gov* Exclusions?

If your eligibility for procurement and nonprocurement participation is restored under the CAA or CWA, whether by decision, appeal, or by administrative agreement, the EPA will remove your name and that of the violating facility from *SAM.gov* Exclusions, generally within 5 working days of your reinstatement.

PART 1536—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 216. The authority citation for part 1536 continues to read as follows:

Authority: 41 U.S.C. 701–707.

■ 217. Revise §§ 1536.10 through 1536.30 to read as follows:

§ 1536.10 What does this part do?

This part requires that the award and administration of Environmental Protection Agency grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for the Environmental Protection Agency's grants and cooperative agreements; and

(b) Establishes Environmental Protection Agency policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 1536.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of an Environmental Protection Agency grant or cooperative agreement; or

(b) Environmental Protection Agency awarding official.

§ 1536.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a).	§ 1536.225	Whom in the Environmental Protection Agency a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b).	§ 1536.300	Whom in the Environmental Protection Agency a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500 ..	§ 1536.500	Who in the Environmental Protection Agency is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505 ..	§ 1536.505	Who in the Environmental Protection Agency is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, Environmental Protection Agency policies and procedures are the same as those in the OMB regulation.

■ 218. Revise § 1536.400 to read as follows:

§ 1536.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of 2 CFR Subtitle B, Chapter XV, Part 1536, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

CHAPTER XVI—US INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

PART 1600—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 219. The authority citation for part 1600 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549,

51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

■ 220. Revise §§ 1600.10 through 1600.30 to read as follows:

§ 1600.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the U.S. International Development Finance Corporation (DFC) regulations for non-procurement debarment and suspension. This part gives regulatory effect for DFC to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189); Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355 (31 U.S.C. 6101 note).

§ 1600.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see 2 CFR part 180, subpart B, and the definition of ''non-procurement transaction'' at 2 CFR 180.970);

(b) Respondent in a DFC suspension or debarment action;

(c) DFC suspending or debarring official; and

(d) DFC investment, guarantee, insurance or grant official authorized to enter into any type of non-procurement transaction that is a covered transaction.

§ 1600.30 What regulations must I follow?

The DFC regulations that you must follow are the regulations specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180 as that section is supplemented by the section in this part with the same section number or by additional provisions with no corresponding section number. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, DFC regulations are those in the OMB regulation.

■ 221. Revise § 1600.220 to read as follows:

§ 1600.220 What contracts and subcontracts are covered transactions?

First-tier procurements (*i.e.,* primary contracts) under a covered nonprocurement transaction are covered transactions. Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (see also optional lower tier coverage in the figure in appendix A to 2 CFR part 180), DFC does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement under a covered nonprocurement transaction. Moreover, for purposes of determining whether a procurement contract is included as a covered transaction, the threshold in 2 CFR 180.220(b) is increased from $25,000 to the ''simplified acquisition threshold'' as defined in 48 CFR 2.101.

■ 222. Revise § 1600.332 to read as follows:

§ 1600.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions that are covered transactions, requiring lower-tier participants to comply with the OMB regulation in 2 CFR part 180, subpart C, as supplemented by this subpart.

CHAPTER XVIII—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1800—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 223. The authority citation for part 1800 continues to read as follows:

Authority: 51 U.S.C. 20113 (e), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301 *et seq.*), and 2 CFR part 200.

Subparts B and C [Redesignated as Subparts C and D]

■ 224. Redesignate subparts B and C as subparts C and D.

■ 225. Add a new subpart B to read as follows:

Subpart B—General Provisions

§§ 1800.2 and 1800.3 [Redesignated as §§ 1800.100 and 1800.101 and Transferred to Subpart B]

■ 226. Redesignate §§ 1800.2 and 1800.3 as §§ 1800.100 and 1800.101 and transfer newly redesignated §§ 1800.100 and 1800.101 to subpart B.

■ 227. Revise newly redesignated §§ 1800.100 and 1800.101 to read as follows:

§ 1800.100 Purpose.

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through F and applicable appendices of 2 CFR part 200, as supplemented by this part, as the NASA policies and procedures for uniform administrative requirements, cost principles, and audit requirements for Federal awards. This part gives regulatory effect to the OMB regulation for Federal awards issued by NASA as supplemented by this part. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 1800.101 Applicability.

(a) This part establishes policies and procedures for grants and cooperative agreements awarded by NASA to non-Federal entities, for-profit organization, foreign organizations, and foreign public entities as allowed by 2 CFR 200.101. For supplemental regulation, NASA has adopted section numbers that correspond to those in the OMB regulation in 2 CFR part 200.

(1) Non-Federal entities must follow the policies and procedures appearing in subparts A through F and applicable appendices of 2 CFR part 200 and as supplemented by this part.

(2) Foreign organizations and foreign public entities must follow the policies and procedures appearing in subparts A through E and applicable appendices of 2 CFR part 200 and as supplemented by this part.

(3) U.S. and foreign for-profit organizations must follow the policies and procedures appearing in subparts A through D and applicable appendices of 2 CFR part 200 and as supplemented by this part. The Federal Acquisition Regulation (FAR) at 48 CFR parts 30 and 31, takes precedence over the cost principles in 2 CFR part 200, subpart E, for Federal awards to U.S. and foreign for-profit organizations.

(b) Throughout this part, the term ''award'' refers to both ''grant'' and ''cooperative agreement'' unless otherwise indicated.

(c)(1) In general, research with foreign organizations and foreign public entities will not be conducted through grants or cooperative agreements, but instead will be accomplished on a no-exchange-of-funds basis. In these cases, NASA enters into agreements undertaking projects of international scientific collaboration. NASA's policy on performing research with foreign organizations and foreign public entities on a no-exchange-of-funds basis is set forth at NASA FAR Supplement (NFS) at 48 CFR 1835.016–70 and 1835.016–72. In rare instances, NASA may enter into an international agreement under which funds will be transferred to a foreign recipient.

(2) Grants or cooperative agreements awarded to foreign organizations and foreign public entities are made on an

exceptional basis only. Awards require the prior approval of the Headquarters Office of International and Interagency Relations and the Headquarters Office of the General Counsel. Requests to issue awards to foreign organizations are to be coordinated through the Office of Procurement, Procurement and Grants Policy Division.

■ 228. Revise part 1880 to read as follows:

PART 1880—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

1880.10 What does this part do?
1880.20 Does this part apply to me?
1880.30 What policies and procedures must I follow?

Subpart A—General

1880.137 Who in NASA may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

1880.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

1880.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

1880.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–J [Reserved]

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 42 U.S.C. 2473(c)(1); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 1880.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the National Aeronautics and Space Administration (NASA) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation for Federal awards issued by NASA, as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 1880.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a NASA suspension or debarment action;

(c) NASA debarment or suspension official; or

(d) NASA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 1880.30 What policies and procedures must I follow?

The NASA policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 1880.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, NASA policies and procedures are those in the OMB regulation.

Subpart A—General

§ 1880.137 Who in NASA may grant an exception to let an excluded person participate in a covered transaction?

The Chief Acquisition Officer has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 1880.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

NASA extends coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement action, to all lower tier subcontracts, at all dollar values, consistent with OMB regulation at 2 CFR 180.220(c) and the figure in the appendix at 2 CFR part 180. NASA does not permit subcontracting to suspended or debarred entities at any tier, at any dollar amount.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 1880.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 1880.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–J [Reserved]

PART 1882—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 229. The authority citation for part 1882 continues to read as follows:

Authority: 41 U.S.C. 701 *et seq.;* 51 U.S.C. 20113(e).

■ 230. Revise § 1882.5 to read as follows:

§ 1882.5 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through F of 2 CFR part 182, as supplemented by this part, as the National Aeronautics and Space Administration (NASA) policies and procedures for implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants and cooperative agreements. This part gives regulatory effect to the OMB regulation for Federal awards issued by NASA. Further, it supplements the OMB regulation with NASA-specific regulation.

CHAPTER XIX—U.S. AGENCY FOR GLOBAL MEDIA

■ 231. Revise part 1900 to read as follows:

PART 1900—THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.

1900.1 Adoption of 2 CFR part 200.
1900.2 [Reserved]

Authority: 5 U.S.C. 301; 2 CFR part 200.

§ 1900.1 Adoption of 2 CFR part 200.

The U.S. Agency for Global Media adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards made by the U.S. Agency for Global Media. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The U.S. Agency for Global Media may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the U.S. Agency for Global Media, including additions or clarifications, are set forth in this chapter.

§ 1900.2 [Reserved]

CHAPTER XX—UNITED STATES NUCLEAR REGULATORY COMMISSION

■ 232. Revise part 2000 to read as follows:

PART 2000—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

Subpart A—General

2000.10 What does this part do?
2000.20 Does this part apply to me?
2000.30 What policies and procedures must I follow?
2000.135 Who in the Nuclear Regulatory Commission may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

2000.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

2000.330 What method must be used to pass requirements down to participants at lower tiers?

Subparts D through H [Reserved]

Subpart I—Definitions

2000.930 Debarring official.
2000.1010 Suspending official.

Authority: 5 U.S.C. 301; sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

Subpart A—General

§ 2000.10 What does this part do?

This part promulgates a regulation adopting the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, establishing the United States Nuclear Regulatory Commission (NRC) policies and procedures for nonprocurement debarment and suspension. NRC thereby gives regulatory effect to the OMB regulation. It also supplements the OMB regulation by identifying NRC implementing officials and identifying how to pass these requirements through to other entities.

§ 2000.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to:

(a) Participant or principal in a ''covered transaction'';

(b) Respondent in an NRC nonprocurement suspension or debarment action;

(c) NRC debarment or suspension official; or

(d) NRC grants officer, agreements officer, or other official authorized to enter into a covered nonprocurement transaction.

§ 2000.30 What policies and procedures must I follow?

(a) The NRC policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, and those in this part. The NRC has closely tracked OMB's numbering scheme. For example, the contracts under a nonprocurement transaction that are covered transactions that are in 2 CFR 180.220 are supplemented by § 2000.220.

(b) For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, NRC requirements are those in the OMB regulation at 2 CFR part 180.

§ 2000.135 Who in the Nuclear Regulatory Commission may grant an exception to let an excluded person participate in a covered transaction?

The Director, Office of Administration or another official designated by the Director, has the authority to grant a written exception to let an excluded person participate in a covered transaction, as provided in regulation at 2 CFR 180.135. The Director or other official designated by the Director shall explain the reason(s) for deviating from the Governmentwide policy.

Subpart B—Covered Transactions

§ 2000.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

The NRC nonprocurement suspension and debarment requirements apply only to first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2000.330 What method must be used to pass requirements down to participants at lower tiers?

A participant in a covered transaction must include a term or condition in any lower-tier covered transaction to require the participant of that transaction to—

(a) Comply with subpart C of 2 CFR part 180; and

(b) Include a similar term or condition in any covered transaction into which it enters at the next lower tier.

Subparts D through H [Reserved]

Subpart I—Definitions

§ 2000.930 Debarring official.

The debarring official for the United States Nuclear Regulatory Commission is the Director, Office of Administration.

§ 2000.1010 Suspending official.

The suspending official for the United States Nuclear Regulatory Commission is the Director, Office of Administration.

■ 233. Add part 2001 to read as follows:

PART 2001—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.

2001.5 Adoption of 2 CFR part 200.
2001.6 [Reserved]

Authority: 5 U.S.C. 301; sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 2001.5 Adoption of 2 CFR part 200.

The United States Nuclear Regulatory Commission adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards made by the United States Nuclear Regulatory Commission. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The United States Nuclear Regulatory Commission may amend its

adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the United States Nuclear Regulatory Commission, including additions or clarifications, are set forth in this chapter.

§ 2001.6 [Reserved]

CHAPTER XXII—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

■ 234. Revise part 2200 to read as follows:

PART 2200—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

2200.10 What does this part do?
2200.20 Does this part apply to me?
2200.30 What policies and procedures must I follow?
2200.137 Who in the Corporation for National and Community Service may grant an exception to let an excluded person participate in a covered transaction?
2200.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?
2200.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?
2200.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Authority: 31 U.S.C. 6101 note; 42 U.S.C. 12651c(c); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 2200.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Corporation for National and Community Service policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for the Corporation for National and Community Service to the OMB regulation for Federal awards issued by the Corporation for National Community Service, as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 2200.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a Corporation for National and Community Service suspension or debarment action;

(c) Corporation for National and Community Service debarment or suspension official; or

(d) Corporation for National and Community Service grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 2200.30 What policies and procedures must I follow?

The Corporation for National and Community Service policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 2200.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Corporation for National and Community Service policies and procedures are those in the OMB regulation.

§ 2200.137 Who in the Corporation for National and Community Service may grant an exception to let an excluded person participate in a covered transaction?

The Chief Executive Officer (or another official designated by the Chief Executive Officer) has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

§ 2200.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), Corporation for National and Community Service does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

§ 2200.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180.

§ 2200.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you as an agency official must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, and requires the participant to include a similar term or condition in lower-tier covered transactions.

PART 2205—IMPLEMENTATION OF AND EXEMPTIONS TO 2 CFR

■ 235. The authority citation for part 2205 continues to read as follows:

Authority: 42 U.S.C. 12571(d), 12571(e)(2)(B), 12581(l), 12581a(a), 12616(c)(2), 12651c(c), 12651d(h), 12651g(b), 12653(a), 12653(h), 12653o(a), and 12657(a); 2 CFR part 200; 45 CFR 2521.95, and 2540.110.

■ 236. Revise § 2205.100 to read as follows:

§ 2205.100 Purpose.

The Corporation for National and Community Service adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200, except as specified in this part. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Corporation for National and Community Service and supplements the regulation for recipients of awards from the Corporation. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 2205.332 [Redesignated as § 2205.333]

■ 237. Redesignate § 2205.332 as § 2205.333.

PART 2245—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 238. The authority citation for part 2245 continues to read as follows:

Authority: 41 U.S.C. 701–707; 42 U.S.C. 12644, 12651c(c).

■ 239. Revise §§ 2245.10 through 2245.30 to read as follows:

§ 2245.10 What does this part do?

This part requires that the award and administration of the Corporation for National and Community Service's (Corporation) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for the Corporation's grants and cooperative agreements; and

(b) Establishes the Corporation's policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Government-wide implementing regulations.

§ 2245.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a Corporation grant or cooperative agreement; or

(b) A Corporation awarding official.

§ 2245.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 2245.225	Whom in the Corporation a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 2245.300	Whom in the Corporation a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 2245.500	Who in the Corporation is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 2245.505	Who in the Corporation is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, the Corporation's policies and procedures are the same as those in the OMB regulation.

■ 240. Revise § 2245.400 to read as follows:

§ 2245.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must obtain each recipient's agreement, as a condition of the award, to comply with the requirements in subpart B (or subpart C, if the recipient is an individual) of this part, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

CHAPTER XXIII—SOCIAL SECURITY ADMINISTRATION

■ 241. Revise part 2300 to read as follows:

PART 2300—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.

2300.10 Applicable regulations.
2300.11 [Reserved]

Authority: 5 U.S.C. 301; 2 CFR part 200.

§ 2300.10 Applicable regulations.

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in 2 CFR part 200 shall apply to the Social Security Administration. This part gives regulatory effect to the Office of Management and Budget regulation for Federal awards issued by the Social Security Administration. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 2300.11 [Reserved]

■ 242. Revise part 2336 to read as follows:

PART 2336—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

2336.10 What does this part do?
2336.20 Does this part apply to me?
2336.30 What policies and procedures must I follow?

Subpart A—General

2336.137 Who in the SSA may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

2336.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

2336.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

2336.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–J [Reserved]

Authority: 42 U.S.C. 902(a)(5); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 2336.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Social Security Administration (SSA) policies and

procedures for nonprocurement debarment and suspension. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 2336.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in an SSA suspension or debarment action;

(c) SSA debarment or suspension official; or

(d) SSA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 2336.30 What policies and procedures must I follow?

The SSA policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220, as supplemented by § 2336.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, SSA policies and procedures are those in the OMB regulation.

Subpart A—General

§ 2336.137 Who in the SSA may grant an exception to let an excluded person participate in a covered transaction?

(a) Within the Social Security Administration, the Commissioner or the designated agency debarment official may grant an exception permitting an excluded person to participate in a particular covered transaction. If the Commissioner or the designated agency debarment official grants an exception, the exception must be in writing and state the reason(s) for deviating from the OMB regulation at 2 CFR 180.135.

(b) An exception granted by one agency for an excluded person does not extend to the covered transactions of another agency.

Subpart B—Covered Transactions

§ 2336.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see option lower tier coverage in the figure in appendix A to 2 CFR part 180), SSA does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2336.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2336.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–J [Reserved]

PART 2339—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 243. The authority citation for part 2339 continues to read as follows:

Authority: 41 U.S.C. 701–707.

■ 244. Revise §§ 2339.10 through 2339.30 to read as follows:

§ 2339.10 What does this part do?

This part requires that the award and administration of Social Security Administration (SSA) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for SSA's grants and cooperative agreements; and

(b) Establishes SSA's policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Government-wide implementing regulations.

§ 2339.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are—

(a) A recipient of an SSA grant or cooperative agreement; or

(b) An SSA awarding official.

§ 2339.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table.

Section of OMB regulation in 2 CFR	Section in this part where supplemented, 2 CFR	What the supplementation clarifies
(1) 182.225(a)	§ 2339.225	Who in SSA a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 182.300(b)	§ 2339.300	Who in SSA a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

Section of OMB regulation in 2 CFR	Section in this part where supplemented, 2 CFR	What the supplementation clarifies
(3) 182.500	§ 2339.500	Who in SSA is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 182.505	§ 2339.505	Who in SSA is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* Our policies and procedures are the same as those in the OMB regulation for any section not included in the table in paragraph (b) of this section.

■ 245. Revise § 2339.400 to read as follows:

§ 2339.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

You must include the following term or condition in the award:

Drug-free workplace. You, as the recipient, must comply with drug-free workplace requirements in subpart B, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

CHAPTER XXIV—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■ 246. Revise part 2400 to read as follows:

PART 2400—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
2400.10 Applicable regulations.
2400.11 [Reserved]

Authority: 42 U.S.C. 3535(d); 2 CFR part 200.

§ 2400.10 Applicable regulations.

Unless excepted under 24 CFR subtitle B, chapters I through IX, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth in 2 CFR part 200, shall apply to Federal awards made by the Department of Housing and Urban Development to non-Federal entities. This part gives regulatory effect to the Office of Management and Budget (OMB) regulation for Federal awards issued by the Department of Housing and Urban Development. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 2400.11 [Reserved]

PART 2424—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 247. The authority citation for part 2424 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235.

■ 248. Revise § 2424.10 to read as follows:

§ 2424.10 What does this part do?

In this part, the Department of Housing and Urban Development (HUD) implements, as HUD policies, procedures, and requirements for nonprocurement debarment and suspension, the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part. This adoption thereby gives regulatory effect for HUD to the OMB regulation for Federal awards issued by HUD, as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

■ 249. Revise § 2424.30 to read as follows:

§ 2424.30 What policies and procedures must I follow?

The HUD policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220, as supplemented by § 2424.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, HUD policies and procedures are those in the OMB regulation.

■ 250. Revise § 2424.220 to read as follows:

§ 2424.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b), this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by HUD under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the HUD nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB regulation at 2 CFR 180.220(c) (see optional lower-tier coverage in the figure in appendix A to 2 CFR part 180).

■ 251. Revise § 2424.332 to read as follows:

§ 2424.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

To communicate the requirements to lower-tier participants, you must include a term or condition in the transaction requiring compliance with subpart C of 2 CFR part 180, as supplemented by this subpart.

■ 252. Revise § 2424.437 to read as follows:

§ 2424.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant to: comply with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and include a similar term or condition in lower-tier covered transactions.

PART 2429—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 253. The authority citation for part 2429 continues to read as follows:

Authority: 41 U.S.C. 701–707; 42 U.S.C. 3535(d).

■ 254. Revise §§ 2429.10 through 2429.30 to read as follows:

§ 2429.10 What does this part do?

This part requires that the award and administration of Department of Housing and Urban Development (HUD) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707) (referred to as the Act in this part) that applies to grants. This part:

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for HUD grants and cooperative agreements; and

(b) Establishes HUD policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 2429.20 Does this part apply to me?

This part, and through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a:

(a) Recipient of a HUD grant or cooperative agreement; or

(b) HUD awarding official.

§ 2429.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures of the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a).	§ 2429.225	Whom in HUD must a recipient other than an individual notify if an employee is convicted for a violation of a criminal drug statute in the workplace?
(2) 2 CFR 182.300(b).	§ 2429.300	Whom in HUD must a recipient who is an individual notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity?
(3) 2 CFR 182.500 ..	§ 2429.500	Who in HUD is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part?
(4) 2 CFR 182.505 ..	§ 2429.505	Who in HUD is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part?

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, HUD policies and procedures are the same as those in the OMB regulation.

■ 255. Revise § 2429.400 to read as follows:

§ 2429.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of part 2429, which implements the governmentwide implementation (2 CFR part 182) of sections 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

CHAPTER XXV—NATIONAL SCIENCE FOUNDATION

■ 256. Revise part 2500 to read as follows:

PART 2500—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
2500.10 Adoption of 2 CFR part 200.
2500.11 [Reserved]

Authority: 42 U.S.C. 1861, *et seq.;* 2 CFR part 200.

§ 2500.10 Adoption of 2 CFR part 200.

(a) Under the authority cited for this part, the National Science Foundation (NSF) has formally adopted 2 CFR part 200. This part adopts the Office of Management and Budget (OMB) regulation for Federal awards issued by the NSF. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.The Foundation's implementation document, the NSF Proposal & Award Policies & Procedures Guide, may be found at: *www.nsf.gov/publications/pub_summ.jsp?ods_key=papp.*

(b) NSF's implementation includes the following deviation from the Uniform Grants Regulation:

(1) *Award Cash Management System.* NSF is continuing collection of award financial information through the implementation of the Award Cash Management Service (ACM$) and the Program Income Worksheet. ACM$ replaced the NSF Federal Financial Report (FFR) and the NSF FastLane Cash Request process with a single web-based user interface. ACM$ is used to collect award level detail financial information at the time of each payment request submitted by the awardee institution. The Program Income Worksheet is used to collect program income financial information from awardee institutions on an annual basis. ACM$ and the Program Income Worksheet utilize approved Government-wide data elements from the FFR for the collection of financial information as prescribed in 2 CFR 200.328. The requirement for Federal agencies to use the FFR data elements for cash management and financial reporting was publicly announced in **Federal Register** on August 13, 2008.

(2) [Reserved]

§ 2500.11 [Reserved]

■ 257. Revise and republish part 2520 to read as follows:

PART 2520—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.
2520.10 What does this part do?
2520.20 Does this part apply to me?
2520.30 What policies and procedures must I follow?

Subpart A—General

2520.137 Who in NSF may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

2520.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

2520.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

2520.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–I [Reserved]

Authority: 42 U.S.C. 1870(a); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 2520.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the National Science Foundation (NSF) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for NSF to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 2520.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970).

(b) Respondent in an NSF suspension or debarment action.

(c) NSF debarment or suspension official.

(d) NSF grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 2520.30 What policies and procedures must I follow?

The NSF policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 2520.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, NSF policies and procedures are those in the OMB regulation.

Subpart A—General

§ 2520.137 Who in NSF may grant an exception to let an excluded person participate in a covered transaction?

The NSF Director and the Deputy Director have the authority to grant an exception to let an excluded person participate in a covered transaction.

Subpart B—Covered Transactions

§ 2520.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), NSF does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2520.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2520.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–I [Reserved]

CHAPTER XXVI—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

■ 258. Revise part 2600 to read as follows:

PART 2600—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.

2600.100 Adoption of 2 CFR part 200.

2600.101 Indirect costs exception to 2 CFR 200.414.

2600.102 Additional NARA grant administration policies.

Authority: 5 U.S.C. 301; 44 U.S.C. 2103–04; 44 U.S.C. 2501–2506; 2 CFR part 200.

§ 2600.100 Adoption of 2 CFR part 200.

The National Archives and Records Administration (NARA), through its National Historical Publications and Records Commission (NHPRC), adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, with the additions and exceptions included in this part. This part gives regulatory effect to the OMB regulation for Federal awards issued by NARA. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 2600.101 Indirect costs exception to 2 CFR 200.414.

As approved by the Archivist of the United States, the National Archives does not permit grant recipients to use allocated funds from NARA or NHPRC for indirect costs. Grant recipients may use cost sharing to cover indirect costs instead. NARA's policies on indirect costs are located at *www.archives.gov/nhprc,* and are included in grant opportunity announcements.

§ 2600.102 Additional NARA grant administration policies.

Grant recipients must also follow NARA grant administration policies and procedures set out in 36 CFR parts 1202, 1206, 1208, 1211, and 1212.

CHAPTER XXVII—SMALL BUSINESS ADMINISTRATION

PART 2700—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 259. The authority citation for part 2700 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549

(3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989, 1986 Comp., p. 235); 15 U.S.C. 634(b)(6).

■ 260. Revise §§ 2700.10 through 2700.30 to read as follows:

§ 2700.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Small Business Administration (SBA) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for SBA to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189); Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355 (31 U.S.C. 6101 note).

§ 2700.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in an SBA suspension or debarment action;

(c) SBA debarment or suspension official; or

(d) SBA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 2700.30 What policies and procedures must I follow?

The SBA policies and procedures you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 2700.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, SBA policies and procedures are those in the OMB regulation.

■ 261. Revise subparts B through D to read as follows:

Subpart B—Covered Transactions

§ 2700.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.22(b), this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the SBA under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the SBA nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB regulation at 2 CFR 180.200(c) (see optional lower tier coverage in the figure in appendix A to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2700.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this part.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2700.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

PART 2701—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 262. The authority citation for part 2701 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 2 CFR part 200.

■ 263. Revise § 2701.1 to read as follows:

§ 2701.1 Adoption of 2 CFR part 200.

The U.S. Small Business Administration (SBA) adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, with the additions and exceptions included in this part. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Small Business Administration. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

■ 264. Revise the heading for § 2701.600 to read as follows:

§ 2701.600 Other program-specific regulations.

CHAPTER XXVIII—DEPARTMENT OF JUSTICE

PART 2800—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS BY THE DEPARTMENT OF JUSTICE

■ 265. The authority citation for part 2800 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509; 28 U.S.C. 530C(a)(4); 42 U.S.C. 3789; 2 CFR part 200.

§ 2800.101 [Redesignated as § 2800.10]

■ 266. Redesignate § 2800.101 as § 2800.10.

■ 267. Revise newly redesignated § 2800.10 to read as follows:

§ 2800.10 Adoption of 2 CFR part 200.

The Department of Justice adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, except as otherwise may be provided by this part. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Justice. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. Except for the Department of Justice's adoption of 2 CFR part 200, and unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference and thus to include any subsequent changes to the provision.

■ 268. Revise part 2867 to read as follows:

PART 2867—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

2867.10 What does this part do?
2867.20 To whom does this part apply?

2867.30 What policies and procedures must be followed?

Subpart A—General

2867.137 Who in the Department of Justice may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

2867.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

2867.332 What method must a participant use to pass requirements down to participants at lower tiers with whom the participant intends to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

2867.437 What method must be used to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–J [Reserved]

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519; sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 2867.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Justice policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for the Department of Justice to the OMB regulation for the Department of Justice, as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 2867.20 To whom does this part apply?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to any—

(a) Participant or principal in a ''covered transaction'' (sees subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970 (as supplemented by subpart B of this part));

(b) Respondent in a Department of Justice suspension or debarment action;

(c) Department of Justice debarment or suspension official; or

(d) Department of Justice grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 2867.30 What policies and procedures must be followed?

The Department of Justice policies and procedures that must be followed are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 2867.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Department of Justice policies and procedures are those in the OMB regulation.

Subpart A—General

§ 2867.137 Who in the Department of Justice may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of Justice, the Attorney General or designee has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 2867.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), the Department of Justice does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2867.332 What method must a participant use to pass requirements down to participants at lower tiers with whom the participant intends to do business?

A participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2867.437 What method must be used to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, the communication must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–J [Reserved]

CHAPTER XXIX—DEPARTMENT OF LABOR

PART 2900—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 269. The authority citation for part 2900 continues to read as follows:

Authority: 5 U.S.C. 301; 2 CFR 200.

■ 270. Revise § 2900.3 to read as follows:

§ 2900.3 Questioned cost.

In the Department of Labor, in addition to the regulation contained in 2 CFR 200.1, a questioned cost means a cost that is questioned by an auditor, Federal Project Officer, Grant Officer, or other authorized Awarding agency representative because of an audit or monitoring finding:

(a) Which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds;

(b) Where the costs, at the time of the audit, are not supported by adequate documentation; or

(c) Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

(d) Questioned costs are not an improper payment until reviewed and confirmed to be improper as defined in Office of Management and Budget (OMB) Circular A–123, Appendix C (see also the definition of improper payment in 2 CFR 200.1).

■ 271. Revise subparts B and C to read as follows:

Subpart B—General Provisions

§ 2900.4 Adoption of 2 CFR part 200.

The Department of Labor adopts the OMB regulation ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities'' (subparts A through F of 2 CFR part 200), as supplemented by this part, as Department of Labor policies and procedures for financial assistance administration. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Labor (DOL). The DOL also has programmatic and administrative regulations located in titles 20 and 29 of the CFR. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

Subpart C—Pre-Federal Award Requirements and Contents of Federal Awards

§ 2900.5 Federal awarding agency review of risk posed by applicants.

In addition to the regulation set forth in 2 CFR 200.206(b), in evaluating risks of applicants, DOL also considers audits and monitoring reports containing findings and issues of noncompliance or questioned costs, in addition to reports and findings from audits performed under subpart F of 2 CFR part 200 or the reports and findings of any other available audits (see 2 CFR 200.206(b)).

■ 272. Revise §§ 2900.7 and 2900.8 to read as follows:

§ 2900.7 Federal payment.

In addition to the regulation set forth in 2 CFR 200.305(b), for Federal awards from the Department of Labor, the non-Federal entity should liquidate existing advances before it requests additional advances.

§ 2900.8 Cost sharing or matching.

In addition to the regulation set forth in 2 CFR 200.306(b), for Federal awards from the Department of Labor, the non-Federal entity accounts for funds used for cost sharing or match within their accounting systems as the funds are expended.

■ 273. Revise §§ 2900.10 and 2900.11 to read as follows:

§ 2900.10 Prior approval requests.

In addition to the regulation set forth in 2 CFR 200.308(c), for Federal awards from the Department of Labor, the non-Federal entity must request prior approval actions at least 30 days prior to the effective date of the requested action (see 2 CFR 200.407).

§ 2900.11 Revision of budget and program plans including extension of the period of performance.

In addition to the regulation set forth in 2 CFR 200.308(b), for Federal awards from the Department of Labor, the non-Federal entity must request prior approval for an extension to the period of performance.

■ 274. Revise §§ 2900.13 through 2900.15 to read as follows:

§ 2900.13 Intangible property.

In addition to the regulation set forth in 2 CFR 200.315(d), the Department of Labor requires intellectual property developed under a discretionary Federal award process to be in a format readily accessible and available for open licensing to the public. An open license allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and requires such users to attribute the work in the manner specified by the recipient.

§ 2900.14 Financial reporting.

In addition to the regulation set forth in 2 CFR 200.328, for Federal awards from the Department of Labor, the DOL awarding agency will prescribe whether the report will be on a cash or an accrual basis. If the DOL awarding agency requires reporting on an accrual basis and the recipient's accounting system is not on the accrual basis, the recipient will not be required to convert its accounting system, but must develop and report such accrual information through best estimates based on an analysis of the documentation on hand.

§ 2900.15 Closeout.

In addition to the regulation set forth in 2 CFR 200.344(b), for Federal awards from the Department of Labor, the non-Federal entity must liquidate all financial obligations and/or accrued expenditures incurred under the Federal award. For non-Federal entities reporting on an accrual basis and operating on an expenditure period, unless otherwise noted in the grant agreement or cooperative agreement, the only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT financial obligations) for goods and/or services received during the grant period.

■ 275. Revise § 2900.16 to read as follows:

§ 2900.16 Prior written approval (prior approval).

In addition to the regulation set forth in 2 CFR 200.407, for Federal awards from the Department of Labor, the non-Federal entity must request prior written approval which should include the timeframe or scope of the agreement and be submitted not less than 30 days before the requested action is to occur. Unless otherwise noted in the grant agreement or cooperative agreement, the Grant Officer is the only official with the authority to provide prior written approval (prior approval). Items included in the statement of work or budget as awarded does not constitute prior approval.

■ 276. Revise § 2900.18 to read as follows:

§ 2900.18 Contingency provisions.

In addition to the regulation set forth in 2 CFR 200.433(c), for Federal awards from the Department of Labor, excepted citations include 2 CFR 200.334 (retention requirements) and 200.335 (requests for records transfers).

■ 277. Revise part 2998 to read as follows:

PART 2998—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

2998.10 What does this part do?
2998.20 Does this part apply to me?
2998.30 What policies and procedures must I follow?

Subpart A—General

2998.137 Who in DOL may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

2998.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

2998.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

2998.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–J [Reserved]

Authority: 5 U.S.C. 301; sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p.189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p.235.

§ 2998.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Labor (DOL) policies and procedures for non-procurement debarment and suspension. This part gives regulatory effect to the OMB regulation for Federal awards issued by DOL as supplemented

by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189); Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235); and section 2455 of the Federal Acquisition Streamlining Act of 1994, 103 (31 U.S.C. 6101 note).

§ 2998.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''non-procurement transaction'' at 2 CFR 180.970);

(b) Respondent in a Department of Labor suspension or debarment action;

(c) Department of Labor debarment or suspension official; or

(d) Department of Labor grants officer, agreements officer, or other official authorized to enter into any type of non-procurement transaction that is a covered transaction.

§ 2998.30 What policies and procedures must I follow?

(a) The Department of Labor's policies and procedures that you must follow are specified in:

(1) Each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180; and

(2) The supplement to each section of the OMB regulation that is found in this part under the same section number. (The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 2998.220.)

(b) For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, the Department of Labor's policies and procedures are those in the OMB regulation.

Subpart A—General

§ 2998.137 Who in DOL may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of Labor, the Secretary of Labor or designee has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135. If any designated official grants an exception, the exception must be in writing and state the reason(s) for deviating from the Government-wide policy in Executive Order 12549.

Subpart B—Covered Transactions

§ 2998.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b), this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the Department of Labor under a covered non-procurement transaction. This extends the coverage of the Department of Labor non-procurement suspension and debarment requirements to all lower tiers of subcontracts under covered non-procurement transactions, as permitted under the OMB regulation at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in appendix A to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2998.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2998.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, and supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–J [Reserved]

CHAPTER XXX—DEPARTMENT OF HOMELAND SECURITY

■ 278. Revise and republish part 3000 to read as follows:

PART 3000—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

3000.10 What does this part do?
3000.20 Does this part apply to me?
3000.30 What policies and procedures must I follow?

Subpart A—General

3000.137 Who in the Department of Homeland Security may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

3000.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

3000.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Department of Homeland Security Officials Regarding Transactions

3000.437 What method do I use to communicate to a participant the requirements described in the Office of Management and Budget regulation at 2 CFR 180.435?

Subparts E–I [Reserved]

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 6 U.S.C. 101 *et seq.;* E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 3000.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Department of Homeland Security policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation for the Department of Homeland Security as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 3000.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a Department of Homeland Security suspension or debarment action;

(c) Department of Homeland Security debarment or suspension official; or

(d) Department of Homeland Security grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 3000.30 What policies and procedures must I follow?

The Department of Homeland Security policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220) as supplemented by § 3000.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Department of Homeland Security policies and procedures are those in the OMB regulation.

Subpart A—General

§ 3000.137 Who in the Department of Homeland Security may grant an exception to let an excluded person participate in a covered transaction?

Within the Department of Homeland Security (DHS), the Secretary of Homeland Security has delegated the authority to grant an exception to let an excluded person participate in a covered transaction to the Chief Financial Officer for each DHS component as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 3000.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Department of Homeland Security extends coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 3000.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant in a covered transaction must include a term or condition in any lower-tier covered transaction into which you enter, to require the participant of that transaction to—

(a) Comply with subpart C of 2 CFR part 180; and

(b) Include a similar term or condition in any covered transaction into which it enters at the next lower tier.

Subpart D—Responsibilities of Department of Homeland Security Officials Regarding Transactions

§ 3000.437 What method do I use to communicate to a participant the requirements described in the Office of Management and Budget regulation at 2 CFR 180.435?

You as a DHS component official must include a term or condition in each covered transaction into which you enter, to communicate to the participant the requirements to—

(a) Comply with subpart C of 2 CFR part 180; and

(b) Include a similar term or condition in any lower-tier covered transactions into which the participant enters.

Subparts E–I [Reserved]

PART 3001—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 279. The authority citation for part 3001 is revised to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 701–707; 6 U.S.C. 101 *et seq.;* 2 CFR part 182.

■ 280. Revise §§ 3001.10 through 3001.30 to read as follows:

§ 3001.10 What does this part do?

This part requires that the award and administration of Department of Homeland Security (DHS) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Adopts the OMB regulation (subparts A through F of 2 CFR part 182), as supplemented by this part, for DHS's grants and cooperative agreements; and

(b) Establishes DHS policies and procedures, as supplemented by this part, for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Government-wide implementing regulations.

§ 3001.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a DHS grant or cooperative agreement; or

(b) DHS awarding official.

§ 3001.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* This part supplements the OMB regulation in 2 CFR part 182 as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 3001.225	Who in DHS a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 3001.300	Who in DHS a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.400	§ 3001.400	What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation.
(4) 2 CFR 182.500	§ 3001.500	Who in DHS is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(5) 2 CFR 182.505	§ 3001.505	Who in DHS is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(6) 2 CFR 182.510	§ 3001.510	What actions the Federal Government will take against a recipient determined to have violated 2 CFR part 182, as implemented by this part.
(7) 2 CFR 182.605	§ 3001.605	What types of assistance are included in the definition of ''award.''

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(8) None	§ 3001.661	What types of assistance are included in the definition of ''reimbursable agreement.''

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, DHS policies and procedures are the same as those in the OMB regulation.

■ 281. Revise § 3001.400 to read as follows:

§ 3001.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of 2 CFR part 3001, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

PART 3002—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 282. The authority citation for part 3002 is revised to read as follows:

Authority: 31 U.S.C. 503; 6 U.S.C. 101 *et seq.;* 2 CFR part 200.

■ 283. Revise § 3002.10 to read as follows:

§ 3002.10 Adoption of 2 CFR part 200.

The Department of Homeland Security adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Homeland Security. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

CHAPTER XXXI—INSTITUTE OF MUSEUM AND LIBRARY SERVICES

■ 284. Revise part 3185 to read as follows:

PART 3185—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

3185.10 What does this part do?
3185.20 Does this part apply to me?
3185.30 What policies and procedures must I follow?

Subpart A—General

3185.137 Who in the IMLS may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

3185.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

3185.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

3185.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–I [Reserved]

Authority: 20 U.S.C. 9103(f); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 3185.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Institute of Museum and Library Services (IMLS) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for IMLS to the OMB regulation for Federal awards issued by IMLS as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 3185.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970).

(b) Respondent in an IMLS suspension or debarment action.

(c) IMLS debarment or suspension official.

(d) IMLS grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 3185.30 What policies and procedures must I follow?

The IMLS policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 3185.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, IMLS policies and procedures are those in the OMB regulation.

Subpart A—General

§ 3185.137 Who in the IMLS may grant an exception to let an excluded person participate in a covered transaction?

The IMLS Director has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 3185.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower-tier coverage in the figure in appendix A to 2 CFR part 180), IMLS does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 3185.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 3185.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–I [Reserved]

PART 3186—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 285. The authority citation for part 3186 continues to read as follows:

Authority: 41 U.S.C. 701–707.

■ 286. Revise §§ 3186.10 through 3186.30 to read as follows:

§ 3186.10 What does this part do?

This part requires that the award and administration of Institute of Museum and Library Services (IMLS) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for Federal awards issued by IMLS for the IMLS's grants and cooperative agreements; and

(b) Establishes IMLS policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 3186.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of an IMLS grant or cooperative agreement; or

(b) IMLS awarding official.

§ 3186.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 3186.225	Whom in the IMLS a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 3186.300	Whom in the IMLS a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 3186.500	Who in the IMLS is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 3186.505	Who in the IMLS is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, IMLS policies and procedures are the same as those in the OMB regulation.

■ 287. Revise § 3186.400 to read as follows:

§ 3186.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR part 3186, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

PART 3187—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 288. The authority citation for part 3187 continues to read as follows:

Authority: 20 U.S.C. 9101–9176, 9103(h); 20 U.S.C. 80r–5; 2 CFR part 200.

■ 289. Revise § 3187.1 to read as follows:

§ 3187.1 Adoption of 2 CFR part 200.

The Institute of Museum and Library Services (IMLS) adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, with the additions that are provided in this part. This part gives regulatory effect to the OMB regulations and supplements the regulations as needed for IMLS. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

CHAPTER XXXII—NATIONAL ENDOWMENT FOR THE ARTS

■ 290. Revise part 3254 to read as follows:

PART 3254—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

3254.10 What does this part do?
3254.20 Does this part apply to me?

3254.30 What policies and procedures must I follow?

Subpart A—General

3254.137 Who in the NEA may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

3254.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

3254.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

3254.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–I [Reserved]

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 3254.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the National Endowment for the Arts (NEA) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 3254.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970).

(b) Respondent in a NEA suspension or debarment action.

(c) NEA debarment or suspension official.

(d) NEA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 3254.30 What policies and procedures must I follow?

The NEA policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 3254.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, NEA policies and procedures are those in the OMB regulation.

Subpart A—General

§ 3254.137 Who in the NEA may grant an exception to let an excluded person participate in a covered transaction?

The NEA Chairman has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 3254.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see options lower tier coverage in the figure in appendix A to 2 CFR part 180), NEA does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 3254.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 3254.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–I [Reserved]

■ 291. Revise part 3255 to read as follows:

PART 3255—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
3255.1 Adoption of 2 CFR part 200.
3255.2 [Reserved]

Authority: 5 U.S.C. 301; 20 U.S.C. 954; 2 CFR part 200.

§ 3255.1 Adoption of 2 CFR part 200.

The National Endowment for the Arts (NEA) adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by the NEA. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 3255.2 [Reserved]

PART 3256—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 292. The authority citation for part 3256 is revised to read as follows:

Authority: 41 U.S.C. 8101 *et seq.*

■ 293. Revise §§ 3256.100 through 3256.110 to read as follows:

§ 3256.100 What does this part do?

This part requires that the award and administration of National Endowment for the Arts (NEA) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101–8106, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for the NEA's grants and cooperative agreements; and

(b) Establishes NEA policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 8106 for Governmentwide implementing regulations.

§ 3256.105 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of an NEA grant or cooperative agreement; or

(b) NEA awarding official.

§ 3256.110 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in the applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 3256.200	Whom in the NEA a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 3256.300	Whom in the NEA a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 3256.500	Who in the NEA is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 3256.505	Who in the NEA is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, the NEA's policies and procedures are the same as those in the OMB regulation.

■ 294. Revise § 3256.400 to read as follows:

§ 3256.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of this part, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 8101–8106).

CHAPTER XXXIII—NATIONAL ENDOWMENT FOR THE HUMANITIES

■ 295. Revise part 3369 to read as follows:

PART 3369—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

3369.10 What does this part do?
3369.20 Does this part apply to me?
3369.30 What policies and procedures must I follow?

Subpart A—General

3369.137 Who in the NEH may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

3369.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

3369.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

3369.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–I [Reserved]

Authority: 20 U.S.C. 959(a)(1); Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 3369.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the National Endowment for the Humanities (NEH) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for Federal awards issued by the NEH to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 3369.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970).

(b) Respondent in a NEH suspension or debarment action.

(c) NEH debarment or suspension official.

(d) NEH grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 3369.30 What policies and procedures must I follow?

The NEH policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 3369.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, NEH policies and procedures are those in the OMB regulation.

Subpart A—General

§ 3369.137 Who in the NEH may grant an exception to let an excluded person participate in a covered transaction?

The NEH Chairman has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 3369.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), NEH does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 3369.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 3369.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–I [Reserved]

PART 3373—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

■ 296. The authority citation for part 3373 continues to read as follows:

Authority: 41 U.S.C. 701–707.

■ 297. Revise §§ 3373.10 through 3373.30 to read as follows:

§ 3373.10 What does this part do?

This part requires that the award and administration of National Endowment for the Humanities (NEH) grants and cooperative agreements comply with Office of Management and Budget (OMB) regulation implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereinafter referred to as ''the Act'') that applies to grants. This part—

(a) Gives regulatory effect to the OMB regulation (subparts A through F of 2 CFR part 182) for the NEH's grants and cooperative agreements; and

(b) Establishes NEH policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 3373.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through F of 2 CFR part 182 (see 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a NEH grant or cooperative agreement; or

(b) NEH awarding official.

§ 3373.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB regulation in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB regulation that this part supplements.* In implementing the OMB regulation in 2 CFR part 182, this part supplements four sections of the OMB regulation, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB regulation, as supplemented by this part.

Section of OMB regulation	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 3373.225	Whom in the NEH a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.
(2) 2 CFR 182.300(b)	§ 3373.300	Whom in the NEH a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 3373.500	Who in the NEH is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.
(4) 2 CFR 182.505	§ 3373.505	Who in the NEH is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part.

(c) *Sections of the OMB regulation that this part does not supplement.* For any section of OMB regulation in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, NEH policies and procedures are the same as those in the OMB regulation.

■ 298. Revise § 3373.400 to read as follows:

§ 3373.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB regulation?

To obtain a recipient's agreement to comply with applicable requirements in the OMB regulation at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of 2 CFR part 3373, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

■ 299. Revise part 3374 to read as follows:

PART 3374—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
3374.1 Adoption of 2 CFR part 200.
3374.2 [Reserved]

Authority: 5 U.S.C. 301, 20 U.S.C. 956, 2 CFR part 200.

§ 3374.1 Adoption of 2 CFR part 200.

The National Endowment for the Humanities (NEH) adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by NEH. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 3374.2 [Reserved]

CHAPTER XXXIV—DEPARTMENT OF EDUCATION

PART 3474—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 300. The authority citation for part 3474 continues to read as follows:

Authority: 20 U.S.C. 1221e–3, 3474; 42 U.S.C. 2000bb *et seq.;* E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258; E.O. 13559, 75 FR 71319, 3 CFR, 2010 Comp., p. 273; E.O. 13831, 83 FR 20715, 3 CFR, 2018 Comp., p. 806; and 2 CFR part 200, unless otherwise noted.

§ 3474.1 [Redesignated as § 3474.3]

■ 301. Redesignate § 3474.1 as § 3474.3.
■ 302. Revise newly redesignated § 3474.3 to read as follows:

§ 3474.3 Adoption of 2 CFR part 200.

The Department of Education adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200, except for 2 CFR 200.102(a) and 200.208. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Education. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

PART 3485—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 303. The authority citation for part 3485 continues to read as follows:

Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474, unless otherwise noted.

■ 304. Revise § 3485.12 to read as follows:

§ 3485.12 What does this part do?

(a)(1) The Department of Education (the ''Department'' or ''ED'') adopts subparts A through I of the Office of Management and Budget (OMB) regulation in 2 CFR part 180. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Department of Education and supplements the regulation as needed for the Department. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, part 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, part 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

(2) This part contains only those sections that include supplements to the regulation in part 180 of this title and new sections needed to implement the OMB regulation for the Department's programs. In those sections of the OMB regulation that are supplemented, the section in this part includes both the text of the OMB regulation that is not affected by the change and any additional paragraphs that need to be added to the OMB regulation. For example, § 180.220 of this title contains only paragraphs (a) and (b). The text of § 3485.220, which supplements § 180.220, includes both the text of paragraph (a) and (b) of § 180.220 and the text of added paragraph (c).

(3) In those sections in part 180 of this title that do not have paragraph designations and that the Department supplements, the section in this part implementing the OMB regulation designates the undesignated paragraph from part 180 as paragraph (a) and the first supplemental paragraph as paragraph (b). For example, § 180.330 of this title includes an undesignated lead in paragraph and paragraphs (a) and (b). In § 3485.330, the undesignated paragraph in § 180.330 is designated paragraph (a) and paragraphs (a) and (b) are designated paragraphs (1) and (2). The added paragraphs are designated paragraphs (b) and (c).

(b) The authority for all the provisions in part 180 of this title as adopted in this part are listed in the authority for this part.

■ 305. Revise subpart B to read as follows:

Subpart B—Covered Transactions

§ 3485.220 Are any procurement contracts included as covered transactions?

(a) Covered transactions under this part—

(1) Do not include any procurement contracts awarded directly by a Federal agency; but

(2) Do include some procurement contracts awarded by non-Federal participants in nonprocurement covered transactions.

(b) Specifically, a contract for goods or services is a covered transaction if any of the following applies:

(1) The contract is awarded by a participant in a nonprocurement transaction that is covered under § 180.210 of this title, and the amount of the contract is expected to equal or exceed $25,000.

(2) The contract requires the consent of an official of a Federal agency. In that case, the contract, regardless of the amount, always is a covered transaction, and it does not matter who awarded it. For example, it could be a subcontract awarded by a contractor at a tier below a nonprocurement transaction, as shown in appendix A to this part.

(3) The contract is for federally-required audit services.

(4) The contract is to perform services as a third party servicer in connection with a title IV, HEA program.

(c) In addition to the contracts covered under § 180.220(b) of this title, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by ED under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed $25,000. This extends the coverage of the ED nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB regulation at § 180.220(c) of this title (see optional lower tier coverage in the figure in appendix A to this part).

CHAPTER XXXV—EXPORT-IMPORT BANK OF THE UNITED STATES

PART 3513—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 306. The authority citation for part 3513 continues to read as follows:

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235.

■ 307. Revise §§ 3513.10 through 3513.30 to read as follows:

§ 3513.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Export Import Bank of the United States (Ex-Im Bank) policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 3513.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part 180 (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970, as supplemented by subpart B of this part).

(b) Respondent in an Ex-Im Bank suspension or debarment action.

(c) Ex-Im Bank debarment or suspension official.

(d) Ex-Im Bank grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 3513.30 What policies and procedures must I follow?

Ex-Im Bank policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 3513.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Ex-Im Bank policies and procedures are those in the OMB regulation.

■ 308. Revise § 3513.220 to read as follows:

§ 3513.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), Ex-Im Bank does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement under a covered nonprocurement transaction.

■ 309. Revise § 3513.437 to read as follows:

§ 3513.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

CHAPTER XXXVI—OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE OFFICE OF THE PRESIDENT

■ 310. Revise part 3603 to read as follows:

PART 3603—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.

3603.10 Adoption of 2 CFR part 200.
3603.11 [Reserved]

Authority: 21 U.S.C. 1706; 21 U.S.C. 1521–1548, 1701, 1703(d), 1703(f), and 2001–2003; 2 CFR part 200.

§ 3603.10 Adoption of 2 CFR part 200.

The Executive Office of the President, Office of National Drug Control Policy (ONDCP) adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by the ONDCP. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 3603.11 [Reserved]

CHAPTER XXXVII—PEACE CORPS

■ 311. Revise part 3700 to read as follows:

PART 3700—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

3700.10 What does this part do?
3700.20 Does this part apply to me?
3700.30 What policies and procedures must I follow?
3700.137 Who in the Peace Corps may grant an exception to let an excluded person participate in a covered transaction?
3700.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?
3700.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?
3700.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Authority: 22 U.S.C. 2503(b); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 3700.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the Peace Corps policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for the Peace Corps to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'' (3 CFR, 1986 Comp., p. 189), Executive Order 12689, ''Debarment and Suspension'' (3 CFR, 1989 Comp., p. 235), and 31 U.S.C. 6101 note (section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 3700.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a Peace Corps suspension or debarment action;

(c) Peace Corps debarment or suspension official; or

(d) Peace Corps grants officer, agreements officer, or other official authorized to enter into any type of

nonprocurement transaction that is a covered transaction.

§ 3700.30 What policies and procedures must I follow?

The Peace Corps policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 3700.220). For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, Peace Corps policies and procedures are those in the OMB regulation.

§ 3700.137 Who in the Peace Corps may grant an exception to let an excluded person participate in a covered transaction?

The Director of the Peace Corps has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

§ 3700.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB regulation at 2 CFR 180.220(c) allows a Federal agency to do so (also see optional lower tier coverage in the figure in appendix A to 2 CFR part 180), Peace Corps does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

§ 3700.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180.

§ 3700.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you as an agency official must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, and requires the participant to include a similar term or condition in lower-tier covered transactions.

■ 312. Add part 3701 to read as follows:

PART 3701—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.

3701.10 Adoption of 2 CFR part 200.
3701.11 [Reserved]

Authority: 22 U.S.C. 2503(b); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 3701.10 Adoption of 2 CFR part 200.

The Peace Corps adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards made by the Peace Corps. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. Peace Corps may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the Peace Corps, including additions or clarifications, are set forth in this chapter.

§ 3701.11 [Reserved]

CHAPTER LVIII—ELECTION ASSISTANCE COMMISSION

■ 313. Revise part 5800 to read as follows:

PART 5800—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

5800.10 What does this part do?
5800.20 Does this part apply to me?
5800.30 What policies and procedures must I follow?

Subpart A—General

5800.137 Who at the Commission may grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

5800.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

5800.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

5800.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

Subparts E–H [Reserved]

Subpart I—Definitions

5800.930 Debarring official.
5800.970 Nonprocurement transaction.
5800.1010 Suspending official.

Subpart J [Reserved]

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

§ 5800.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) regulation in subparts A through I of 2 CFR part 180, as supplemented by this part, as the U.S. Election Assistance Commission (''the Commission'' or ''EAC'') policies and procedures for nonprocurement debarment and suspension. This part gives regulatory effect for the Commission to the OMB regulation as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, ''Debarment and Suspension'', and 31 U.S.C. 6101 note.

§ 5800.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB regulation in subparts A through I of 2 CFR part (see table 2 to 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a ''covered transaction'' (see subpart B of 2 CFR part 180 and the definition of ''nonprocurement transaction'' at 2 CFR 180.970);

(b) Respondent in a Commission suspension or debarment action;

(c) Commission debarment or suspension official; or

(d) Commission grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 5800.30 What policies and procedures must I follow?

The Commission policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB regulation in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by 2 CFR 180.220 as supplemented by § 5800.220. For any section of OMB regulation in subparts A through I of 2 CFR part 180 that has no corresponding section in

this part, Commission policies and procedures are those in the OMB regulation.

Subpart A—General

§ 5800.137 Who at the Commission may grant an exception to let an excluded person participate in a covered transaction?

The Commission's Contracting Officer has the authority to grant an exception to let an excluded person participate in a covered transaction, as provided in the OMB regulation at 2 CFR 180.135.

Subpart B—Covered Transactions

§ 5800.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Pursuant to 2 CFR 180.220(c), the Commission extends coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts to include any subcontract.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 5800.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

If a lower-tier transaction is covered pursuant to § 5800.220, you as a participant must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of 2 CFR part 180.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 5800.437 What method do I use to communicate to a participant the requirements described in the OMB regulation at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you as an agency official must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E–H [Reserved]

Subpart I—Definitions

§ 5800.930 Debarring official.

For the Commission, the debarring official for all nonprocurement transactions is the Commission's Contracting Officer. In the case of a vacancy in the position of the Contracting Officer, the alternate debarring official is the Chief Financial Officer.

§ 5800.970 Nonprocurement transaction.

While the Commission treats all payments made to States under 42 U.S.C. 15301, 15302 and 15401 as grants, this part does not apply to grants made to States and political subdivisions therein.

§ 5800.1010 Suspending official.

For the Commission, the debarring official for all nonprocurement transactions is the Commission's Contracting Officer. In the case of a vacancy in the position of the Contracting Officer, the alternate debarring official is the Chief Financial Officer.

Subpart J [Reserved]

PART 5801—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 314. The authority citation for part 5801 continues to read as follows:

Authority: 2 CFR part 200.

■ 315. Revise § 5801.10 to read as follows:

§ 5801.10 Adoption of 2 CFR part 200.

The U.S. Election Assistance Commission adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by the U.S. Election Assistance Commission. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

CHAPTER LIX—GULF COAST ECOSYSTEM RESTORATION COUNCIL

■ 316. Revise part 5900 to read as follows

PART 5900—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
5900.10 Adoption of 2 CFR part 200.
5900.11 [Reserved]

Authority: 5 U.S.C. 301; 33 U.S.C. 1321(t)(2); 2 CFR part 200.

§ 5900.10 Adoption of 2 CFR part 200.

The Gulf Coast Ecosystem Restoration Council adopts the Office of Management and Budget (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Gulf Coast Ecosystem Restoration Council. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 5900.11 [Reserved]

CHAPTER LX—FEDERAL COMMUNICATIONS COMMISSION

■ 317. Revise part 6000 to read as follows

PART 6000—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
6000.1 Adoption of 2 CFR part 200.
6000.2 [Reserved]

Authority: 47 U.S.C. 154(i), 1752(b)(10)(C); 2 CFR part 200.

§ 6000.1 Adoption of 2 CFR part 200.

Except as otherwise may be provided by this part, the Federal Communications Commission adopts the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards issued by the Federal Communications Commission. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200.

§ 6000.2 [Reserved]

■ 318. Add chapter LXI (consisting of parts 6100 through 6199) to subtitle B to read as follows:

CHAPTER LXI—CONSUMER PRODUCT SAFETY COMMISSION

PART 6100—THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

PARTS 6101–6199 [RESERVED]

PART 6100—THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
6100.10 Adoption of 2 CFR part 200.
6100.11 [Reserved]

Authority: 15 U.S.C. 2054(c), 2090(a), and 8004(b)(2).

§ 6100.10 Adoption of 2 CFR part 200.

The Consumer Product Safety Commission adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards made by the Consumer Product Safety Commission. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The Consumer Product Safety Commission may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the Consumer Product Safety Commission, including additions or clarifications, are set forth in this chapter.

§ 6100.11 [Reserved]

PARTS 6101–6199 [RESERVED]

■ 319. Add chapter LXII (consisting of parts 6200 through 6299) to subtitle B to read as follows:

CHAPTER LXII—DELTA REGIONAL AUTHORITY

PART 6200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

PARTS 6201–6299 [RESERVED]

PART 6200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
6200.10 Adoption of 2 CFR part 200.
6200.11 [Reserved]

Authority: 7 U.S.C. 2009aa–1 *et seq.;* Pub. L. 106–554, 114 Stat. 2763.

§ 6200.10 Adoption of 2 CFR part 200.

(a) The Delta Regional Authority adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards made by the Delta Regional Authority.

(b) See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The Delta Regional Authority may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the Delta Regional Authority, including additions or clarifications, are set forth in this chapter.

§ 6200.11 [Reserved]

PARTS 6201–6299 [RESERVED]

■ 320. Add chapter LXIII (consisting of parts 6300 through 6399) to subtitle B to read as follows:

CHAPTER LXIII—APPRAISAL SUBCOMMITTEE OF THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

PART 6300—THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

PARTS 6301–6399 [RESERVED]

PART 6300—THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
6300.10 Adoption of 2 CFR part 200.
6300.11 [Reserved]

Authority: 12 U.S.C. 3335, 12 U.S.C. 3338(b)(4) and (5), 2 CFR part 200.

§ 6300.10 Adoption of 2 CFR part 200.

The Appraisal Subcommittee of the Federal Financial Institutions Examination Council (the Appraisal Subcommittee) adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards made by the Appraisal Subcommittee. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The Appraisal Subcommittee may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the Appraisal Subcommittee, including additions or clarifications, are set forth in this chapter.

§ 6300.11 [Reserved]

PARTS 6301–6399 [RESERVED]

■ 321. Add chapter LXIV (consisting of parts 6400 through 6499) to subtitle B to read as follows:

CHAPTER LXIV—MARINE MAMMAL COMMISSION

PART 6400—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

PARTS 6401–6499 [RESERVED]

PART 6400—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
6400.10 Adoption of 2 CFR part 200.
6400.11 [Reserved]

Authority: 16 U.S.C. 1401 *et seq.;* 2 CFR part 200.

§ 6400.10 Adoption of 2 CFR part 200.

The Marine Mammal Commission adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards made by the Marine Mammal Commission. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The Marine Mammal Commission may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the Marine Mammal Commission, including additions or clarifications, will be set forth in this chapter.

§ 6400.11 [Reserved]

PARTS 6401–6499 [Reserved]

■ 322. Add chapter LXV (consisting of parts 6500 through 6599) to subtitle B to read as follows:

CHAPTER LXV—MILLENNIUM CHALLENGE CORPORATION

PART 6500—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

PARTS 6501–6599 [Reserved]

PART 6500—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
6500.10 Adoption of 2 CFR part 200.
6500.11 [Reserved]

Authority: 22 U.S.C. 84.

§ 6500.10 Adoption of 2 CFR part 200.

The Millennium Challenge Corporation (MCC) adopts the Office of Management and Budget's (OMB) regulation in 2 CFR part 200, except for issuance of funding to or in support of candidate and eligible countries as determined by MCC under the authority of its authorizing statute, as amended. This part gives regulatory effect to the OMB regulation for Federal awards made by the Millennium Challenge Corporation, excepting those awards to or in support of candidate and eligible countries as determined by MCC under the authority of its authorizing statute, as amended. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The Millennium Challenge Corporation may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the Millennium Challenge Corporation, including additions or clarifications, are set forth in this chapter. Publicly available policies, processes, and rule for administrative requirements, cost principles, and audit requirements for awards to or in support of candidate and eligible countries can be found at *https://www.mcc.gov/resources.*

§ 6500.11 [Reserved]

PARTS 6501–6599 [Reserved]

■ 323. Add chapter LXVI (consisting of parts 6600 through 6699) to subtitle B to read as follows:

CHAPTER LXVI—NATIONAL CREDIT UNION ADMINISTRATION

PART 6600—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

PARTS 6601–6699 [Reserved]

PART 6600—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Sec.
6600.10 Adoption of 2 CFR part 200.
6600.15 Other statutory and regulatory requirements.
6600.102 Exceptions.

Authority: 12 U.S.C. 1756, 1757, 1766, 1772c–1, 1782, 1784, 1785, 1786, 2 CFR part 200.

§ 6600.10 Adoption of 2 CFR part 200.

Except as otherwise may be provided by this chapter, the National Credit Union Administration (NCUA) adopts the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth at 2 CFR part 200. This part gives regulatory effect to the OMB regulation for Federal awards administered by the NCUA. See 2 CFR 200.110(a) regarding the process for amending 2 CFR part 200. The NCUA may amend its adoption of 2 CFR part 200 if agency-specific additions, clarifications, or exceptions to the Government-wide policies and procedures are required by Federal statute or are approved by OMB. See 2 CFR 200.106. Any supplements to the OMB regulation as needed for the NCUA, including additions or clarifications, are set forth in this chapter.

§ 6600.15 Other statutory and regulatory requirements.

Pursuant to 12 U.S.C. 1772c–1, program-specific regulations governing the Community Development Revolving Loan Fund for Credit Unions (CDRLF) may be found in 12 CFR part 705. These program-specific regulations supplement 2 CFR part 200. NCUA policies concerning CDRLF awards, including notices, award terms and conditions, and regulations, are available on-line at *www.ncua.gov.* See 2 CFR 200.101(d).

§ 6600.102 Exceptions.

(a) *Statutory or regulatory exceptions.* The NCUA may adjust requirements to a class of Federal awards if that requirement is specifically authorized or required by a Federal statute or regulation adopted in the Code of Federal Regulations after opportunity for public comment, except for the requirements in 2 CFR part 200, subpart F. Consistent with 2 CFR 200.101(d) and 200.102, such adjustments may be set forth in funding opportunities and NCUA award documents.

(b) *Urgent awards.* Except for those requirements imposed by statute or 2 CFR part 200, subpart F, the NCUA may adjust requirements when making Federal awards on an urgent or emergency basis under 12 CFR 705.8.

(c) *Federal payment.* Notwithstanding 2 CFR 200.305(d), the Federal Credit Union Act and the NCUA regulations at 12 CFR 705.7(g) govern the disbursement and deposit of CDRLF awards.

(d) *Appeals.* Notwithstanding 2 CFR 200.342, the Federal Credit Union Act and the NCUA regulations at 12 CFR 705.10 govern appeals for non-qualification and appeals of technical assistance grant reimbursement denials.

PARTS 6601–6699 [Reserved]

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