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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-3426; Project Identifier AD-2025-00342-T; Amendment 39-23377; AD 2026-12-07]

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 certain The Boeing Company Model 787-8, 787-9, and 787-10 airplanes. This AD was prompted by reports of an uncommanded change to the mode control panel (MCP) selected altitude. This AD requires replacing the existing MCP with an updated MCP and performing an installation test. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 20, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 20, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA-2025-3426; 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 Westminister 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-2025-3426.

FOR FURTHER INFORMATION CONTACT: Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3973; email: *Michael.P.Closson@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 The Boeing Company Model 787-8, 787-9, and 787-10 airplanes. The NPRM was published in the **Federal Register** on November 17, 2025 (90 FR 51225). The NPRM was prompted by reports of an uncommanded change to the MCP selected altitude. In the NPRM, the FAA proposed to require replacing the existing MCP with an updated MCP and performing an installation test. The FAA is issuing this AD to address uncommanded changes to the MCP selected altitude. The unsafe condition, if not addressed, could result in controlled flight into terrain (CFIT) or traffic conflict, which may result in mid-air collision.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from the Air Line Pilots Association, International, (ALPA), Boeing, KLM Royal Dutch Airlines, and United Airlines who supported the NPRM without change.

The FAA received additional comments from Etihad Airways and the Citizens Rulemaking Alliance. The

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

Request To Prohibit the Installation of Affected Parts

Etihad Airways requested that the FAA add a requirement to prohibit the installation of MCP, part numbers (P/Ns) 4091640-901, 4091640-902, and 4091640-903 as of the effective date of the AD.

The FAA does not agree that it is necessary to prohibit the installation of the affected parts as of the effective date of the AD. There are very few affected spares in operators' inventories because the MCP is not typically replaced in service. Further, due to the limited availability of new unaffected parts, a few new unaffected parts will be made available to each affected operator. The FAA expects that affected operators will likely remove and return an affected part to the supplier for retrofit, and that the new unaffected part will be installed on the airplane while the affected part is upgraded. Therefore, no change to this AD is necessary in this regard.

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, or convert this action to an NPRM. The commenter asserted the FAA has not adequately justified use of the good cause exemption.

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

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

The Citizens Rulemaking Alliance requested that the FAA make IBR material available and free to the public during the comment period. The commenter stated that the FAA should describe in the preamble of the AD how the FAA has ensured IBR material is reasonably available in accordance with 1 CFR 51.5 and 51.9.

The FAA notes that in the preamble of the NPRM, the public was notified that the IBR material would be available for review under Docket No. FAA–2025–3426 at *regulations.gov*. This material was posted to the AD docket on November 17, 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. The commenter asserted that many ADs applicable to Boeing airplanes do not comply with the PRA.

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.

The FAA provides the following clarification. The RFA of 1980 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) and the Small Business Jobs Act of 2010 (Pub. L. 111–240), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term “small entities” comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The FAA analyzed the cost impact of this AD on small entities and determined the following:

Small Entities to Which the Rule Will Apply

The FAA used the definition of small entities in the RFA for this analysis. The RFA defines small entities as small businesses, small governmental jurisdictions, or small organizations. In 5 U.S.C. 601(3), the RFA defines “small business” to have the same meaning as “small business concern” under section 3 of the Small Business Act. The Small Business Act authorizes the Small Business Administration (SBA) to define “small business” by issuing regulations.

SBA (2023) has established size standards for various types of economic activities, or industries, under the North American Industry Classification System (NAICS). These size standards generally define small businesses based on the number of employees or annual receipts. The “Small Business Size Standards” table shows the SBA size standards for all industries with at least 1 impacted entity.¹ Note that the SBA definition of a small business applies to the parent company and all affiliates as a single entity.

SMALL BUSINESS SIZE STANDARDS

NAICS code	Description	Size standard
481111	Scheduled Passenger Air Transportation	1,500 employees.
523910	Miscellaneous Intermediation	\$41.5 million.

To identify small entities, the FAA first identified the primary NAICS of the entity or parent company, and then used data from different sources (*e.g.*,

company annual reports, Bureau of Transportation Statistics) to determine whether the entity meets the applicable size standard. The “Estimated Number

of Small Entities” table provides a summary of the results.

ESTIMATED NUMBER OF SMALL ENTITIES

Category	Number of entities	Affected airplanes	Number of small entities	Percent of small entities (%)
Scheduled Passenger Air Transportation	3	133	0	0
Miscellaneous Intermediation	1	1	1	100
Total	4	134	1	25

Projected Reporting, Recordkeeping, and Other Compliance Requirements

FAA estimates the affected entity will incur a compliance cost of up to \$405,170. However, the FAA notes that

the manufacturer of the MCP (Honeywell) has stated that some or all of the costs of retrofitting the MCP to P/N 4091640–904 may be covered under warranty, thereby reducing the cost impact on the affected operator. If a part

is retrofitted, purchasing a new part is unnecessary. The “Average Cost of Compliance Per Small Entity” table displays the estimated compliance cost for the miscellaneous intermediation industry.

¹ FAA does not have entity data on 1 of the 135 affected airplanes, and those airplanes with missing entity data are excluded from this analysis.

AVERAGE COST OF COMPLIANCE PER SMALL ENTITY

NAICS code	Description	Affected small entities	Average annual revenue	Average per-entity impact (cost/revenue) (%)
523910	Miscellaneous Intermediation	1	\$1,920,000	21.1

Significant Alternatives Considered

FAA evaluated the alternative of not promulgating this AD but ultimately deemed that this alternative would create a significant safety hazard. The FAA is issuing this AD to address uncommanded changes to the MCP selected altitude. The unsafe condition, if not addressed, could result in CFIT or traffic conflict, which may result in mid-air collision.

Request To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA add to the AD docket the cost assumptions (fleet size, labor rates, parts costs, and airplane downtime) supporting the FAA's certification that this AD is not a "significant regulatory action" under Executive Order 12866. The commenter also stated that the AD should specify whether the Unfunded Mandates Reform Act (UMRA) applies.

In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of affected airplanes on the U.S. registry, estimated number of work hours and parts costs provided by the manufacturer, and the aggregate costs. Additionally, the FAA considered the impact that this AD will have on affected operators and determined this AD will not trigger any downtime costs because the requirements of this AD can be performed during regularly

scheduled maintenance. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to provide additional information in the AD docket.

Further, the FAA has determined that the current labor rate of \$85 per hour remains accurate for this AD. The FAA evaluates this rate periodically, based on U.S. Department of Labor Statistic (BLS) data found at <https://data.bls.gov/oes>, and will change the rate when appropriate. The FAA used a blended wage rate to estimate the labor rate for this AD, where the FAA assumes 60 percent weight for aircraft mechanics (at a fully burdened mean wage rate of \$69.85 per hour) and 40 percent for general and operations managers (at a fully burdened mean wage rate of \$108.15 per hour). To calculate the blended wage rate, the FAA multiplied each wage rate by its corresponding weight and added up the products to obtain a wage rate of \$85.17, which the FAA rounded down to \$85.

Based upon the analysis provided throughout the proposed AD and in the previous comment response, the FAA certifies that this AD is not a "significant regulatory action" under Executive Order 12866. 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 B787-81205-SB220004-00 RB, Issue 001, dated April 22, 2025. This material specifies procedures for replacing the existing MCP P/Ns 4091640-901, 4091640-902, and 4091640-903 with MCP P/N 4091640-904 and performing the MCP installation test until the test passes.

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 163 airplanes of U.S. registry, of which 28 are registered to 2 foreign air carriers. 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
MCP replacement and installation test.	2 work-hours × \$85 per hour = \$170.	Up to \$405,000*	Up to \$405,170	Up to \$66,042,710.

* This is the estimated cost for a replacement MCP. However, the FAA notes that the manufacturer of the MCP (Honeywell) has stated that some or all of the costs of retrofitting the MCP to part number 4091640-904 may be covered under warranty, thereby reducing the cost impact on affected operators. If a part is retrofitted, purchasing a new part is unnecessary.

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:

2026–12–07 The Boeing Company:

Amendment 39–23377; Docket No. FAA–2025–3426; Project Identifier AD–2025–00342–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 20, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto flight.

(e) Unsafe Condition

This AD was prompted by reports of an uncommanded change to the mode control

panel (MCP) selected altitude. The FAA is issuing this AD to address uncommanded changes to the MCP selected altitude. The unsafe condition, if not addressed, could result in controlled flight into terrain (CFIT) or traffic conflict, which may result in mid-air collision.

(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 B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB220004–00, Issue 001, dated April 22, 2025, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025.

(h) Exceptions to Service Bulletin Specifications

Where the Boeing Recommended Compliance Time column of the table in the “Compliance” paragraph of Boeing Alert Requirements Bulletin B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025, refers to the Issue 001 date of Requirements Bulletin B787–81205–SB220004–00 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 certification office, 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 Michael Closson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3973; email: Michael.P.Closson@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 B787–81205–SB220004–00 RB, Issue 001, dated April 22, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister 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 June 10, 2026.

Brian Knaup,

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

[FR Doc. 2026–11974 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4655; Project Identifier MCAI–2025–01553–E; Amendment 39–23376; AD 2026–12–06]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–05–01, which applied to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–AE3, Trent 1000–CE3, Trent

1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines. AD 2020–05–01 required initial and repetitive borescope inspections (BSI) of the high-pressure turbine (HPT) blades. AD 2020–05–01 also required replacement of HPT blades with parts eligible for installation when the HPT blades fail inspection or reach the new life limit. Since the FAA issued AD 2020–05–01, RRD published updated service material introducing improved HPT blades and a combustion rear inner casing bypass case assembly, adding an acceptable method for installation of HPT blades, expanding the inspection area for BSIs of the HPT blade, adding limits for axial cracks of the HPT blades, reducing certain BSI thresholds, and removing a certain HPT blade life-limit. This AD requires performing initial and repetitive BSIs of the HPT blades for axial cracks and, depending on the results of the BSIs, this AD requires either performing additional BSIs or replacing the HPT blades. This AD also adds an optional terminating action for the repetitive BSIs of the HPT blades. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 30, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 30, 2026.

The FAA must receive comments on this AD by July 30, 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–2026–4655; 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; phone: +49 221 8999 000; email: *ADs@easa.europa.eu*; website: *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, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–4655.

FOR FURTHER INFORMATION CONTACT:

Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (516) 228–7309; email: *alexis.j.whitaker@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–2026–4655; Project Identifier MCAI–2025–01553–E” 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 Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–05–01, Amendment 39–21102 (85 FR 13727, March 10, 2020) (AD 2020–05–01), for RRD Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines. AD 2020–05–01 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2019–0099R2, dated September 6, 2019 (EASA AD 2019–0099R2), to correct an unsafe condition identified as premature failure of the HPT blades. AD 2020–05–01 required initial and repetitive BSIs of the HPT blades, and replacement of the HPT blades with parts eligible for installation when the HPT blades fail inspection or reach the new life limit. The FAA issued AD 2020–05–01 to prevent failure of the HPT blades.

Actions Since AD 2020–05–01 Was Issued

Since the FAA issued AD 2020–05–01, EASA superseded EASA AD 2019–0099R2 and issued a series of ADs, each superseding the previous one, with the latest one being EASA AD 2025–0206R1, dated December 18, 2025 (EASA AD 2025–0206R1) (also referred to as the MCAI). Since EASA AD 2019–0099R2 was published, RRD published updated service material introducing improved HPT blades and an improved combustion rear inner casing bypass case assembly, and an additional acceptable method for installing HPT blades. RRD also published updated service material defining additional limits for axial cracks on the leading edge and convex surfaces of the HPT blades, reducing the inspections threshold, and removing certain life-limits for HPT blades. It was also determined that certain in-flight shutdown events do not represent an abnormal or unsafe condition for the remaining running engine, and certain engines should be excluded from the

requirement to accomplish a BSI when the opposite engine was deliberately shut-down and automatically re-started immediately as part of a standard airplane acceptance test. The MCAI states that in-service experience has shown that the affected parts may deteriorate, despite being subject to the inspections and life-limits as specified in the current RRD Time Limits Manual, T-Trent-10RRT, Chapters 05-10 and 05-20. To address this potential unsafe condition, the MCAI requires performing initial and repetitive BSIs of the HPT blades for axial cracks and, depending on the results of the BSIs, the MCAI requires either performing additional BSIs or replacing the HPT blades. The MCAI also excludes certain engines from certain BSI requirements if that engine was deliberately shut-down and automatically re-started immediately as part of a standard airplane acceptance test. The MCAI also adds an optional terminating action for the repetitive BSIs of the HPT blades.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2026-4655.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025-0206R1, which defines additional limits for axial cracks on the leading edge and convex surfaces of the HPT blades, reduces the inspections threshold, specifies optional procedures for introducing improved HPT blades and an improved combustion rear inner casing bypass case assembly, and an additional acceptable method for replacing HPT blades, if necessary.

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

FAA's Determination

These products have been approved by the civil aviation authority (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, 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 2025-0206R1 described previously, as incorporated by reference, 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 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 2025-0206R1 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025-0206R1 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 2025-0206R1 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 2025-0206R1. Material required by EASA AD 2025-0206R1 for compliance will be available at [regulations.gov](https://www.regulations.gov) by under Docket No. FAA-2026-4655 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.

The FAA justifies waiving notice and comment prior to adoption of this rule because no domestic operators use this product. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from any U.S. operator. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), 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.

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 FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

There are no costs of compliance with this AD because there are no engines with this type certificate on the U.S. Registry.

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:
- a. Removing Airworthiness Directive 2020–05–01, Amendment 39–21102 (85 FR 13727, March 10, 2020); and
 - b. Adding the following new airworthiness directive:

2026–12–06 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–23376; Docket No. FAA–2026–4655; Project Identifier MCAI–2025–01553–E.

(a) Effective Date

This airworthiness directive (AD) is effective June 30, 2026.

(b) Affected ADs

This AD replaces AD 2020–05–01, Amendment 39–21102 (85 FR 13727, March 10, 2020) (AD 2020–05–01).

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 model engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by the manufacturer identifying that the high-pressure turbine (HPT) blades may fail prematurely. The FAA is issuing this AD to prevent failure of the HPT blades. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) and (i) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0206R1, dated December 18, 2025 (EASA AD 2025–0206R1).

(h) Exceptions to EASA AD 2025–0206R1

(1) Where EASA AD 2025–0206R1 refers to October 6, 2025 (the effective date of EASA AD 2025–0206R1 at original issue), this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0206R1 refers to May 20, 2019 (the effective date of EASA AD 2019–0099), this AD requires using the effective date of March 25, 2020 (the effective date of AD 2020–05–01).

(3) This AD does not adopt the “Remarks” paragraph of EASA AD 2025–0206R1.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0206R1 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 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.

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

(k) Additional Information

For more information about this AD, contact Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (516) 228–7309; email: alexis.j.whitaker@faa.gov.

(l) 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 the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0206R1, dated December 18, 2025.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: 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, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on June 4, 2026.

Brian Knaup,

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

[FR Doc. 2026–11965 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2026–2279; Project Identifier MCAI–2025–01379–T; Amendment 39–23368; AD 2026–11–07]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10, BD–700–1A11, and BD–700–2A12 airplanes. This AD was prompted by reports that certain seat frames were assembled without applying Loctite in certain locations of concern. This AD requires modification to the non-locking fastener joints of the seat frame assembly. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 20, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 20, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2026–2279; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For

information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2026–2279.

FOR FURTHER INFORMATION CONTACT:
Amanda F. Pieraccini, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–1A10, BD–700–1A11, and BD–700–2A12 airplanes. The NPRM was published in the **Federal Register** on February 26, 2026 (91 FR 9512). The NPRM was prompted by Transport Canada AD CF–2025–41, dated August 20, 2025 (Transport Canada AD CF–2025–41) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that there were reports that seat frame assemblies have been found to be assembled without applying Loctite in certain locations of concern. Lounge and crew rest seat frame assemblies call for the application of Loctite on non-locking fastener joints in different areas. Two sub-systems considered critical are affected by this

escape: seat belt anchor point restraining and back rest locking sub-system. Seat frames assembled without applying Loctite on certain screws may lead to loss of structural joint integrity affecting safety equipment such as lap belt and seat backrest locking mechanisms. The capability of the restraint system to protect the occupant will be reduced. This situation may not be apparent to the occupant during normal operation.

In the NPRM, the FAA proposed to require modification to the non-locking fastener joints of the seat frame assembly, as specified in Transport Canada AD CF–2025–41. 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](https://www.regulations.gov) under Docket No. FAA–2026–2279.

Discussion of Final Airworthiness Directive

Comments
The FAA received no comments on the NPRM or on the determination of the cost.

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

Transport Canada AD CF–2025–41 specifies procedures for a modification to apply Loctite to the non-locking fastener joints of the seat frame assembly. The modification includes the installation of new hardware (*i.e.*, screws).

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 42 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 34 work-hours × \$85 per hour = \$2,890	Up to \$134	Up to \$3,024	Up to \$127,008.

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:

2026–11–07 Bombardier, Inc.: Amendment 39–23368; Docket No. FAA–2026–2279; Project Identifier MCAI–2025–01379–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 20, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10, BD–700–1A11, and Model BD–700–2A12 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–41, dated August 20, 2025 (Transport Canada AD CF–2025–41).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports that certain seat frames were assembled without applying Loctite in certain locations of concern. The FAA is issuing this AD to address seat frames assembled without applying Loctite on certain screws that could lead to loss of structural joint integrity affecting safety equipment such as lap belt and seat backrest locking mechanisms. The unsafe condition, if not addressed, could result in reduced capability of the restraint system to protect an occupant.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–41.

(h) Exception to Transport Canada AD CF–2025–41

Where Transport Canada AD CF–2025–41 refers to its effective date, this AD requires using the effective date of this AD.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–41 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, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your

request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (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, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Amanda F. Pieraccini, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: 9-avs-nyaco-cos@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–41, dated August 20, 2025.

(ii) [Reserved]

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

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

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

Issued on May 22, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–11976 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2026–3473; Project Identifier MCAI–2025–01221–T; Amendment 39–23375; AD 2026–12–05]

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 all Airbus SAS Model A350–941 and –1041 airplanes. This AD was prompted by a determination that certain primary flight control actuators have been exposed to mechanical overloads during the acceptance test procedure. This AD requires replacing affected parts with serviceable parts and prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 20, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 20, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2026–3473; 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–2026–3473.

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 all Airbus SAS Model A350–941 and –1041 airplanes. The NPRM was published in the **Federal Register** on April 3, 2026 (91 FR 16869). The NPRM was prompted by EASA AD 2025–0152, dated July 18, 2025 (EASA AD 2025–0152) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European. The MCAI states that during production, certain primary flight control actuators (servo controls, electrical backup hydraulic actuators, and electro-hyrostatic actuators) have been exposed to mechanical overloads during the acceptance test procedure, leading to reduced fatigue life of the affected actuators. This condition, if not corrected, could potentially result in actuator failure, leading to loss of

control of control surfaces or to hydraulic system loss, and consequently result in reduced control of the airplane.

In the NPRM, the FAA proposed to require replacing affected parts with serviceable parts and prohibit the installation of affected parts, as specified in EASA AD 2025–0152. 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](https://www.regulations.gov) under Docket No. FAA–2026–3473.

Discussion of Final Airworthiness Directive

Comments

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

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 2025–0152 specifies procedures for replacing affected parts with serviceable parts. EASA AD 2025–0152 also prohibits the installation of affected parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 38 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
10 work-hours × \$85 per hour = \$850	\$0	\$850	\$32,300

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:

2026–12–05 Airbus SAS: Amendment 39–23375; Docket No. FAA–2026–3473; Project Identifier MCAI–2025–01221–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 20, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by a determination that certain primary flight control actuators have been exposed to mechanical overloads during the acceptance test procedure. The FAA is issuing this AD to address actuator failure. The unsafe condition, if not addressed, could result in loss of control of control surfaces or hydraulic system loss, and consequently result in 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 2025–0152, dated July 18, 2025 (EASA AD 2025–0152).

(h) Exceptions to EASA AD 2025–0152

(1) Where EASA AD 2025–0152 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0152 defines a serviceable part as “Primary flight control actuator eligible for installation in accordance with Airbus instructions, which is not an affected part”, this AD requires replacing that text with “Primary flight control actuator eligible for installation, which is not an affected part”.

(3) Where EASA AD 2025–0152 specifies replacing an affected part “in accordance with the instructions of the AOT”, this AD requires replacing that text with “in accordance with the instructions in paragraph 5.6.1 of the AOT”.

(4) This AD does not adopt the “Remarks” section of EASA AD 2025–0152.

(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 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 Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3225; email: Dan.Rodina@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 2025–0152, dated July 18, 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 June 4, 2026.

Brian Knaup,

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

[FR Doc. 2026–11975 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2025–5244; Airspace Docket No. 25–AGL–8]

RIN 2120–AA66

Amendment of Jet Routes J–70 and J–94 and Amendment of Very High Frequency Omnidirectional Range Federal Airways V–30, V–55, V–84, V–170, and V–274 and Revocation of Jet Routes J–547 and J–548 in the Vicinity of Pullman, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the **Federal Register** on May 8, 2026, amending Jet Routes J–70 and J–94; amending Very High Frequency Omnidirectional Range (VOR) Federal Airways V–30, V–84, V–170, and V–274; and revoking Jet Routes J–547 and J–548 in the vicinity of Pullman, MI. Specifically, this action corrects an error in the preamble discussion of VOR airway V–170.

DATES: The effective date of the final rule published in the **Federal Register** on May 8, 2026, remains 0901 UTC, July 9, 2026. The Director of the Federal Register approves this incorporation by reference action under 14 CFR part 71, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Ashley Toth, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:**History**

The FAA published a final rule in the **Federal Register** for Docket No. FAA–2025–5244 (91 FR 25106; May 8, 2026), amending and revoking certain Jet Routes and amending certain VOR federal airways, including V–170. The amendment of V–170 revokes a segment

of the airway between the Badger, WI, VOR/DME and the Salem, MI, VORTAC which will become unusable with the decommissioning of the Pullman, MI, VOR. The final rule preamble discussion stated in error that as amended, V-170 extends between the Jamestown, ND, VOR/DME and the Badger VOR/DME and between the Slate Run, PA, VORTAC and the INT Andrews, MD, VORTAC 060° and Baltimore, MD, VORTAC 165° radials. The correct airway description of the amended V-170 is it extends between the Jamestown VOR/DME and Sioux Falls, SD, VORTAC, between the Rochester, MN, VOR/DME and the Badger VOR/DME, and between the Slate Run VORTAC and the INT Andrews VORTAC 060° and Baltimore VORTAC 165° radials. The legal description associated with V-170 appeared correctly in the final rule. This action corrects the error in the preamble.

Correction to the Final Rule

Accordingly, pursuant to the authority delegated to me, the final rule for Docket No. FAA-2025-5244, as published in the **Federal Register** on May 8, 2026 (91 FR 25106; FR Doc. 2026-09181), is corrected as follows:

On page 25107, at the bottom of the second column and the top of the third column, in the preamble section titled “The Rule”, the paragraph describing V-170 is revised to read as follows:

V-170: Prior to this amendment, V-170 extended between the Jamestown, ND, VOR/DME and the Sioux Falls, SD, VORTAC, between the Rochester, MN, VOR/DME and the Salem, MI, VORTAC and between the Slate Run, PA, VORTAC and the INT Andrews, MD, VORTAC 060° and Baltimore, MD, VORTAC 165° radials (POLLA, MD, Fix). A portion of V-170, between the Badger, WI, VOR/DME and the Salem VORTAC will become unusable with the decommissioning of the Pullman VOR. The FAA is revoking the affected portion. As amended, V-170 extends between the Jamestown VOR/DME and Sioux Falls VORTAC, between the Rochester VOR/DME and the Badger VOR/DME, and between the Slate Run VORTAC and the INT Andrews VORTAC 060° and Baltimore VORTAC 165° radials. The airspace within R-5802 is excluded when active.

Issued in Washington, DC, on June 11, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026-11990 Filed 6-12-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

[Docket No. FDA-2026-N-6404]

RIN 0910-AJ24

Amendment and Revocation of Organizational Information Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is amending its regulations to direct the public to organizational and contact information available on the Agency’s website. FDA is also revoking certain regulations that are no longer necessary in light of this amendment. These changes are appropriate to provide the public with a uniform source of Agency organizational and contact information that can be readily updated as needed in the future.

DATES: This action is effective June 15, 2026.

FOR FURTHER INFORMATION CONTACT: Brian Pendleton, Office of Policy, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-4614, Brian.Pendleton@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

President Trump has directed the heads of executive departments and agencies to eliminate unnecessary and burdensome regulations (Executive Order 14192, “Unleashing Prosperity Through Deregulation” (90 FR 9065, February 6, 2025)). Independently, the Secretary of Health and Human Services (HHS) has expressed support for deregulatory initiatives across all HHS components (see “Request for Information (RFI): Ensuring Lawful Regulation and Unleashing Innovation to Make America Healthy Again” (90 FR 20478, May 14, 2025)). This action is consistent with each of these directives.

Section 552(a)(1)(A) of the Administrative Procedure Act (APA) (5 U.S.C. 552(a)(1)(A)) requires each agency to separately state and currently publish in the **Federal Register**, for the guidance of the public, descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the

public may obtain information, make submittals or requests, or obtain decisions. FDA has for many years published in the Code of Federal Regulations information on its organizational structure, public information offices, and relevant mailing addresses;¹ these regulations are currently set forth in part 5, subpart M, of Title 21 of the Code of Federal Regulations (21 CFR part 5, subpart M).² This action streamlines these regulations while providing the public with a uniform source of Agency organizational and contact information that can be readily updated as needed in the future.

II. Description of the Action

As previously noted, subpart M of part 5 contains information on FDA’s organizational structure, public information offices, and relevant mailing addresses. Section 5.1100 provides FDA’s central and field organization with relevant mailing addresses in footnotes. Section 5.1105 specifies the mailing address of the Office of the Chief Counsel for FDA, and § 5.1110 states the names and contact information for FDA public information offices.

To centralize FDA organizational information and facilitate public access to information, this action amends part 5 by revoking §§ 5.1105 and 5.1110 and amending § 5.1100. As amended, § 5.1100 will now direct the public to information on FDA’s website at <http://www.fda.gov>. The regulation will specifically refer to information on FDA’s organization, including the Agency’s central and field offices, in FDA’s Staff Manual Guides (available at <https://www.fda.gov/about-fda/staff-manual-guides/organizations-and-functions-volume-i-1000-1300>).

The regulation will also state that relevant contact information for FDA offices, including email addresses, is available on our website. Regulated entities and the general public typically contact FDA electronically at an Agency web address rather than by mail. Among other web pages, FDA’s “Contact FDA” web page provides website and email addresses for the Agency’s offices. Revising § 5.1100 to reference FDA contact information, including email addresses, on the Agency’s website will

¹ These regulations were originally published in the **Federal Register** in 1964 (see 29 FR 471, January 18, 1964)). They have since been amended and recodified on various occasions (see, e.g., “Delegations of Authority and Organization; Reorganization and Republication,” 66 FR 30992, June 8, 2001).

² Subpart M is the only active subpart of part 5, as subparts A through L have been reserved.

enable us to more effectively provide the public with information.

In light of these amendments to § 5.1100, we have determined that §§ 5.1105 and 5.1110 are no longer necessary. The direction to visit FDA's website will facilitate public access to a uniform source of Agency organizational and contact information that can be readily updated as needed in the future.

III. Notice and Public Comment

Under section 551(4) of the APA (5 U.S.C. 551(4)), a rule means "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." Section 553(b)(A) of the APA (5 U.S.C. 553(b)(A)) exempts rules of agency organization, procedure, or practice from notice and comment rulemaking procedures. Under section 553(b)(B), rules are also exempt when an agency for good cause finds that notice and comment rulemaking procedures would be impracticable, unnecessary, or contrary to the public interest.

To the extent that this action is a rule, FDA has determined that it meets the notice and comment exemptions in section 553(b)(A) and (B) of the APA. We are amending regulations describing

the Agency's organizational structure, not any substantive requirements. In addition, we have determined that because these revisions are minor and insignificant in nature and impact, public comment is unnecessary. For these two independent reasons, notice and comment is not required.

Section 553(d)(3) of the APA allows an effective date less than 30 days after publication as provided by the agency for good cause found and published with a rule. A delayed effective date is unnecessary in this case because, to the extent this action is a rule, the amendments do not impose any new regulatory requirements. As a result, affected parties do not need time to "adjust to the new regulation" before it takes effect. *Am. Federation of Government Emp., AFL-CIO v. Block*, 655 F.2d 1153, 1156 (D.C. Cir. 1981). Therefore, we find good cause for the amendments to become effective on the date of their publication.

IV. Economic Analysis of Impacts

A. Introduction

We have examined the impacts of this action under Executive Order 12866, Executive Order 13563, and Executive Order 14192.

Executive Orders 12866 and 13563 direct us to assess all benefits and costs of available regulatory alternatives and, when regulation is necessary, to select

regulatory approaches that maximize net benefits. Rules are economically significant under Executive Order 12866 if they have an annual effect on the economy of \$100 million or more; or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The Office of Information and Regulatory Affairs has determined that this action is not a significant regulatory action under Executive Order 12866.

Executive Order 14192 requires that any new incremental costs associated with certain significant regulatory actions "shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations." This action is not an Executive Order 14192 regulatory action because it is not significant under Executive Order 12866.

B. Overview of Benefits, Costs, and Transfers

This action generates net cost savings which we discuss qualitatively. The cost savings accrue to FDA because we no longer have to devote resources to developing and publishing regulations to update the organizational structure after a reorganization. There are no costs associated with this rulemaking.

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE ACTION
[Millions of 2025 dollars]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
Benefits:							
Annualized Monetized (\$millions/year)	\$0	\$0	\$0	2025	7 3	.....	
Annualized Quantified .....	.....	.....	.....	.....	7 3	.....	
Qualitative							
Costs:							
Annualized Monetized (\$millions/year)	\$0	\$0	\$0	2025	7 3	.....	
Annualized Quantified .....	.....	.....	.....	.....	7 3	.....	
Qualitative							
Transfers:							
Federal Annualized Monetized (\$millions/year).	.....	.....	.....	.....	7 3	.....	
	From:			To:			
Other Annualized Monetized (\$millions/year).	.....	.....	.....	.....	7 3	.....	
	From:			To:			

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE ACTION—Continued
[Millions of 2025 dollars]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
Effects:							
State, Local or Tribal Government: None.							
Small Business: None.							
Wages: None.							
Growth: None.							

Note: Benefits encompass positive and negative benefits. Costs encompass costs and cost savings.

In line with Executive Order 14192, in and net costs over a perpetual time
Table 2 we estimate present and horizon of this action.
annualized values of costs, cost savings,

TABLE 2—EXECUTIVE ORDER 14192 SUMMARY TABLE
[Millions of 2024 dollars, discounted over an infinite time horizon at a 7 percent discount rate]

	Primary estimate	Low estimate	High estimate
Present Value of Costs	\$0	.....	.....
Present Value of Cost Savings	0	.....	.....
Present Value of Net Costs	0	.....	.....
Annualized Costs	0	.....	.....
Annualized Cost Savings	0	.....	.....
Annualized Net Costs	0	.....	.....

Note: Values in parentheses denote net negative costs (*i.e.*, net cost savings).

V. Analysis of Environmental Impact

We have determined under 21 CFR 25.32(a) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Paperwork Reduction Act of 1995

FDA concludes that this action contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VII. Federalism

We have analyzed this action in accordance with the principles set forth in Executive Order 13132. We have determined that it does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, we conclude that the action does not contain policies that have federalism implications as defined in the Executive Order and, consequently, a federalism summary impact statement is not required.

VIII. Consultation and Coordination With Indian Tribal Governments

We have analyzed this action in accordance with the principles set forth in Executive Order 13175. We have determined that the action does not contain policies that would have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

List of Subjects in 21 CFR Part 5

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

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—ORGANIZATION

- 1. The authority citation for part 5 continues to read as follows:

Authority: 5 U.S.C. 552; 21 U.S.C. 301–397.

- 2. Revise § 5.1100 to read as follows:

§ 5.1100 Agency Organization Information.

Information about the organization of the Food and Drug Administration

(including its central and field offices) is available on the Agency’s website at <http://www.fda.gov>, including in FDA’s Staff Manual Guides. Relevant contact information for Agency offices, including email addresses, is also available on the Agency’s website.

§ 5.1105 [Removed]

- 3. Remove § 5.1105.

§ 5.1110 [Removed]

- 4. Remove § 5.1110.

Robert F. Kennedy, Jr.

Secretary, Department of Health and Human Services.

[FR Doc. 2026–11998 Filed 6–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0556]

RIN 1625–AA87

Security Zone; Santa Monica Bay, Los Angeles, CA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for navigable waters offshore of Los Angeles International Airport. The security zone is necessary to ensure public safety and prevent sabotage or terrorist acts near the airport during the 2026 World Cup in Los Angeles, CA. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Los Angeles—Long Beach.

DATES: This rule is effective without actual notice from June 15, 2026, through July 12, 2026. For purposes of enforcement, actual notice will be used from June 11, 2026, through June 15, 2026.

ADDRESSES: To view available documents go to <https://www.regulations.gov> and search for USCG–2026–0556.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Kevin Kinsella, Sector Los Angeles—Long Beach Waterways Management Division, U.S. Coast Guard; telephone 310–521–3860, or email D11-SMB-SectorLALB-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 a request to establish a temporary security zone offshore of Los Angeles International Airport to protect visitors and VIPs prior to, during, and after the 2026 World Cup. The Captain of the Port (COTP), Los Angeles—Long Beach has determined that the arrival and departure of visitors and VIPs present a security concern offshore of the airport. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70051 and 70124, which is needed to ensure public safety and prevent sabotage or terrorist acts near the airport from the navigable waters within the security zone.

Because of risks associated with 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 final details regarding the size of the zone were not finalized until May 18, 2026, but we must establish this security zone by June 11, 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 security zone for specific dates and times from June 11, 2026, through July 12, 2026. The security zone will cover all navigable waters within a designated portion of Santa Monica Bay, offshore of Los Angeles International Airport. No vessel or person will be permitted to enter the security zone 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 security zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–235 to read as follows:

§ 165.T11–235 Security Zone; Santa Monica Bay, Los Angeles, CA.

(a) *Location.* The following area is a security zone: All waters of Santa Monica Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 33°55.61' N, 118°26.87' W, thence to 33°56.85' N, 118°27.55' W, thence to 33°57.05' N, 118°27.01' W, thence to 33°55.81' N, 118°26.35' W and back to the beginning point. 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 Los Angeles—Long Beach (COTP) in the enforcement of the security zone.

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

(2) The security zone will only be enforced for specific dates and times during the enforcement period. The COTP will provide public notice of the specific enforcement periods via Broadcast Notice to Mariners, Local Notice to Mariners, or actual notice via PATOM on scene.

(3) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (310) 521–3801. Those in the security 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 may be enforced on June 11, 2026, through July 12, 2026.

S.L. Crecy,

Captain, U.S. Coast Guard, Captain of the Port Los Angeles—Long Beach.

[FR Doc. 2026–11993 Filed 6–12–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[EPA–HQ–OPP–2025–0183; FRL–13308–01–OCSPP]

Pydiflumetofen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pydiflumetofen (CASRN 1228284–64–7) in or on the food and feed commodities of sugarcane, cane. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), Syngenta Crop Protection, LLC, 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 on June 15, 2026. Objections and requests for hearings must be received on or before August 14, 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 docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2025–0183, is available at <http://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:

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 the docket ID number EPA–HQ–OPP–2025–0183 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 August 14, 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, the 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/oal/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 4F9138) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide pydiflumetofen, (3-(difluoromethyl)-Nmethoxy-1-methyl-N-[1-methyl-2-(2,4,6-trichlorophenyl)ethyl]-1H-pyrazole-4-carboxamide), in or on sugarcane at 0.05 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, LLC, the registrant, which is available in the docket, <http://www.regulations.gov>. Three comments were received on the notice of filing. EPA’s response to these comments is discussed in Unit IV.D. EPA has modified the commodity definition from sugarcane to sugarcane, cane.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA 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.” Section 408(b)(2)(A)(ii) of FFDCA 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. Section 408(b)(2)(C) of FFDCA 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. . . .”

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), 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 pydiflumetofen including exposure resulting from the tolerances established by this action. EPA’s assessment of exposures and risks associated with pydiflumetofen follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemaking, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published several tolerance rulemakings for pydiflumetofen in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to pydiflumetofen and established tolerances for residues of that chemical. EPA is incorporating previously published sections from these rulemakings as described further in this

rulemaking, as they remain unchanged. These sections include toxicological profile, toxicological points of departure/levels of concern, exposure assessment, cancer, dietary exposure of drinking water, safety factor for infants and children, aggregate risk and determination of safety, chronic risk and analytical enforcement methodology. The risk assessment published in support of this rulemaking is “Pydiflumetofen. Human Health Risk Assessment to Support a Tolerance for Indirect or Inadvertent Residues in/on Sugarcane and a Label Amendment to Add a Soil Use for Cottonseed subgroup 20C, Leafy greens subgroup 4–16A, and Vegetable, fruiting, group 8–10” which is available in the docket for this action at <https://www.regulations.gov>.

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. Specific information on the studies received and the nature of the adverse effects caused by pydiflumetofen as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in the final rule published in the **Federal Register** of August 19, 2019 (84 FR 155) (FRL–9997–09). The Hazard and Science Policy Council (HASPOC) recommended a waiver for the requirement for the subchronic neurotoxicity (SCN) and immunotoxicity studies. (HASPOC, M. Lewis, TXR 0057659, 12/22/2017). Based on a weight of evidence approach considering all the available hazard and exposure information, the HASPOC later also recommended a subchronic inhalation study be waived (HASPOC, Z. Staley, TXR 0058378, 10/05/2022).

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/assessing-human-health-risk-pesticides>.

A summary of the toxicological endpoints for pydiflumetofen used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of May 24, 2018 (83 FR 101) (FRL-9976-66). All endpoints remain unchanged from the referenced **Federal Register** except for the reduction of the dermal absorption factor (DAF) from 17% to 5% which is applied to the dermal endpoint. For more information on this change see the risk assessment supporting that rulemaking “*Pydiflumetofen. Human Health Risk Assessment to Support Tolerance without U.S. Registrations for Coffee, Green Bean, and Dragon Fruit*” which is available in docket EPA-HQ-OPP-2024-0502 at <https://www.regulations.gov>.

D. Exposure Assessment

In evaluating dietary exposure to pydiflumetofen, EPA considered exposure under the petitioned-for tolerances as well as all existing pydiflumetofen tolerances in 40 CFR 180.699. EPA assessed dietary exposures from pydiflumetofen in food as follows:

1. *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. The exposure assessment remains the same; for a description of the EPA approach to and assumptions for the exposure assessment, please reference Unit III.C of the August 12, 2019, rulemaking.

2. *Dietary exposure from food and feed uses.* EPA’s dietary exposure assessments have been updated to include the additional exposure from

the new use on sugarcane. The chronic and acute dietary (food and drinking water) exposure and risk assessment were conducted using the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM-FCID) Version 4.02, which uses the 2005–2010 food consumption data from the U.S. Department of Agriculture’s (USDA’s) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). The chronic and acute dietary risk assessments were partially refined, assuming tolerance-level residue values, 100% crop treated (100 PCT) for all commodities, and default processing factors, when empirical processing factors were not available. The assessment is considered partially refined due to the use of empirical processing factors.

3. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. If quantitative cancer risk assessment is appropriate, Cancer risk may be quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. As discussed in Unit III.A. of the 2019 Final Rule, EPA has concluded that pydiflumetofen should be classified as “Not Likely to be Carcinogenic to Humans” at doses that do not induce a proliferative response in the liver. This determination has remained unchanged.

4. *Dietary exposure from drinking water.* The new use on sugarcane does not result in an increase in the estimated residue levels in drinking water, so EPA used the same estimated drinking water concentrations identified in Unit IV. C of the 2019 rulemaking.

5. *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). For this action there are no residential exposures anticipated. As such, there is no quantitative residential post-application exposure assessment associated specifically with this action. For further discussion regarding non-dietary exposure see the risk assessment

“*Pydiflumetofen. Human Health Risk Assessment to Support Tolerance without U.S. Registrations for Coffee, Green Bean, and Dragon Fruit*” which is available in docket EPA-HQ-OPP-2024-0502 at <https://www.regulations.gov>.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide>.

6. *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 pydiflumetofen and any other substances. For the purposes of this action, therefore, EPA has not assumed that pydiflumetofen has a common mechanism of toxicity with other substances.

E. Safety Factor for Infants and Children

1. *In general.* 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 FQPA Safety Factor (SF). 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.

2. *Prenatal and postnatal sensitivity.* There was no evidence of fetal sensitivity or toxicity in rat and rabbit developmental studies; however, quantitative offspring sensitivity was noted in the 2-generation reproduction study. Pup body-weight depression starting on day 4 of lactation and persisting into adulthood was observed at doses that did not elicit an adverse response in the parental rats. Although body weight was depressed in these animals after maturity and during the mating and post-mating period

(specifically in males), it was considered evidence of offspring susceptibility because the lower body weight was a result of impaired growth in the pups. Reduced pup weight, reduced litter size, and increased liver and spleen weight in offspring was also noted following prenatal and perinatal exposure to the pydiflumetofen metabolite, 2,4,6-trichlorophenol. PODs were selected for each exposure scenario to be protective of the parent and metabolite offspring toxicity and offspring susceptibility in the risk evaluation.

3. *Conclusion.* EPA continues to conclude that there are reliable data to support the reduction of the FQPA safety factor from 10X to 1X. See Unit III.D. of August 12, 2019, rulemaking for a discussion on the Agency's rationale for that determination.

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.* Using the exposure assumptions discussed in Unit III.C. for acute exposure, the acute dietary exposure from food and water to pydiflumetofen will occupy 9.0% of the aPAD for children 3–5 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to pydiflumetofen from food and water will utilize 29% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of pydiflumetofen is not expected.

3. *Short-term risk- and intermediate.* 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). Pydiflumetofen is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to

aggregate chronic exposure through food and water with short-term residential exposures to pydiflumetofen.

Using the exposure assumptions described in Unit III.C. for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 800 for adults, 1200 for children 6 to less than 11 years old, and 2600 for children 11 to less than 16 years old. Because EPA's level of concern for pydiflumetofen is a MOE of 100 or below, these MOEs are not of concern.

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 no intermediate-term adverse effect was identified, pydiflumetofen is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on its cancer classification, a cancer aggregate assessment is not required for pydiflumetofen. The chronic reference dose is protective of all chronic toxicity, including carcinogenicity, resulting from exposure to pydiflumetofen and its metabolite 2,4,6-trichlorophenol.

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 pydiflumetofen residues, including its metabolites and degradates. More detailed information about the Agency's analysis can be found at <https://www.regulations.gov> in the document titled "Pydiflumetofen. Human Health Risk Assessment to Support a Tolerance for Indirect or Inadvertent Residues in/on Sugarcane and a Label Amendment to Add a Soil Use for Cottonseed subgroup 20C, Leafy greens subgroup 4–16A, and Vegetable, fruiting, group 8–10." in docket ID number EPA–HQ–OPP–2025–0183.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the August 12, 2019, rulemaking.

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 (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius 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.

The Codex has not established a MRL for uses of pydiflumetofen on sugarcane.

C. Effective and Expiration Date(s)

In general, a tolerance action is effective on the date of publication of the final rule in the **Federal Register**. For actions in the final rule that lower or revoke existing tolerances, EPA will set an expiration date for the existing tolerance of six months after the date of publication of the final rule in the **Federal Register**, in order to allow a reasonable interval for producers in exporting members of the World Trade Organization's (WTO's) Sanitary and Phytosanitary (SPS) Measures Agreement to adapt to the requirements.

D. Response to Comments

EPA received three comments in response to the September 5, 2025, Notice of Filing, which summarized the agency's tolerance petition process. Two comments were identical, where the second comment was a duplicate of the original comment. The original comment raised questions about the residue level on food but was not accompanied by any substantiation nor data supporting a conclusion that the tolerances established in this action do not meet the FFDCA safety standard. Although EPA recognizes that some individuals would oppose any use of pesticides on food, section 408 of the FFDCA authorizes EPA to set tolerances for residues of pesticide chemicals in or on food when it determines that the tolerance meets the safety standard imposed by that statute. Upon review of the available information, EPA concludes that these tolerances would be safe. A third comment was received but was irrelevant to the current petition.

V. Conclusion

Therefore, tolerances are established for residues of pydiflumetofen, in or on sugarcane, cane at 0.05 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 tolerance 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 2021 *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: June 9, 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. In § 180.699 amend Table 2 to paragraph (d) by adding the entry for “sugarcane, cane” in alphabetical order to read as follows:

§ 180.699 Pydiflumetofen; tolerances for residues.

* * * * *
(d) * * *

TABLE 2 TO PARAGRAPH (d)

Commodity	Parts per million
* * * * *	
Sugarcane, cane	0.05

[FR Doc. 2026–11940 Filed 6–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0296; FRL–13292–01–OCSPP]

Sodium Nitrate in Pesticide Formulations; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of sodium nitrate (CAS Reg. No. 7631–99–4) when used as an inert ingredient (dilutant/oxidizer) in pesticide formulations applied to raw agricultural commodities post-harvest under 40 CFR 180.910, only when used in a fumigant canister that is remotely

detonated and released inside a sealed warehouse. AgroFresh Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA) requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of sodium nitrate, when used in accordance with the terms of this exemption. This action also corrects a typographical error to the CAS Reg. No. of d-Alpha tocopherol. A digit was inadvertently omitted from the previously listed CAS Reg. No., resulting in a number that is not valid and does not represent any chemical.

DATES: This regulation is effective June 15, 2026. Objections and requests for hearings must be received on or before August 14, 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 docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2023-0296, 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: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: RDfRNNotices@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 proposed 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 of 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 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. . . ." 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(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 the docket ID number EPA-HQ-OPP-2023-0296 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 August 14, 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/oal/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 Exemption

In the **Federal Register** of July 5, 2023 (88 FR 42935) (FRL-10579-05-OCSPP), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN-11745) by AgroFresh Inc., 3 Spring House Innovation Park, Suite 100, Lower Gwynedd, PA 19002. The petition requested that 40 CFR 180.910 be amended by establishing an exemption from the requirement of a tolerance for residues of sodium nitrate (CAS Reg. No. 7631-99-4) when used as an inert ingredient (dilutant/oxidizer) in pesticide formulations applied to growing crops or raw agricultural commodities pre- and post-harvest. That document referenced a summary of the petition, which is available in the docket. There were no comments received in response to the notice of filing. Based upon review of the data supporting the petition and in

accordance with its authority under FFDCA section 408(d)(4)(A)(i), and consistent with the proposed use pattern, EPA is establishing an exemption for residues of sodium nitrate that includes a limitation for use only in post-harvest applications in a fumigant canister that is remotely detonated and released inside a sealed warehouse.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Final Tolerance Action

A. EPA's Safety Determination

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no harm to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), 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 sodium nitrate, including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with sodium nitrate follows.

B. Toxicological Profile

EPA has evaluated the available toxicity data and considered their 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. Specific information on the studies received and the nature of the adverse effects caused by sodium nitrate as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The toxicological database of sodium nitrate is supported in some areas by data regarding nitrate. Sodium nitrate is a naturally occurring water-soluble inorganic salt that readily dissociates into sodium and the nitrate anion. EPA has determined that it is appropriate to bridge nitrate data to assess sodium nitrate due to similarities in the manufacturing processes, structure, composition, and physical/chemical properties of the two substances, and because the human health toxicity and ecological toxicity data available for both substances show similarities in their toxicological profiles. Therefore, data on nitrate has been used to assess the safety of sodium nitrate when chemical-specific data is not available.

Sodium nitrate has been shown to be slightly toxic in acute oral and dermal toxicity studies. It was moderately toxic for primary eye irritation and practically non-toxic for primary dermal irritation. Acute inhalation toxicity studies were not available; however, the proposed use pattern (*i.e.*, sodium nitrate is contained in a fumigant canister that is remotely detonated and released inside a sealed warehouse) will not lead to inhalation exposure.

Several repeated dose studies are available, including a six-week oral toxicity study in rats, various chronic and carcinogenicity studies, and multiple reproduction and developmental toxicity studies. In addition, there were several human epidemiological studies available for review. Neurotoxicity and immunotoxicity studies are not available. However, no evidence of

neurotoxicity or immunotoxicity was seen in available studies.

In the six-week oral (diet) toxicity study in rats, the only effects observed (*i.e.*, decreased body weight gain and bluish staining observed at necropsy), occurred at high doses (*i.e.*, ≥ 5000 milligrams/kilogram/day (mg/kg/day)). Although sodium nitrate has been reported as carcinogenic in epidemiological studies, no evidence of carcinogenic activity or increased incidence of tumors was observed when sodium nitrate alone was administered in chronic and carcinogenicity laboratory studies. Thus, sodium nitrate is not expected to be carcinogenic. However, nitrate toxicity is primarily based on its conversion to nitrite, which occurs naturally in the environment and the human body under certain conditions. Nitrite can potentially combine with amines in the environment and the body to form nitrosamines, and there is sufficient evidence for the carcinogenicity of some nitrosamines.

While some epidemiological studies suggest a correlation between exposure to nitrate and adverse reproductive and developmental effects, causation has not been established. Furthermore, laboratory studies showed no treatment-related maternal, reproductive, or developmental effects in multiple reproduction and developmental toxicity studies in various species up to the highest doses tested (66 mg/kg/day in rats and rabbits). Therefore, EPA has low concern for reproductive and developmental toxicity under the proposed use pattern.

Epidemiological studies have identified methemoglobinemia in children as the most sensitive endpoint. Following conversion of nitrate to nitrite, nitrite can oxidize the iron in hemoglobin to form methemoglobin, which is not capable of carrying oxygen. In human blood, a trace amount of methemoglobin (<2%) is naturally present; however, if too much hemoglobin is converted to methemoglobin, it can lead to methemoglobinemia.

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 or a reference dose, and a safe margin of exposure. 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/overview-risk-assessment-pesticide-program>.

Because acute toxicity is expected to be low, no acute endpoint of concern was identified for sodium nitrate, and a quantitative acute dietary exposure assessment is unnecessary. Methemoglobinemia is the primary adverse human health effect associated with exposure to nitrate or nitrite in epidemiological studies. Therefore, the endpoint used by EPA for risk assessment for chronic oral, dermal, and inhalation routes of exposure is 1.6 mg/kg/day nitrate-nitrogen, which is based on methemoglobinemia observed in children.

D. Exposure Assessment

The proposed pesticide product is a fumigant canister containing sodium nitrate, which would be remotely detonated and released inside a sealed warehouse. Used as the oxidizing agent, sodium nitrate is not expected to be present after combustion and will leave the canister as the components sodium carbonate, carbon dioxide, water, and nitrogen. An exemption from the requirement of a tolerance has been established for sodium carbonate residues under 40 CFR 180.1234 and carbon dioxide residues under 40 CFR 180.910. Water and nitrogen released are anticipated to be indistinguishable from background.

Because sodium nitrate is expected to be fully consumed in the reaction and used inside sealed warehouse, it is not expected to enter the environment or drinking water from the proposed use pattern. Sodium nitrate is currently approved for use as an active ingredient (used in pyrotechnic fumigants in animal burrows) and as an inert ingredient (used pre-harvest under 40

CFR 180.920 as a “solid diluent”). There is no dietary exposure from the use as an active ingredient. EPA previously determined that aggregate exposure from the pre-harvest use as an inert ingredient is safe in the January 31, 2005, document “Inert Ingredient Tolerance Reassessment—Ammonium Nitrate (CAS Reg. No. 6484–52–2), Magnesium Nitrate (CAS Reg. No. 10377–60–3), Sodium Nitrate (CAS Reg. No. 7631–99–4), and Sodium Nitrite (CAS Reg. No. 7632–00–0),” which is available in the docket for this action. No increased exposure to sodium nitrate is expected from the proposed use pattern, as described below.

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to sodium nitrate, EPA considered exposure under the proposed exemption from the requirement of a tolerance and from existing uses. EPA assessed dietary exposures from sodium nitrate in food as follows.

Dietary exposure (food and drinking water) to sodium nitrate can occur following ingestion of foods treated with pesticide formulations containing this inert ingredient, through FDA-approved dietary applications as direct and indirect food additives, or through naturally occurring endogenous levels found in food and water. The proposed post-harvest use in a sealed warehouse is not expected to result in increased concentrations of sodium nitrate in or on food or drinking water. Therefore, increased dietary exposure as a result of the post-harvest application is not expected.

2. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

The pre-harvest use of sodium nitrate as an inert ingredient under 40 CFR 180.920 can result in residential exposures. Because the proposed post-harvest use will be limited to use in a sealed warehouse, it will not result in any increased residential exposure.

3. *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.”

EPA has not found sodium nitrate to share a common mechanism of toxicity with any other substances, and sodium nitrate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance exemption, therefore, EPA has assumed that sodium nitrate does not have a common mechanism of toxicity with other substances. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

E. Additional Safety Factor for the Protection of 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.

The concern for fetal susceptibility is low because the endpoint (*i.e.*, NOAEL of 1.6 mg/kg/day) was based on the most sensitive effect (methemoglobinemia) in the most sensitive subpopulation (infants) selected from human epidemiological studies. This POD was established by EPA based on the concentration of nitrate where methemoglobinemia was not observed in infants. It is therefore protective of any effects observed above the endpoint, including any potential offspring effects that may occur at doses higher than those tested in the available animal studies. Therefore, the FQPA safety factor can be reduced to 1x for sodium nitrate for all exposure scenarios.

F. Aggregate Risks and Determination of Safety

The pre-harvest use of sodium nitrate as an inert ingredient has been previously assessed by EPA as safe and an exemption from the requirement of a tolerance has been established under 40 CFR 180.920 without limitation. Because no additional dietary or residential exposure is expected from

the proposed post-harvest use of sodium nitrate as an inert ingredient in a sealed warehouse, EPA concludes that there is a reasonable certainty that no harm will result to the general population, including infants and children, from aggregate exposure to sodium nitrate residues.

G. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of sodium nitrate in or on any food commodities. EPA is establishing a limitation on the way sodium nitrate may be used in pesticide formulations applied post-harvest. This limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation containing sodium nitrate for food use post-harvest unless it is in a fumigant canister that will be remotely detonated and released inside a sealed warehouse.

H. Conclusions

Therefore, an exemption from the requirement of a tolerance is established for residues of sodium nitrate (CAS Reg. No. 7631–99–4) when used as an inert ingredient (dilutant/oxidizer) in pesticide formulations applied to raw agricultural commodities after harvest under 40 CFR 180.910, only when used in a fumigant canister that is remotely detonated and released inside a sealed warehouse.

Additionally, EPA is correcting a typographical error to the CAS Reg. No. of d-Alpha tocopherol under 40 CFR 180.910. The correct CAS Reg. No. is 59–02–9.

V. 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 a 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 the human health risk assessment supporting this action, which is available in the docket for this action at <https://www.regulations.gov>.

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: June 9, 2026.

Charles Smith,

*Director, Registration Division, Office of
Pesticide Programs.*

For the reasons stated in the preamble, the EPA amends 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 § 180.910 by:

■ a. In Table 1 to § 180.910:

■ i. Adding, in alphabetical order, an entry for “Sodium nitrate (CAS Reg. No. 7631–99–4)”; and

■ ii. Revising the entry for “d-Alpha tocopherol (CAS Reg. No. 9–02–9)”.

The revision and addition read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.910

Inert ingredients	Limits	Uses
* * *	* * *	* * *
d-Alpha tocopherol (CAS Reg. No. 59–02–9)	None	Safener.
* * *	* * *	* * *
Sodium nitrate (CAS Reg. No. 7631–99–4)	For use only in post-harvest applications in a fumigant can- ister that is remotely detonated and released inside a sealed warehouse..	Dilutant/oxidizer.
* * *	* * *	* * *

[FR Doc. 2026–11941 Filed 6–12–26; 8:45 am]

BILLING CODE 6560–50–P

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 64

**Miscellaneous Rules Relating to
Common Carriers**

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 47 of the Code of Federal Regulations, Parts 40 to 69, revised as of October 1, 2025, in section 64.615, paragraph (a)(1) introductory text is reinstated to read as follows:

§ 64.615 TRS User Registration Database and administrator.

(a) * * *

(1) *VRS users call validation.* VRS providers shall validate the eligibility of the party on the video side of each call by querying the TRS User Registration Database or the TRS Numbering Directory, as directed by the Commission, the TRS Fund administrator, or the TRS Numbering Administrator, on a per-call basis.

Emergency 911 calls are excepted from the requirement in this paragraph (a)(1).

* * * * *

[FR Doc. 2026–12011 Filed 6–12–26; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
Administration**

50 CFR Part 648

**[Docket No. 260609–0139; RTID 0648–
XF172]**

**Fisheries of the Northeastern United
States; Mid-Atlantic Blueline Tilefish
and Golden Tilefish Fisheries; 2026
Specifications**

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

ACTION: Final rule.

SUMMARY: This final rule implements and informs the public of specifications for the 2026 fishing year for the golden tilefish and blueline tilefish fisheries north of the North Carolina/Virginia border. This action is necessary to establish allowable harvest levels and other management measures to prevent overfishing while allowing optimum yield, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens

Act) and the Tilefish Fishery Management Plan (FMP).

DATES: This rule is effective June 15, 2026.

ADDRESSES: Copies of the supporting documents for these specifications are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. These documents are also accessible via the internet at <https://www.mafmc.org>.

FOR FURTHER INFORMATION CONTACT: Matthew Rigdon, matthew.rigdon@noaa.gov, 978–281–9336.

SUPPLEMENTARY INFORMATION:

Background

The golden tilefish and blueline tilefish fisheries north of the North Carolina/Virginia border are managed under the Tilefish FMP, which outlines the process for establishing annual specifications. The Tilefish FMP requires the Mid-Atlantic Fishery Management Council (Council) to recommend acceptable biological catch (ABC), annual catch limit (ACL), annual catch target (ACT), total allowable landings (TAL), and other management measures for the commercial and recreational sectors of the fisheries. The Council’s Scientific and Statistical Committee (SSC) provides ABC recommendations for both species to the Council to derive these catch limits. The Council makes recommendations to NMFS that may not exceed the SSC’s

ABC recommendation. The Council’s recommendations must include supporting documentation concerning the environmental, economic, and social impacts of the recommendations. NMFS reviews these recommendations, proposes them for public comment, and, if approved, publishes the final specifications in the **Federal Register**. A proposed rule for these specifications was published on March 30, 2026 (91 FR 15585), and comments were accepted through April 14, 2026. Additional information on the process for setting these specifications is contained in the proposed rule and is not repeated here.

Final Specifications

Blueline Tilefish

Consistent with recommendations made by the Council, this action implements specifications for blueline tilefish for fishing year 2026 that increase the commercial TAL by 426 percent and the recreational TAL by 350 percent. The increased catch limits are primarily due to updated data analyses of fishing effort but may represent some increased fishing opportunity for both the commercial and recreational fisheries. Mid-Atlantic recreational fisheries are valued at approximately \$439 million as of 2021. The blueline tilefish recreational fishery represents one component of this value, and the

increased recreational TAL for fishing year 2026 could contribute additional value to Mid-Atlantic recreational fisheries. The blueline tilefish commercial fishery was valued at approximately \$67,000 in fishing year 2024 based on recent ex-vessel value data. This action would authorize approximately \$454,000 in commercial blueline tilefish value due to the increased commercial TAL for fishing year 2026. Landings data indicate commercial landings exceeded the 2025 ACL by 43 pounds (lb) (0.02 mt). The regulations require an average to be deducted in the following year. The resulting final specifications recommended are summarized in table 1.

TABLE 1—BLUELINE TILEFISH SPECIFICATIONS FOR FISHING YEAR 2026 WITH 2025 SPECIFICATIONS FOR COMPARISON

Specification	2025	2026
ABC—North of NC/VA line	100,520 lb (45.6 mt)	452,200 lb (205.1 mt).
Recreational ACL	73,380 lb (33.3 mt)	330,106 lb (149.7 mt).
Recreational TAL	71,912 lb (32.6 mt)	323,504 lb (146.7 mt).
Commercial ACL	27,140 lb (12.3 mt)	122,094 lb (55.4 mt).
Commercial Overage Adjustment	– 5,975 lb (2.7 mt)	– 43 lb (0.02 mt).
Adjusted Commercial ACL	21,165 lb (9.6 mt)	121,051 lb (54.9 mt).
Commercial TAL	20,894 lb (9.5 mt)	109,846 lb (49.8 mt).

Golden Tilefish

The directed golden tilefish fishery is managed under an individual fishing quota (IFQ) program, with a small amount of non-IFQ catch allowed under an incidental permit. On April 1, 2025, NMFS proposed 2025 specifications for golden tilefish and announced projected specifications for fishing years 2026 and 2027 based on Council recommendations (90 FR 14350). Public comments on the proposed specifications were accepted through April 16, 2025. A final rule implementing these specifications was published on June 26, 2025 (90 FR 27257). The previously projected 2026 specifications equal those implemented for 2025, resulting in no change to the fishery. In addition, there is no new biological information or ACL overages that would require altering the projected 2026 specifications. Therefore, we are implementing 2026 golden tilefish specifications as previously projected, outlined in table 2.

TABLE 2—PROPOSED GOLDEN TILEFISH SPECIFICATIONS FOR FISHING YEAR 2026

Specification	2026
ABC	1,878,338 lb (852.0 mt).
ACL	1,878,338 lb (852.0 mt).
IFQ ACT	1,733,109 lb (786.1 mt).

TABLE 2—PROPOSED GOLDEN TILEFISH SPECIFICATIONS FOR FISHING YEAR 2026—Continued

Specification	2026
Incidental ACT	91,216 lb (41.4 mt).
IFQ TAL	1,728,590 lb (784.1 mt).
Incidental TAL	68,949 lb (31.3 mt).

This action does not change the landing limits for non-IFQ commercial fisheries. A vessel fishing under a non-IFQ Federal commercial tilefish vessel permit will continue to be prohibited from possessing more than 500 lb (227 kilograms (kg)) of gutted golden tilefish at any time, or 50 percent, by weight, of the total of all species, including golden tilefish, being landed (whichever is less). This landing limit does not apply to a vessel authorized to land golden tilefish under a Tilefish IFQ permit. A vessel fishing under a non-IFQ commercial tilefish permit will also continue to be prohibited from possessing more than 500 lb (227 kg) of gutted blueline tilefish per trip. If 70 percent of the blueline tilefish commercial TAL is landed, the Regional Administrator may reduce the blueline tilefish possession limit to 300 lb (136 kg).

This action does not change the recreational management measures for golden or blueline tilefish. Any vessel

used to fish recreationally for golden or blueline tilefish must have the appropriate Federal vessel permit. Boats used to take anglers for hire must have the Charter/Party Tilefish Permit, while private recreational vessels need to have the Private Recreational Tilefish Permit. Both permit types require the submission of vessel trip reports. Additional information about permitting and reporting requirements is available from the Greater Atlantic Regional Fisheries Office’s Permits Office at (978) 282–8438 or NMFS.GAR.Permits@noaa.gov.

The 2026 fishing year for golden tilefish and blueline tilefish began on January 1, 2026. The regulations include rollover provisions for both species that allow the fisheries to operate under status quo specifications until new specifications are finalized.

Comments and Responses

We received three comments on the proposed rule. No changes were made to this rule as a result of the comments.

Comment: One commenter opposed all fishing, stating that no fish should be killed and that NMFS should protect all fish.

Response: NMFS disagrees that fishing for tilefish should be prohibited as it would prevent the fishery from achieving optimum yield on a continuing basis as required by National

Standard 1 of the Magnuson-Stevens Act.

Comment: One commenter stated that seafood gleaning should be incorporated in the Tilefish Fishery Management Plan.

Response: This action implements specifications and sets quotas for golden and blueline tilefish fisheries for 2026 and does not consider any changes to the Tilefish FMP. While the comment is not relevant to this action, NMFS encourages the commenter to suggest changes or improvements to the Tilefish FMP to the Council for consideration. Changes or modifications to an FMP are considered and developed through the Council's open and public process.

Comment: One commenter who participates in the golden tilefish fishery expressed general support for the 2026 tilefish specifications.

Response: NMFS agrees. This action approves 2026 specifications for the blueline and golden tilefish fisheries.

Changes From the Proposed Rule

The final rule incorporates a 43-lb (20 kg) deduction to the blueline tilefish commercial ACL based on final landings data for 2025. The proposed rule indicated that preliminary data suggested an overage of 617 lb (280 kg) based on preliminary landings data at the time of the proposed rulemaking. NMFS reviewed all landings information while drafting this final rule and determined that the ACL overage was lower, at 43 lb (20 kg). Therefore, this final rule incorporates a deduction of 43 lb (20 kg) instead of 617 lb (280 kg) based on the most recent and accurate landings information.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson Stevens Act (16 U.S.C. 1855(d)). The reason for using this regulatory authority for this action is that, in a previous action taken pursuant to section 304(b) of the Magnuson-Stevens Act (16 U.S.C. 1854(b)), the FMP and implementing regulations created the process by which specifications are developed through a NMFS rulemaking process distinct from that of section 304(b). See 50 CFR 648.292. As such, NMFS is issuing this rule pursuant to section 305(d).

The 30-day delay in effective date requirement under 5 U.S.C. 553(d) does not apply to this rule because it relieves a restriction for the blueline tilefish fishery (5 U.S.C. 553(d)(1) by implementing an increased quota for 2026 and because there is good cause for the rule to take effect upon publication (5 U.S.C. 553(d)(3)). The 2026 fishing

year began on January 1, 2026, operating under a rollover provision using specifications from the prior fishing year. Implementing the blueline tilefish specifications relieves that restriction by allowing blueline tilefish fishery participants to fish under the higher 2026 quotas. The 2026 fishing year blueline tilefish quotas are higher than the 2025 quotas currently in effect, so continued delay in the effectiveness of those specifications could prevent fishing vessels from taking full advantage of the higher quotas. Therefore, the 30-day delay in effective date does not apply to the blueline tilefish specifications set by this rule under 5 U.S.C. 553(d)(1).

Additionally, there is good cause under 5 U.S.C. 553(d)(3) to implement this action upon publication in the **Federal Register**. This is a routine specifications action that occurs every year, and stakeholder and industry groups have been involved with the development of this action and have participated in public meetings throughout its development. Further delay in the date of effectiveness would be contrary to the public interest as it could increase confusion in the tilefish industry around current quotas. Furthermore, regulated parties do not require any additional time to come into compliance with this rule and a 30-day delay before the final rule becomes effective does not provide any benefit. Unlike actions that require an adjustment period, tilefish fishing vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the new catch limits set for the 2026 fishing year. Finally, fishery stakeholders have also been involved in the development of this action and are anticipating this rule.

This action is exempt from review under Executive Order (E.O.) 12866.

This final rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of section (5)(b) and (c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2)(B) of E.O. 13175 is not required and has not been prepared.

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

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

Dated: June 9, 2026.

Samuel D. Rauch, III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2026–11986 Filed 6–12–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[260609–0140]

RIN 0648–BO35

Fisheries of the Northeastern United States; Northeast Skate Complex; 2026 and Projected 2027 and 2028 Specifications

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

ACTION: Final rule.

SUMMARY: NMFS announces 2026 specifications and projects 2027 and 2028 specifications for the Northeast skate fishery as recommended by the New England Fishery Management Council. This action sets skate catch limits for fishing year 2026, projects catch limits for fishing years 2027 and 2028, and increases trip possession limits for the wing and bait fisheries. This action is necessary to establish skate specifications consistent with the most recent scientific information. The intent of this action is to establish appropriate catch limits for the skate fishery, while providing additional operational flexibility to fishery participants.

DATES: Effective June 15, 2026.

ADDRESSES: The New England Fishery Management Council (Council) has prepared a supplemental information report (SIR) that describes this action and compares it to the alternatives and analyses presented in the environmental assessment that was prepared for Framework Adjustment 12 to the Northeast Skate Complex Fishery Management Plan. The SIR includes a Regulatory Impact Review and economic analysis. Copies of these and other supporting documents are available upon request from Dr. Cate O’Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. They are also accessible via the internet at: <https://www.nefmc.org/library/2026-2027-skate-specifications>.

FOR FURTHER INFORMATION CONTACT: Caroline Potter, Fishery Resource Management Specialist, (978) 281–9325, or caroline.potter@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The Northeast Skate Complex Fishery Management Plan (FMP) governs a complex of seven skate species (barndoor, clearnose, little, rosette, smooth, thorny, and winter) off the New England and mid-Atlantic coasts. Skates are harvested and managed through two different targeted fisheries, one for human consumption (the wing fishery)

and one for use as bait in other fisheries (the bait fishery). The fishing year runs from May 1 through April 30 each year. The wing fishery is managed in two seasonal quota periods: Season 1 (May 1–August 31) is allocated 57 percent of the annual total allowable landings (TAL) and season 2 (September 1–April 30) is allocated the remainder of the annual wing TAL. The bait fishery is managed in three seasonal periods, with season 1 (May 1–July 31) allocated 30.8 percent, season 2 (August 1–October 31) allocated 37.1 percent, and season 3 (November 1–April 30) allocated the remainder (32.1 percent) of the annual bait TAL.

The FMP requires that annual catch and possession limits for the skate fishery be reviewed and established through the specifications or framework process. Framework Adjustment 12 to the Northeast Skate Complex FMP (Framework 12; 89 FR 58076, July 17, 2024) set management measures and specifications for the skate fishery for fishing year 2024 and projected specifications for fishing year 2025. A subsequent final rule (90 FR 16467, April 18, 2025) implemented the projected specifications for fishing year 2025.

Final 2026 and Projected 2027 and 2028 Specifications

This action increases the acceptable biological catch (ABC) and annual catch

limit (ACL) for 2026 and 2027 to 41,282 metric tons (mt) from 32,155 mt in 2025. For fishing years 2026 and 2027, the ABCs are increased by 28 percent compared to the ABCs for years 2024 and 2025. This action projects a 10-percent decrease in the ABC and ACL for fishing year 2028 compared to fishing years 2026 and 2027. Thus, for fishing year 2028, this action projects an ABC and ACL of 37,154 mt. The 2026 and 2027 TAL is 20,966 mt (compared to 15,718 mt in 2025); based on the proportional allocations prescribed in the FMP, the wing TAL is 13,943 mt (compared to 10,453 mt in 2025), and the bait TAL is 7,024 mt (compared to 5,266 mt in 2025). The 2028 TAL is expected to be 18,800 mt (consisting of a wing TAL of 12,502 mt and a bait TAL of 6,298 mt). A comparison of the current 2024–2025 and the final 2026 and projected 2027 and 2028 specifications is summarized below in table 1.

The Council will review the projected 2027 and 2028 specifications to determine if any changes need to be recommended. NMFS will publish a notice prior to the start of the fishing year to confirm these limits as projected or, if changes are necessary, NMFS may publish a proposed rule.

TABLE 1—COMPARISON OF 2024–2025 AND 2026–2028 SKATE FISHERY SPECIFICATIONS, IN METRIC TONS AND WHOLE WEIGHT

	2024–2025 (current)	2026–2027	2028
ABC/ACL	32,155	41,282	37,154
ACT (90% of ACL)	28,940	37,154	33,439
Overall Fishery TAL	15,718	20,966	18,800
Wing TAL (66.5% of Overall TAL)	10,453	13,943	12,502
Wing Season 1 TAL (57% of Wing TAL)	5,958	7,948	7,126
Wing Season 2 TAL	4,495	5,995	5,376
Bait TAL (33.5% of Overall TAL)	5,266	7,024	6,298
Bait Season 1 TAL (30.8% of Bait TAL)	1,622	2,163	1,940
Bait Season 2 TAL (37.1% of Bait TAL)	1,954	2,606	2,337
Bait Season 3 TAL	1,690	2,255	2,021

Possession Limit Changes

This action also changes skate per trip possession limits. It increases the skate wing possession limits (in wing weight) for trips fishing on a monkfish, Atlantic sea scallop, or Northeast multispecies Day-At-Sea (DAS) by 500 pounds (lb; 226.8 kilograms (kg)) for each season, which results in a trip limit of 4,500 lb (2,041.2 kg) for Season 1 (May 1–August 31) and a trip limit of 6,500 lb (2,948.4 kg) for Season 2 (September 1–April 30). This action also increases the skate bait

whole weight possession limit from 25,000 lb (11,339.8 kg) to 30,000 lb (13,607.8 kg) for trips fishing on a Bait Letter of Authorization for all three bait seasons.

Comments on Proposed Rule

The comment period for the proposed rule (91 FR 14674, March 26, 2026) ended on April 10, 2026, and we received four comments. One comment supported the skate wing possession limit increase of 500 lb (227 kg) for each

season and stated that it will hopefully result in additional income for the wing fishery. Another commenter voiced opposition to raising the trip limits for winter skate (the primary target of the bait fishery) and argued for reducing trip limits as there are more skates landed than the market demands. In addition, the commenter noted that the price for skate is low and there should be efforts to increase the price. NMFS recognizes that it is possible that possession limit increases could cause

short-term price depressions, if market gluts were to occur. However, the previous possession limit increase did not produce price gluts and any impact on skate prices due to changes in possession limits is expected to be minor for this action. In addition, there are expected economic benefits to increasing the possession limits, including elevated economic efficiency at the trip level with decreases in cost per unit effort and additional yield on trips where skates have been a constraining factor, such as for the monkfish fishery. The increased skate bait possession limit is also intended to offset any increased costs for skate bait trips that have experienced longer trip times.

One commenter stated that there are times of excessive skate production and price drops, and the commenter noted current efforts for a program to procure and process skate wings to support food security. The commentor suggested that seafood gleaning should be part of the FMP. This suggestion is outside the scope of this action, but NMFS encourages that any suggested changes to the Northeast Skate Complex FMP be raised as part of the Council process.

One commenter argued that there should be no skate fishing. NMFS disagrees that fishing for skate should be prohibited, as this would prevent the fishery from achieving optimum yield on a continuing basis as required by National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Changes From the Proposed Rule

Skate regulations (50 CFR 648.320(a)(4)) currently indicate that specifications should be set for a period of up to 2 fishing years. In November 2025, the Council submitted the Omnibus Management Flexibility Amendment (Flexibility Amendment), which, among other changes, would allow skate specifications to be set for up to 5 years. With the expectation that the Flexibility Amendment would be approved and effective before these skate specifications were finalized, the Council recommended specifications for fishing year 2028, which were included in the proposed rule. The proposed rule indicated that if the Flexibility Amendment were not implemented by the time this final rule was published, the projected 2028 specifications would not be included in the final rule. 91 FR at 14674–14675. After further consideration, we have determined that including the 2028 specifications in this final rule provides the opportunity to avoid potentially unnecessary

rulemaking procedures and related waste of agency, Council, and stakeholder resources. If the Flexibility Amendment is approved and the 2028 specifications are otherwise appropriate, including them in this final rule eliminates the need for a new 2028 specifications action and proceeding with a new rulemaking. NOAA and the Council retain the opportunity to confirm the projections that form the basis for the 2028 specifications and review the analyses and rationale completed for this action along with any significant new information and revise the 2028 specifications via a new rulemaking if needed, including if the Flexibility Amendment is not approved. No other changes have been made from the proposed rule.

Classification

NMFS is issuing this rule pursuant to sections 303(c), 304(b), and 305(d) of the Magnuson-Stevens Act, which provide specific authority and procedures for implementing this action. The Council reviewed the regulations to change possession limits for this action and deemed them necessary and appropriate to implement this action, consistent with section 303(c) of the Magnuson-Stevens Act. In addition, in a previous action under section 304(b), the regulations at § 648.320(a)(7) authorize NMFS to take this action to set specifications under section 305(d). The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Skate Complex FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This action may be implemented immediately upon publication under 5 U.S.C. 553(d)(1) and (3) for good cause and because it relieves restrictions by increasing catch and possession limits. The 2026 fishing year began on May 1, 2026, operating under a rollover provision using specifications from the prior fishing year. The rollover amounts are lower than the 2026 fishing year skate quotas and possession limits. Because the higher 2026 catch and possession limits relieve the restrictions of lower catch limits, they are excepted from the requirement to delay the effective date by 30-days and may be implemented immediately on publication of this action.

Establishing specifications is a routine action that occurs every year. Stakeholders and industry groups are accustomed to annual implementation of catch and possession limits and anticipate immediate implementation of them to facilitate planning, efficiency, and maximizing their fishing

opportunities to the extent practicable. Stakeholders and industry groups have been involved with the development of this action and have participated in public meetings throughout its development. Further delay in the date of effectiveness would be contrary to the public interest as it could increase confusion in the skate industry around current quotas as fishermen may expect the proposed 2026 specifications and possession limits to be in place by the start of the 2026 fishing year. Furthermore, regulated parties do not require any additional time to come into compliance with this rule as they are currently subject to possession and catch limits. Unlike actions that require an adjustment period, skate fishing vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the new catch limits and possession limits. Thus, a 30-day delay before the final rule becomes effective does not provide any benefit.

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

This final rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of section (5)(b) and (c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2)(B) of E.O. 13175 is not required and has not been prepared.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 9, 2026.
Samuel D. Rauch III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

For the reasons set out in the preamble, NMFS amends 50 CFR part 648 as follows:

**PART 648—FISHERIES OF THE
NORTHEASTERN UNITED STATES**

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*
■ 2. In § 648.322, revise paragraphs (b)(1)(i) and (c)(3) to read as follows:
§ 648.322 Skate allocation, possession, and landing provisions.
* * * * *
(b) * * *
(1) * * *
(i) A vessel or operator of a vessel that has been issued a valid Federal skate permit under this part, and fishes under an Atlantic sea scallop, NE multispecies, or monkfish DAS as specified at §§ 648.53, 648.82, and 648.92, respectively, unless otherwise exempted under § 648.80 or paragraph (c) of this section, may fish for, possess, and/or land up to the allowable trip

limits specified as follows: Up to 4,500 lb (2,041 kg) of skate wings (10,215 lb (4,633 kg) whole weight) per trip in Season 1 (May 1 through August 31), and 6,500 lb (2,948 kg) of skate wings (14,755 lb (6,693 kg) whole weight) per trip in Season 2 (September 1 through April 30), or any prorated combination of the allowable landing forms defined at paragraph (b)(5) of this section.
* * * * *
(c) * * *
(3) The vessel owner or operator possesses or lands no more than 30,000 lb (13,608 kg) of whole skates per trip.
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[FR Doc. 2026–11987 Filed 6–12–26; 8:45 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 91, No. 114

Monday, June 15, 2026

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

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2026–BT–STD–0133]

Energy Conservation Program: Energy Conservation Standards for Distribution Transformers

AGENCY: Critical Minerals and Energy Innovation, Department of Energy.

ACTION: Request for information.

SUMMARY: A Presidential determination issued on April 20, 2026, found that grid infrastructure supply chains, including distribution transformers and electrical core steel, are essential to national defense, and that U.S. industry faces critical constraints from limited domestic product capacity, extended procurement timelines, and foreign supply dependence. The U.S. Department of Energy (“DOE”) is initiating an information and data gathering effort to understand how the energy conservation standards for distribution transformers adopted in an April 2024 final rule, with compliance required in 2029, interact with these national security considerations, including impacts on domestic manufacturing capacity, supply chain resilience, and the availability and cost of key materials. DOE is also seeking information on whether the revised energy conservation standards result in special hardship, inequity, or unfair distribution of burdens, including investment needs and market conditions associated with redesigning equipment to comply by the 2029 compliance date.

DATES: Written comments, data, and information are requested and will be accepted on or before July 15, 2026.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at www.regulations.gov under docket number EERE–2026–BT–STD–0133. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments may submit comments, identified by docket

number EERE–2026–BT–STD–0133 by any of the following methods:

(1) *Email: Distribution Transformers2026STD0133@doe.gov.* Include the docket number EERE–2026–BT–STD–0133 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

(2) *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (“CD”), in which case it is not necessary to include printed copies.

(3) *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (“faxes”) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at www.regulations.gov/docket/EERE-2026-BT-STD-0133. The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III of this document for information on how to submit comments through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Jeremy Domm, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Building Technologies Office, CM–5B, 1000

Independence Avenue SW, Washington, DC 20585–0121. Email:

ApplianceStandardsQuestions@ee.doe.gov.

Peter Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121.

Telephone: (202) 586–4798. Email: peter.cochran@hq.doe.gov.

For further information on how to submit a comment, or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The following section briefly discusses the background underlying this request for information (“RFI”) concerning the effect of Federal energy conservation standards on the distribution transformers market.

A. Authority

The Energy Policy and Conservation Act (“EPCA”)¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317, as codified) Title III, Part C of EPCA² added by Public Law 95–619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. (42 U.S.C. 6311–6317) The Energy Policy Act of 1992, Public Law 102–486, amended EPCA and directed DOE to prescribe energy conservation standards for those distribution transformers for which DOE determined such standards

¹ All references to EPCA in this document refer to the Energy Policy and Conservation Act, Public Law 94–163 as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

² For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

would be technologically feasible, economically justified, and would result in significant energy savings. (42 U.S.C. 6317(a)) The Energy Policy Act of 2005, Public Law 109–58, amended EPCA to establish energy conservation standards for low-voltage dry-type (“LVDT”) distribution transformers. (42 U.S.C. 6295(y))

EPCA further provides that, not later than six years after the issuance of any final rule establishing or amending a standard, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6316(a); 42 U.S.C. 6295(m)(1))

B. Scope and History of Rulemakings for Distribution Transformers

This RFI relates to distribution transformers as defined in 10 CFR 431.192.³ DOE prescribed the currently applicable energy conservation standards for distribution transformers manufactured on or after January 1, 2016, in a final rule published on April 18, 2013. 78 FR 23336 (“April 2013 Final Rule”). DOE published a final rule on April 22, 2024, that adopted amended energy conservation standards for distribution transformers manufactured on or after April 23, 2029. 89 FR 29834 (“April 2024 Final Rule”).

C. Presidential Determination

On April 20, 2026, President Trump issued Presidential Determination No. 2026–10, pursuant to Section 303 of the Defense Production Act of 1950, as amended (“DPA”) (50 U.S.C. 4533), that found that grid infrastructure and its associated upstream supply chains, including transformers, transmission lines and conductors, substations, high-voltage circuit breakers, power control electronics, protective relay systems, capacitor banks, electrical core steel, and related raw material and manufacturing tools, are industrial

resources, materials, or critical technology items essential to national defense. Presidential Determination No. 2026–10 of April 20, 2026, *Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Grid Infrastructure, Equipment, and Supply Chain Capacity*, 91 FR 21931 (Apr. 23, 2026) (“Presidential Determination”). The Presidential Determination, consistent with Executive Order 14156 of January 20, 2025, *Declaring a National Energy Emergency*,⁴ also found that without Presidential action, U.S. industry cannot reasonably be expected to provide these capabilities in a timely manner due to limited domestic production capacity, extended procurement timelines, foreign supply dependence, and insufficient capital investment. Also, the Presidential Determination found that purchases, purchase commitments, financial support for the development of production capabilities, or other action pursuant to Section 303 of the DPA are the most cost-effective, expedient, and practical alternative methods for meeting this need.

The Presidential Determination directed the Secretary of Energy to implement the determination, including making necessary purchases, commitments, and financial instruments, to expand domestic capability to develop, manufacture, and deploy grid infrastructure and supporting industrial supply chains. Transformers and electrical core steel are expressly identified as covered industrial resources under that determination.

These national security findings are directly relevant to DOE’s administration of energy conservation standards for distribution transformers, adopted in the April 2024 Final Rule. For certain equipment classes, DOE estimated that compliance with the adopted efficiency levels would be met by transitioning to amorphous-core transformer designs, which rely on material and manufacturing processes distinct from those used for grain-oriented electrical steel (“GOES”) core transformers that constitute the majority of current market production. 78 FR 29834, 30011.

II. Request for Information and Comments

In this RFI, DOE seeks data and information relevant to understanding how the energy conservation standards for distribution transformers adopted in the April 2024 Final Rule interact with U.S. domestic manufacturing capacity,

supply chain resilience, and the National defense considerations identified in the Presidential Determination. DOE also seeks suggestions on what actions it could take to implement the Presidential Determination and what actions it could take to expand domestic capability to develop, manufacture, and deploy more distribution transformers in the near term to meet the nation’s energy demand to ensure United States defense readiness, economic strength, and energy independence.

Additionally, DOE also requests information on whether the standards adopted in the April 2024 Final Rule result in special hardship, inequity, or unfair distribution of burdens to manufacturers, utilities, consumers, or other end-users.

Where possible, DOE requests and encourages that respondents provide quantitative estimates and describe the assumptions.

Information on how to submit comments, data, and other information, including Confidential Business Information (CBI), is provided in section III of this document.

In this section, DOE identifies specific issues for which it seeks comment, data, and other information.

Issue 1: DOE requests information regarding whether, and how, the national security considerations identified in the Presidential Determination—including limited domestic production capacity, foreign supply dependence and extended procurement timelines—are impacted by the April 2024 Final Rule. Specifically, DOE seeks information on (a) whether compliance with the adopted standards would require or increase reliance on foreign-sourced amorphous steel or other materials or components that raise national security concerns; (b) whether the adopted standards could reduce domestic production capacity for raw GOES, GOES cores, or GOES-core transformers, and if so, what effects that reduction would have on the resilience of U.S. grid infrastructure supply chains; and (c) any other interactions between the adopted standards and the national defense findings in the Presidential Determination that DOE should consider.

Issue 2: In the April 2024 Final Rule, DOE acknowledged ongoing supply chain challenges associated with distribution transformers (e.g., a single domestic manufacturer of GOES and a single domestic manufacturer of amorphous alloy, trade uncertainties, limited capacity of lower-loss GOES, limited global capacity of amorphous

³ Distribution transformer means a transformer that—(1) Has an input line voltage of 34.5 kV or less; (2) Has an output line voltage of 600 V or less; (3) Is rated for operation at a frequency of 60 Hz; and (4) Has a capacity of 10 kVA to 5000 kVA for liquid-immersed units and 15 kVA to 5000 kVA for dry-type units; but (5) The term “distribution transformer” does not include a transformer that is an—(i) Autotransformer; (ii) Drive (isolation) transformer; (iii) Grounding transformer; (iv) Machine-tool (control) transformer; (v) Nonventilated transformer; (vi) Rectifier transformer; (vii) Regulating transformer; (viii) Sealed transformer; (ix) Special-impedance transformer; (x) Testing transformer; (xi) Transformer with tap range of 20 percent or more; (xii) Uninterruptible power supply transformer; or (xiii) Welding transformer. 10 CFR 431.192.

⁴ 90 FR 8433 (Jan. 29, 2025) (“E.O. 14156”).

alloy, labor shortages) and the broader electric grid (e.g., substantial load growth increasing demand for all grid components, increasing product lead times). 89 FR 29834, 29866. DOE requests information regarding whether, and for whom, the adopted standards may result in special hardship, inequity, or an unfair distribution of burdens (e.g., manufacturers, utilities or cooperatives, particular regions, or consumers of particular transformer types and sizes). DOE specifically requests information on whether smaller or resource-constrained entities would face greater compliance challenges, including due to scale economies, input access, or financing constraints, and whether such impacts vary systematically by firm size or operational scale. DOE requests information on the mechanisms driving such impacts (including material availability, production constraints, and procurement practices) and any potential flexibilities or alternative approaches that DOE should consider, consistent with applicable laws (such as EPCA, DPA, and other relevant authorities related to trade, taxation, and financing), to address demonstrated impacts—especially those to smaller entities. DOE also requests data regarding impacts on end users, including any changes in equipment costs, installation costs, procurement lead times, and reliability or service outcomes that could affect ratepayers or other customers.

Issue 3: DOE requests information and data regarding investments to develop, manufacture, and deploy more distribution transformers made since publication of the April 2024 Final Rule (e.g., general or specific sunk costs such as capital equipment purchases, facility expansions, workforce changes, equipment redesign activities, and supplier development). DOE requests that, to the extent practicable, respondents distinguish between investments made primarily to meet the adopted energy conservation standards and investments made primarily to expand production capacity or otherwise respond to broader grid-driven demand growth.

Issue 4: DOE emphasized in the April 2024 Final Rule that distribution transformers are critical grid infrastructure and that maintaining and strengthening national manufacturing capacity, including for key inputs such as electrical steel, is an important consideration as the U.S. works to expand and modernize the electric grid. DOE requests information regarding how the distribution transformer supply chain (including lead times, order

backlogs, inventory practices, supplier qualification timelines, and the availability and cost of key components and materials) has been affected and is anticipated to be affected since publication of the April 2024 Final Rule. DOE requests that, to the extent practicable, respondents distinguish between any expected impacts resulting from the standards promulgated by the April 2024 Final Rule (e.g., challenges with sourcing certain low-loss GOES, challenges with sourcing amorphous alloy, any stranded assets based on the April 2024 Final Rule, any labor challenges based on the April 2024 Final Rule) versus other factors contributing to the current supply chain shortages experienced by the distribution transformer market (e.g., broader demand growth driven by electrification, data centers, etc.).

Issue 5: DOE requests information on the conditions under which the distribution transformer, electrical steel, or related components industry could expand production capacity to meet current and projected demand. Specifically, DOE seeks information on the regulatory certainty and the extent to which the current or anticipated regulatory requirements affect investment planning, capital allocation, and the willingness of firms to expand production capacity; lead times for capacity expansion including typical lead times to increase production capacity for distribution transformers and key inputs; the primary drivers of lead time for capacity expansion (e.g., capital equipment procurement, facility construction, workforce development, etc.); constraints on expansion including any key bottlenecks that limit the ability to expand production; investment conditions including the specific market conditions, transformer prices, contract structures, demand visibility, and risk-sharing that allow for distribution transformer expansion; and the relative competitiveness of domestic manufacturing as compared to imported transformers or transformer components and how that influences investment decisions.

Issue 6: DOE requests information on the price levels or market conditions under which expanding domestic production of distribution transformers and key inputs becomes an economically viable investment. DOE also seeks information on how those conditions compare to the price, availability, and delivery timelines of imported transformers or transformer components serving the U.S. market, including the extent to which imports influence investment decisions. DOE also requests responses regarding the

driving factors for transformer investment decisions including the relative importance of current spot prices, demand projections, and the presence of long-term purchasing contracts.

Issue 7: DOE requests information regarding any changes since publication of the April 2024 Final Rule to domestic production of distribution transformers or related components serving the U.S. market. DOE also requests information on changes in sourcing practices, including increased importation of completed transformers or subassemblies (e.g., cores, core/coil assemblies, windings, tanks, or other components) and any changes in the location of final assembly. Where possible, DOE requests and encourages that respondents provide quantitative estimates and describe the assumptions.

Issue 8: DOE requests information regarding any changes to the price, quality, specifications, and available capacity of GOES serving the U.S. distribution transformer market, including any changes in the percentage of domestically produced GOES used in U.S.-sold distribution transformers. DOE also requests data on how domestically produced GOES supply compares with global GOES supply with respect to price, quality, available capacity, specifications, and delivery timelines. DOE requests data on how the price, quality, specification, capacity and suppliers of GOES vary between markets (e.g., the liquid-immersed distribution transformer market, low-voltage dry-type distribution transformer market, medium-voltage dry-type distribution transformer market, large-power transformer market). Where possible, DOE requests and encourages that respondents provide quantitative estimates and describe the assumptions.

Issue 9: DOE requests information regarding any changes to the price, quality, specifications, qualification timelines, and available capacity of amorphous alloy serving the U.S. distribution transformer market, including any changes in the percentage of domestically produced amorphous alloy used in U.S.-sold distribution transformers. DOE also requests data on how domestically produced amorphous steel supply compares with global supply with respect to price, quality, capacity, delivery timelines, and contracting practices. Where possible, DOE requests and encourages that respondents provide quantitative estimates and describe the assumptions.

Issue 10: DOE requests information regarding the availability, lead times, and constraints associated with

manufacturing distribution transformer cores (including core cutting, winding, stacking, annealing, and related equipment), and the extent to which core manufacturing capacity (domestic and global) may limit the ability of manufacturers to meet the adopted standards. DOE requests data regarding any differences in core sourcing practices between distribution transformer cores made of GOES versus amorphous alloy as well as between markets (e.g., the liquid-immersed distribution transformer market, low-voltage dry-type distribution transformer market, medium-voltage dry-type distribution transformer market, large-power transformer market).

Issue 11: DOE requests information on domestic-content considerations for distribution transformers and key inputs (including GOES and amorphous alloy). DOE requests data on any major supply chain risks, the feasibility of increasing domestic content over time, and any barriers to doing so (e.g., certification requirements, supplier qualification, metallurgical specifications, or trade and logistics constraints).

Issue 12: DOE requests information regarding the extent to which amorphous alloy use is expected to be “additive” to existing GOES distribution transformer production (i.e., added for certain basic models while most production continues to use GOES) versus requiring conversion or replacement of existing GOES distribution transformer production equipment. DOE requests information on expected ramp rates, equipment needs, and any constraints on scaling amorphous-core distribution transformer production over the compliance period.

Issue 13: DOE requests information regarding how private sector distribution transformer investments (including investments driven by the adopted standards) complement (i.e., new facilities that manufacture distribution transformers along with multiple grid components and share resources), compete with (i.e., investments made in meeting efficiency standards that otherwise would be made in expanding capacity of other grid components), or displace other grid-related investments (including other transformers, transmission lines and conductors, substations, high-voltage circuit breakers, power control electronics, protective relay systems, capacitor banks, electrical core steel, and related raw material and manufacturing tools). DOE requests information and data on shared constraints (e.g., skilled labor, electrical

steel and other magnetic materials, and capital equipment) and whether these constraints affect investment timing or prioritization.

Issue 14: In light of the Presidential Determination and the findings that grid-infrastructure supply chains are essential to national defense, DOE requests information regarding the defense-readiness, economic strength, and energy independence implications of the standards adopted in the April 2024 Final Rule, including in relation to Federal purchase commitments and financial support actions under Section 303 of the DPA. Specifically, DOE requests information on whether the adopted standards could reduce the ability of the U.S. transformer industry to surge production in response to a national emergency, natural disaster, or other disruption requiring rapid grid restoration; the extent to which compliance with the adopted standards would increase U.S. reliance on foreign sources; whether compliance would affect the domestic electrical steel industry’s production volumes, pricing, and long-term viability in ways that could impair national defense readiness; and any recommendations for how DOE could structure regulatory flexibilities, in accordance with applicable law, to support the national defense priorities identified in the Presidential Determination.

Issue 15: DOE requests information regarding how the interaction between the April 2024 Final Rule and the national defense considerations identified in the Presidential Determination—including Federal purchase commitments, financial support actions under Section 303 of the DPA, and priority-rated orders under the DPA⁵—affects smaller utility purchasers of distribution transformers, including rural electric cooperatives, municipal and public power utilities, and small investor-owned utilities not on critical project tracks. Specifically, DOE seeks information on changes in procurement lead times and order priority experienced by such purchasers, including any existing evidence of displacement in manufacturer order queues.

Issue 16: DOE requests information regarding price effects and changes in contract terms offered to the smaller utility purchasers, including minimum order quantities, no-substitute or specification-substitution clauses,

payment and deposit terms, escalation provisions, and the availability of multi-year framework agreements since publication of the April 2024 Final Rule. Where possible, DOE requests and encourages that respondents provide quantitative estimates and describe the assumptions.

Issue 17: DOE also seeks suggestions on what actions are needed, consistent with applicable law, to implement the Presidential Determination and what actions are needed in the near term to expand domestic capability to develop, manufacture, and deploy more distribution transformers to meet the nation’s energy demand to ensure United States defense readiness, economic strength, and energy independence.

III. Submission of Responses

DOE invites all interested parties to submit in writing by the date specified in the **DATES** section of this document, information on matters addressed in this document and on other matters relevant to distribution transformers.

Submitting responses via www.regulations.gov. The www.regulations.gov web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies Office staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your response is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your response due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your response.

However, your contact information will be publicly viewable if you include it in the response or in any documents attached to your response. Any information that you do not want to be publicly viewable should not be included in your response, nor in any document attached to your response. If this instruction is followed, persons viewing responses will see only first and last names, organization names, correspondence containing information, and any documents submitted with the responses.

Do not submit to www.regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (“CBI”)). Responses submitted through www.regulations.gov cannot be claimed

⁵ The use of priority ratings for grid infrastructure components, including distribution transformers, may affect production scheduling and order fulfillment during periods of constrained manufacturing capacity, particularly for lower priority customers.

as CBI. Responses 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, responses will be posted within a few days of being submitted. However, if large volumes of responses are being processed simultaneously, your response may not be viewable for up to several weeks. Please keep the tracking number that www.regulations.gov provides after you have successfully uploaded your response.

Submitting responses via email, hand delivery/courier, or postal mail. Responses 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 response or any accompanying documents. Instead, provide your contact information on 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 information responsive to the request for information.

Include contact information each time you submit 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 faxes will be accepted.

Data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document

marked confidential including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Persons seeking to submit confidential information through alternative means are encouraged to contact DOE for additional guidance.

It is DOE's policy that all responses may be included in the public docket, without change and as received, including any personal information provided in the responses (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process or would like to request a public meeting should contact Appliance and Equipment Standards Program staff at (202) 287-1445 or via email at ApplianceStandardsQuestions@ee.doe.gov.

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this request for information.

Signing Authority

This document of the Department of Energy was signed on June 10, 2026, by Audrey Robertson, Assistant Secretary (EERE) for Critical Minerals and Energy Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 11, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026-11971 Filed 6-12-26; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. **FAA-2026-6997**; Airspace
Docket No. **26-AGL-13**]

RIN 2120-AA66

Amendment of Class D and Class E Airspace; Chicago/Rockford, IL

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace at Chicago/Rockford, IL. The FAA is proposing this action due to a biennial airspace review conducted pursuant to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before July 30, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2026-6997 and Airspace Docket No. 26-AGL-13 using any of the following methods:

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

* *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58-213, West Building, 5th Floor, Washington, DC 20590-0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58-213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W58-213 of the

West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D and Class E airspace at the affected airport to support IFR operations.

Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning

this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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

Availability of Rulemaking Documents

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

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

Incorporation by Reference

Class D and Class E airspace relevant to this action are published in paragraphs 5000 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class D airspace and Class E airspace

extending upward from 700 ft. above the surface at Chicago/Rockford, Illinois due to a biennial airspace review conducted pursuant to FAA Order JO 7400.2R.

For the Chicago/Rockford International Airport, Chicago/Rockford, IL, Class D airspace, the proposal would: (1) expand the radius from 4.6 miles to 5.7 miles; and (2) remove the extension south of the airport as it is no longer required.

For the Chicago/Rockford International Airport Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 7.1 miles to 8.2 miles; and (2) amend the extension south of the airport to within 4 miles (increased from 3 miles) each side of the 185° bearing from the Chicago/Rockford INTL: RWY 01-LOC extending from the 8.2-mile (currently 7.1-mile) radius of the airport to 11.1 miles (currently 12.3 miles) south of the Chicago/Rockford INTL: RWY 01-LOC.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Order 2100.6B, "Policies and Procedures for Rulemakings" (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these proposed amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AGL IL D Chicago/Rockford, IL [Amended]

Chicago/Rockford International Airport, IL
(Lat. 42°11'43" N, long 089°05'50" W)

That airspace extending upward from the surface of the earth to and including 3,200 feet MSL within a 5.7-mile radius of the Chicago/Rockford International Airport.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IL E5 Chicago/Rockford, IL [Amended]

Chicago/Rockford International Airport, IL
(Lat. 42°11'43" N, long 089°05'50" W)
Chicago/Rockford INTL: RWY 01–LOC
(Lat. 42°12'36" N, long 089°05'17" W)

That airspace extending upward from 700 feet above the surface within an 8.2-mile radius of the Chicago/Rockford International Airport; and within 4 miles each side of the 185° bearing from the Chicago/Rockford INTL: RWY 01–LOC extending from the 8.2-mile radius of the airport to 11.1 miles south of the Chicago/Rockford INTL: RWY 01–LOC.

* * * * *

Issued in Fort Worth, Texas.

Courtney E. Johns,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2026–11957 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–6970; Airspace
Docket No. 26–AGL–12]

RIN 2120–AA66

Amendment of Class E Airspace; Bedford, IN

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Bedford, IN. The FAA is proposing this action due to an airspace review conducted due to the decommissioning of the Hoosier very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. The name of IU Health Bedford Hospital Heliport, Bedford, IN, would also be updated to coincide with the FAA's aeronautical database. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before July 30, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–6970 and Airspace Docket No. 26–AGL–12 using any of the following methods:

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

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, West Building, 5th Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace at the affected airport to support IFR operations.

Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA

will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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

Availability of Rulemaking Documents

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

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

Incorporation by Reference

Class E airspace relevant to this action are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class E airspace extending upward from 700 ft. above the surface at Bedford, Indiana due to an airspace review conducted as part of the decommissioning of the Hoosier VOR as part of the VOR MON Program.

For the Virgil I. Grissom Municipal Airport, Bedford, IN, Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 6.5 to 7 miles; and (2) remove the city associated with the airports from the header of the airspace legal description to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters.

And for the IU Health Bedford Hospital Heliport, Bedford, IN, Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) update the name of the heliport (previously Bedford Medical Center Heliport) to coincide with the FAA's aeronautical database; and (2) remove the city associated with the airports from the header of the airspace legal description to comply with changes to FAA Order JO 7400.2R.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Order 2100.6B, "Policies and Procedures for Rulemakings" (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these proposed amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IN E5 Alexandria, IN [Remove]

* * * * *

AGL IN E5 Bedford, IN [Amended]

Virgil I. Grissom Municipal Airport, IN
(Lat. 38°50'24" N, long. 086°26'43" W)
IU Health Bedford Hospital Heliport, IN
Point In Space
(Lat. 38°51'51" N, long. 086°31'27" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Virgil I. Grissom Municipal Airport; and within a 6-mile radius of the IU Health Bedford Hospital Heliport point in space.

* * * * *

Issued in Fort Worth, Texas, June 11, 2026.

Courtney E. Johns,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2026–11945 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–6966; Airspace
Docket No. 26–AGL–10]

RIN 2120–AA66

Revocation of Class E Airspace; Lake Geneva, WI

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke the Class E airspace at Lake Geneva, WI. The FAA is proposing this action due to the instrument procedures being cancelled and the closure of the airport.

DATES: Comments must be received on or before July 30, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–6966 and Airspace Docket No. 26–AGL–10 using any of the following methods:

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

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, West Building, 5th Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the

safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would remove the Class E airspace at the affected airport because it is no longer needed.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal

business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class E airspace relevant to this action are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would remove the Class E airspace extending upward from 700 ft. above the surface at Lake Geneva, Wisconsin due to the cancellation of the instrument procedures and the closure of the airport.

The proposal would remove Class E airspace extending upward from 700 ft. at Grand Geneva Airport, Lake Geneva, WI.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Order 2100.6B, “Policies and Procedures for Rulemakings” (March 10, 2025); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act

Implementing Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL WI E5 Lake Geneva, WI [Remove]

* * * * *

Issued in Fort Worth, Texas, June 11, 2026.

Courtney E. Johns,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2026–11946 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–6967; Airspace Docket No. 26–AGL–11]

RIN 2120–AA66

Amendment of Class D and Class E Airspace and Revocation of Class E Airspace; Muncie and Alexandria, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace at Muncie, IN, and revoke Class E airspace at Muncie, IN, and Alexandria, IN. The FAA is proposing this action

due to airspace reviews conducted due to the decommissioning of the Muncie very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program, and the cancellation of the instrument procedures at Alexandria Airport, Alexandria, IN. The geographic coordinates and name of Delaware County Regional Airport, Muncie, IN, would also be updated to coincide with the FAA’s aeronautical database. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before July 30, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–6967 and Airspace Docket No. 26–AGL–11 using any of the following methods:

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

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, West Building, 5th Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D and Class E airspace and remove Class E airspace at the affected airport to support IFR operations.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

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

Incorporation by Reference

Class D and E airspace relevant to this action are published in paragraphs 5000, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would: modify the Class D airspace and Class E airspace extending upward from 700 ft. above the surface and remove the Class E airspace area designated as an extension to Class D airspace at Muncie, Indiana due to an airspace review conducted as part of the decommissioning of the Muncie VOR as part of the VOR MON Program; and remove the Class E airspace extending upward from 700 ft. above the surface at Alexandria, Indiana due to the cancellation of the instrument procedures and the airspace no longer being required.

For the Delaware County Regional Airport, Muncie, IN, Class D airspace, the proposal would: (1) increase the radius from 4.4 to 4.7 miles; (2) remove the city associated with the airport in the header of the airspace legal

description to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters; (3) update the geographic coordinates and name of Delaware County Regional Airport (previously Delaware County-Johnson Field) to coincide with the FAA's aeronautical database; and (4) update the outdated term "Airport/Facility Directory" to "Chart Supplement."

The proposal would remove the Class E airspace designated as an extension to Class D airspace at Delaware County Regional Airport as it is no longer required.

The proposal would remove Class E airspace extending upward from 700 ft. above the surface at Alexandria Airport, Alexandria, IN, as the instrument procedures have been cancelled and the airspace is no longer required.

And for the Delaware County Regional Airport Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 7 to 7.2 miles; and (2) remove the city associated with the airports from the header of the airspace legal description to comply with changes to FAA Order JO 7400.2R.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Order 2100.6B, "Policies and Procedures for Rulemakings" (March 10, 2025); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000—Class D Airspace.

* * * * *

AGL IN D Muncie, IN [Amended]

Delaware County Regional Airport, IN
(Lat. 40°14'33" N, long. 085°23'45" W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4.7-mile radius of Delaware County Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AGL IN E4 Muncie, IN [Removed]

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IN E5 Alexandria, IN [Remove]

* * * * *

AGL IN E5 Muncie, IN [Amended]

Delaware County Regional Airport, IN
(Lat. 40°14'33" N, long. 085°23'45" W)
Ball Memorial Hospital Heliport, IN, Point In Space

(Lat. 40°11'50" N, long. 085°25'52" W)
That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Delaware County Regional Airport; and within a 6-mile radius of the Ball Memorial Hospital Heliport point in space.

* * * * *

Issued in Fort Worth, Texas, June 11, 2026.

Courtney E. Johns,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2026–11947 Filed 6–12–26; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 165

RIN 3038–AF74

Whistleblower Award Determination

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission (“Commission” or “CFTC”) is proposing for public comment to amend its rules implementing a section of the Commodity Exchange Act (“CEA”). The relevant section provides, among other things, that the Commission shall pay an award—under regulations prescribed by the Commission and subject to certain limitations—to eligible whistleblowers who voluntarily provide the Commission with original information about a violation of the CEA, or regulations thereunder, that leads to the successful enforcement of a covered judicial or administrative action, or a related action. The Commission expects the proposed substantive amendment, which is modeled on a similar provision in the Securities and Exchange Commission’s (“SEC’s”) regulations, to increase the efficiency, transparency, and predictability of whistleblower claims processing, thereby protecting and enhancing the program’s effectiveness in incentivizing whistleblowers to report. The Commission is also incorporating technical corrections to the whistleblower rules to update regulatory references to reflect the Whistleblower Office’s (“WBO’s”) move in 2025, consistent with its adjudicatory functions, to the Office of the General Counsel.

DATES: Comments must be received by July 15, 2026.

ADDRESSES: You may submit comments, specifically referencing “Whistleblower Award Determination,” and RIN 3038–AF74, by any of the following methods:

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

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

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

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

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

- *Mail:* Send to—Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

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

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

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

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

The CFTC reserves the right, but shall have no obligation, to review, pre-screen, filter, or redact all or any part of your comment submission. The CFTC also reserves the right, without further notification, to refuse to publish or to remove from public view all or any part

of your submission to the extent it contains content inappropriate for publication in a comment file, such as—without limitation—obscene language, threats of violence, solicitations for commercial sales or illegal activity, or obvious spam. If a submission that is refused for or withdrawn from publication because of inappropriate content also contains comments on the merits of this proposal, such submission will be retained in the record for the matter and will be considered as required under the Administrative Procedure Act (“APA”) and other applicable laws, and may be accessible under the FOIA.

Pursuant to the APA, 5 U.S.C. 553(b)(4), a plain language summary of the proposed rule is available at *Regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Stephen Andrews, Deputy General Counsel for Regulation, Office of the General Counsel, 202–308–7563, rulemaking@cftc.gov; Raagnee Beri, Director, Whistleblower Office, 202–418–5986, rberi@cftc.gov.

SUPPLEMENTARY INFORMATION:

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I. Background

The Commission’s whistleblower program (“Program”) serves an important role in upholding the fairness and integrity of the nation’s commodities markets. By providing a means to financially reward individuals who come forward and provide original information about illegal conduct to the Commission, the Program enhances the Commission’s enforcement effort, in turn deterring legal noncompliance.

The Program derives from section 23 of the CEA; part 165 of the Commission’s regulations (the “regulations”) further defines its framework.¹ That framework provides for the payment of awards, subject to certain limitations and conditions, to whistleblowers who provide the Commission useful information. More specifically, to qualify for an award, a whistleblower must voluntarily provide original information about a violation of the CEA or the regulations that leads to

¹ 7 U.S.C. 26; 17 CFR part 165.

a successful Commission enforcement action (judicial or administrative) that results in monetary sanctions over \$1 million (“Covered Action”), or the successful enforcement of an action brought by specified entities or organizations such as the Department of Justice (“Related Action”).² The aggregate award amount for all successful claimants, which is paid from the CFTC Customer Protection Fund (“CPF”),³ must be between 10 and 30 percent of the amount of monetary sanctions collected in the Covered Action and/or a Related Action.⁴ Throughout the process, whistleblowers who make a claim for an award have a right to be represented by counsel.⁵

The Commission has discretion regarding the amount it awards to a whistleblower.⁶ In exercising this discretion, it must consider certain statutorily specified factors, but it may not consider the CPF balance.⁷ Rule 165.9(b) and (c) reiterates and elaborates on the factors the Commission considers in determining whether to increase or decrease a whistleblower award amount.⁸ Positive factors include: the significance of the information provided by the whistleblower, the degree of assistance provided by the whistleblower, furtherance of the

Commission’s law enforcement interest, and the whistleblower’s participation in internal compliance systems.⁹ Negative factors include whistleblower culpability, unreasonable reporting delay, and interference with internal compliance and reporting systems.¹⁰ In promulgating rule 165.9, the Commission expressed its intent that whistleblower award amounts be determined based on an individualized review of the circumstances surrounding each award.¹¹

Part 165 also sets out the process by which Program awards are made, with the WBO serving as administrator. Among other duties,¹² the WBO processes whistleblower claims and prepares packages with detailed legal analyses and award/denial recommendations. In doing so, the WBO reviews the circumstances surrounding each claim and award individually (at times necessitating requests for additional relevant information from claimants and outreach to Division of Enforcement staff or, if a Related Action, staff of the other agency¹³). If a claimant appears eligible for an award, the analysis will consider and address each of the factors set out in CEA section 23(c) and rule 165.9. The Claims Review Staff (“CRS”)—three to five individuals from various Commission divisions and offices—issues a preliminary determination (“Preliminary Determination”) based on the WBO’s analysis and recommendations. A Preliminary Determination reflects the CRS’s assessment of whether a claim should be granted, and, if so, the proposed percentage amount of award.¹⁴ Upon receipt of a copy of the Preliminary Determination, a claimant may contest it by submitting a written response to the WBO.¹⁵ The CRS considers timely-submitted responses before making a proposed final determination (“Proposed Final

Determination”). The WBO will notify the Commission of each Proposed Final Determination, and, within 30 calendar days, any Commissioner may request that the Proposed Final Determination be reviewed by the Commission.¹⁶ The Proposed Final Determination automatically becomes a final order of the Commission (“Final Order”) if no commissioner requests review by the full Commission. If a commissioner does request a review, the Commission will review the record relied upon by staff in making its determinations, and issue its Final Order.¹⁷ The Office of General Counsel reviews all Preliminary Determinations and Proposed Final Determinations for legal sufficiency before their issuance.¹⁸

By many metrics, the Program has been a success since it began operating in 2011. The awards that the Commission paid through the end of calendar year 2025 reflect that whistleblower-provided information has contributed to successful enforcement actions resulting in over \$3.3 billion in financial remedies;¹⁹ ill-gotten gains earmarked for return to victims account for approximately \$160 million (excluding added interest) of this amount. In fiscal year (“FY”) 2024, about 42 percent of the Commission’s enforcement actions involved whistleblowers. Between 2014, when the Commission issued its first whistleblower award, and the end of calendar year 2025, the Commission granted 73 awards in 56 matters, totaling over \$395 million in award payments. As a Director of Enforcement at the time noted, “[t]imely reports to the CFTC are critical for enforcement [as they] help prevent further harm to customers or market participants and hold wrongdoers accountable to the fullest extent possible.”²⁰

Notwithstanding the Program’s success, however, an important area for improvement exists—the time required to process and award meritorious claims. Since 2012, the average time from the deadline for prospective whistleblowers to submit award claims to the date of the Commission’s Final Order granting the award to meritorious claimants is over two-and-one-half years. The length of the lag between claim submission and award is a

² See 7 U.S.C. 26(a)(1), (5), (b)(1); 17 CFR 165.2(e) (defining “covered judicial or administrative action”); 165.2(m) (defining “related action”); 165.5 (requirements for consideration of an award); 165.7 (procedures for award applications in Commission actions and related actions); 165.11(a) (awards based on related actions).

³ 7 U.S.C. 26(b)(2). The CPF is funded through certain monetary sanctions that the Commission collects and can receive deposits or credits when the balance is at or below \$100 million. 7 U.S.C. 26(g)(3)(A). In contrast, the SEC Investor Protection Fund—the counterpart to the CPF for funding SEC whistleblower awards—has a higher \$300 million threshold. 15 U.S.C. 780–6(g)(a)(3)(A)(i). If amounts deposited or credited to the CPF are insufficient to pay a whistleblower award, additional collected monetary sanctions equal to the unsatisfied portion of the award are to be deposited or credited to the CPF. 7 U.S.C. 26(g)(3)(B). Besides funding whistleblower awards, the CPF also funds the operation of the WBO and the Office of Customer Education and Outreach. See *id.* at (g)(2); U.S. Commodity Futures Trading Commission—Availability of the Customer Protection Fund, B–321788 (GAO Aug. 8, 2011).

⁴ 7 U.S.C. 26(b); 17 CFR 165.8 (amount of award).

⁵ 7 U.S.C. 26(d)(1).

⁶ 7 U.S.C. 26(c)(1)(A); 17 CFR 165.9.

⁷ 7 U.S.C. 26(c)(1)(B)(i)(I)–(III) (specifying the following for consideration: information’s significance; degree of the assistance; programmatic interest; and enhanced ability to enforce the CEA, protect customers, and encourage the submission of high-quality information); and potential adverse incentives from oversize awards; *id.* 26(c)(1)(B)(ii) (prohibiting consideration of the CPF balance); see also *id.* 26(c)(1)(B)(i)(IV) (authorizing the Commission to consider other factors established by rule or regulation); 17 CFR 165.9(a)(5) (prescribing “potential adverse incentives from oversize awards” as an additional factor for consideration.

⁸ 17 CFR 165.9(b), (c).

⁹ *Id.* at 165.9(b). The rule specifies subfactors that the Commission may consider is assessing each positive factor.

¹⁰ *Id.* at 165.9(c). The rule specifies subfactors that the Commission may consider is assessing each negative factor.

¹¹ See Whistleblower Incentives and Protection, 76 FR 53172, 53188 (Aug. 25, 2011) (“The Commission anticipates that the determination of award amounts . . . will involve highly individualized review of the circumstances surrounding each award.”).

¹² See 17 CFR 165.7(e)(1), (2), (f)(2), (g), (j) (specifying various WBO duties).

¹³ *Id.* 165.7(f)(2).

¹⁴ See *id.* 165.7(g)(1), (i); *id.* 165.15(a)(2).

¹⁵ *Id.* 165.7(g)(2). A claimant’s failure to submit a timely response to the Preliminary Determination results in the Preliminary Determination becoming either the Final Order of the Commission or, if an award was recommended, a Proposed Final Determination. *Id.* 165.7(h).

¹⁶ *Id.* 165.7(j).

¹⁷ *Id.* 165.7(i), (j).

¹⁸ *Id.* 165.7(k).

¹⁹ This figure reflects awards in Commission enforcement actions and Related Actions as defined in 7 U.S.C. 26(a)(5) and 17 CFR 165.2(m).

²⁰ Press Release, CFTC, CFTC Awards \$4M to Two Whistleblowers (Nov. 12, 2024), available at <https://www.cftc.gov/PressRoom/PressReleases/9006-24>.

concern for Program participants—as well as the Commission and legislators—and could dampen incentives for potential whistleblower to participate in the Program in the future.²¹ The proposed amendment is intended to address the whistleblower claim processing delays as well as improve process transparency—improvements designed to safeguard and enhance the Program's continued success by reinforcing whistleblowers' incentives to participate in it.

Currently, precise award percentages are determined through a process that is indifferent to the size of the claim, requiring essentially the same degree of Commission staff time and attention to determine award percentage levels with exactitude for both large and smaller awards. Under part 165 currently, Commission staff needs to analyze the factors that may increase the amount of a whistleblower's award regardless of the size of an award.²² At times, this analysis and review by WBO and other Commission staff triggers discussions about what award the Commission should grant in the 10–30 percent statutory range. These discussions can occur even when the maximum 30 percent award yields a relatively small payout.²³ And when they occur, they can delay whistleblower award payments and consume resources that otherwise could be devoted to resolving larger, more complex matters. Additionally, when a Preliminary Determination is issued that recommends an award of less than the maximum 30 percent in a matter with a single claimant, that claimant may contest it in an effort to receive a higher award percentage—an option that may appear attractive depending on the award amount perceived to be at stake.²⁴ Addressing such contestations, or reconsideration requests, consumes additional Commission time and resources.

The Commission expects the proposed rule changes to shorten the time needed to resolve and pay on small meritorious whistleblower claims by limiting the scope of analysis over (and the need for extended intra-agency

discussion about) the appropriate award percentage, as well as reconsideration requests. The resource savings for matters with small awards would, in turn, free Commission staff to concentrate more on larger awards, facilitating the Commission's ability to assess and pay larger awards more quickly. And, as explained below, the Commission expects a shortened award timeframe and more transparent, predictable process to reinforce whistleblowers' incentives to participate in the Program as well.²⁵

II. Overview of the Proposed Amendments

The Commission proposes to amend part 165 of its regulations to increase the Program's overall efficiency, transparency, and predictability, thereby helping to preserve—and potentially enhance—whistleblowers' incentives to report unlawful conduct. Specifically, it proposes to add new rule 165.9(d) as described below and to redesignate existing § 165.9(d) as § 165.9(e). Proposed new rule 165.9(d) is modeled on an existing provision in the SEC's whistleblower program that includes a presumption for awarding meritorious whistleblower claims not exceeding \$5 million at the 30-percent level, the statutory maximum.

Proposed new rule 165.9(d) provides that, subject to Commission discretion and its analysis of relevant regulatory factors, where the statutory maximum award of 30 percent of the monetary sanctions collected would total \$5 million or less for all actions involving the whistleblower's original information, the award amount will be set conditionally at the 30 percent statutory maximum (“30 Percent Presumption”).²⁶ The 30 Percent Presumption may be overridden if the claimant's conduct fails to meet any of three conditions set out in proposed new rule 165.9(d)(1)(ii)–(iv). Specifically, it would not apply if: (1)

the claimant was culpable or involved in the violation, or interfered with internal compliance or reporting system or the claim triggers rule 165.17 (concerning awards to whistleblowers who engage in culpable conduct); (2) the claimant engaged in unreasonable reporting delay under rule 165.9(c)(1);²⁷ or, (3) if in the Commission's discretion 30 percent would be either inappropriate because the claimant's assistance was limited or inconsistent with public interests. If there are multiple claimants who qualify for an award within the \$5 million monetary-damages threshold and at least one's application meets the conditions of proposed new rule 165.9(d)(1)(ii)–(iv), the aggregate award will be set at the maximum 30 percent level. If not every meritorious claimant satisfies the conditions in proposed new rule 165.9(d)(1)(ii) and (iii), the Commission will allocate more of the 30 percent award to the meritorious claimant(s) who do(es) satisfy them.

The Commission views this proposed amendment as warranted and appropriate for several reasons.

First, it expects that proposed new rule 165.9(d) will materially reduce the time for award determinations by improving the Commission staff's efficiency in processing award applications, which in turn should enable the Commission to process more claims than previously over the same time period. The reasons for the Commission's expectation are described below.

The SEC's experience under its similar rule. The SEC's experience after it promulgated its rule 21F–6(c) to incorporate a similar 30 percent presumption is consistent with the Commission's expectation for improved efficiency and shortened award times.²⁸ A year after promulgating rule 21F–6(c), which codifies a similar presumption to that in proposed new rule 165.9(d), the SEC reported that the “30% presumption has had a significant impact on [its] whistleblower program,” “allowed for increased consistency among awards and greater transparency to claimants and their counsel,” and “assisted ... in expediting the processing of award claims.”²⁹

²⁷ This exclusion may be waived at the Commission's discretion based upon the claimant demonstrating that, in the circumstances, doing so is consistent with the public interest and the Program's objectives.

²⁸ Whistleblower Program Rules, 85 FR 70898, 70911–70912 (Nov. 5, 2020) (promulgating, among other rules, SEC rule 21F–6(c), codified at 17 CFR 240.21F–6).

²⁹ Securities and Exchange Commission, 2021 Annual Report to Congress Whistleblower Program, 18 (2021), available at <https://www.sec.gov/>

²¹ See, e.g., Testimony of Michael Selig, Chairman of the CFTC, before House Agriculture Committee (April 14, 2026) (remarks of Congressman Zach Nunn) available at, <https://www.pbs.org/newshour/politics/watch-live-cftc-chairman-testifies-before-house-panel-amid-scrutiny-of-prediction-markets>, 3:16:28 mark); Whistleblower Program Improvements Act, S. 2529, 116th Cong. sec. 3(a)(1)(3)(A) (2019–2020) (specifying a general one-year deadline for CFTC whistleblower claim dispositions).

²² See 17 CFR 165.9(b).

²³ See 7 U.S.C. 26(c)(1)(A), 17 CFR 165.9.

²⁴ See 17 CFR 165.7(g)(2).

²⁵ To the extent delay may soften whistleblower incentives to come forward, reducing it should help counter this tendency.

²⁶ See proposed new § 165.9(d)(1), (2). A \$5 million threshold for a 30% award corresponds to approximately \$16.66 million in collected monetary sanctions. Collections would fall under \$16.66 million if the total monetary sanctions imposed are less than this amount. Even if monetary sanctions exceed this amount, Division of Enforcement staff who worked on an action may have learned enough about the assets of the responsible parties to reasonably anticipate that less than \$16.66 million will ever be collected. If so, this fact would appear in the record supporting the Proposed Final Determination and enable the Commission to “determine[] that it does not reasonably anticipate that future collections would cause the statutory maximum award to be paid to any whistleblower to exceed \$5 million in the aggregate” under proposed new rule 165.9(d)(1)(i).

A significant portion of meritorious whistleblower claimants are likely to fall within the 30 Percent Presumption. As discussed in more detail in the Cost-Benefit Consideration, below,³⁰ the Commission's historical experience suggests that the 30 Percent Presumption is likely to apply to a sizeable portion (*i.e.*, around 82 percent) of meritorious whistleblower claims. For those 30-Percent-Presumption claims, the staff-intensive, frequently time-consuming process of arriving at the precise percentage award level within the statutorily prescribed 20-percentage-point range should be truncated because, as described further below, the scope of necessary award-determination analysis and policy discussion will be narrowed.

Narrowed award-determination analysis and policy discussion for a significant portion of meritorious whistleblower claims. Unlike currently, the only rule 165.9(b) factor Commission staff will need to consider for award determinations in claims within proposed new rule 165.9(d)'s \$5 million threshold is whether the whistleblower's assistance was more than "limited."³¹ The staff will not need to more finely assess the whistleblower's degree of assistance.³² Nor will staff need to make recommendations relating to the significance of the whistleblower's information, the Commission's law enforcement interest, or the whistleblower's participation in internal compliance systems.³³ As a result, WBO staff will spend less time analyzing reasons for increasing the whistleblower's award and engaging in policy discussions over the appropriate amount of a whistleblower award within the statutory range of 10 to 30 percent; the Office of General Counsel's legal sufficiency review also will be simplified.³⁴

reports?ald=edit-tid&year=All&field_article_sub_type_secart_value=Reports+and+Publications-AnnualReports&tid=59.

³⁰ Section IV.C., *infra*.

³¹ Proposed new rule 165.9(d)(1)(iii).

³² See 17 CFR 165.9(b)(2).

³³ See 17 CFR 165.9(b)(1), (3), (4).

³⁴ One reason for part 165 policy discussions over exact award percentages is to better assure—as a matter of fairness and to avoid resource-consuming Preliminary Determination contests—that awards are finely honed to an exact percentage point consistent with all prior awards. Because each matter has unique underlying circumstances, staff views may differ over what exact percentage point between 10 and 30 best reflects the desired consistency in a particular case. By designating a 30 percent maximum award for all matters within the \$5 million threshold unless the 30 Percent Presumption is overcome, proposed new rule 165.9(d) would limit the scope for policy discussions about award levels—not only for

A reduced portion of meritorious whistleblowers will have reason to contest the Preliminary Determination award percentage and request reconsideration. Application of the 30 Percent Presumption to the portion of meritorious claims entitled to it should largely eliminate the impetus for those claimants to contest the Preliminary Determination award percentage and request reconsideration since the award will already be set at the statutory cap.³⁵ Any reconsideration request requires additional staff time and resources to consider the issues and grounds advanced in the claimant's response (along with any supporting documentation the claimant provided),³⁶ analysis of all the rule 165.9(b) positive factors, and invites policy discussions about the appropriate award percentage. Avoiding the potential for them in the portion of claims benefiting from the 30 Percent Presumption should speed award times in that (a) claimants that are direct beneficiaries of the presumption can be awarded without additional time and/or resource expenditure and (b) Commission staff resources that otherwise would be needed to handle the avoided reconsiderations will be freed to more expeditiously process awards in other matters.

Streamlining the award process for 30-Percent-Presumption claimants will free resources to process and issue awards in larger matters in a shortened timeframe. By reducing the staff time and resources to process and issue awards in the significant portion of meritorious claims that the Commission

matters of \$5 million or less that would fall within the presumption, but for larger matters as well. For, with respect to matters above the \$5 million threshold, there is likely to be a narrowed basis (assuming, as the Commission expects, that the 30 Percent Presumption will encompass a significant portion of meritorious whistleblower claims) for claimants contesting awards below 30 percent to argue that a sub-30 percentage level is inconsistent with how staff or the Commission assessed and applied the rule 165.9(b) and (c) factors in matters receiving higher award. Stated another way, because operation of the 30 Percent Presumption is likely to apply to a significant portion of meritorious whistleblower claims that the Commission awards, the portion of 30 percent awards that are not a product of the 30 Percent Presumption—*i.e.*, those that claimants contesting awards below 30 percent presumably would need rely upon for comparison purposes—is likely to be significantly smaller as well.

³⁵ Analysis of the distribution of past awards indicates that, had proposed new rule 165.9(d) been in effect, approximately 30 percent of the matters with awards of \$5 million or less would likely have resulted in higher award payments. Assuming this 30 percent of the award population would have qualified for operation of the 30 Percent Presumption, they would have had no reason to contest the award; in actuality, a portion of them did.

³⁶ See 17 CFR 165.7(i).

expects to qualify for the 30 Percent Presumption, more resources can be devoted to other whistleblower matters. This includes assessing and awarding claims in larger matters. With the benefit of more focused staff attention, the Commission expects accelerated processing of these other matters as well.

The Commission's second reason for considering proposed new 165.9(d) warranted and appropriate is that it anticipates that the amendment will help guard against erosion of whistleblowers' incentives to report violations to the Commission. As discussed in the Cost-Benefit Consideration section and reflecting the time value of money, extended delays in granting awards following a whistleblower's claim submission diminish the overall value of the award.³⁷ This reduction may adversely affect the incentive for individuals to report illegal activity. Consequently, significant delays may lead prospective whistleblowers to determine that the reduced valuation resulting from longer wait times does not justify the associated risks of disclosure. To the extent that the 30 Percent Presumption reduces award application processing times as the Commission expects, potential whistleblowers will be more likely to find it worth the time and effort to report a violation and apply for an award.

Third, by designing proposed new rule 165.9(d) to enhance Program transparency, and predictability about the likely percentage applicable to claims for matters within the \$5 million award threshold, the Commission seeks to enhance the incentives for whistleblowers to report violations to the Commission. The factors considered in determining award amounts are publicly available on the Commission's whistleblower website, making them easily accessible to potential whistleblowers and their counsel.³⁸ With visibility to understand upfront that the 30 Percent Presumption will apply to a meritorious application for an award at or below the \$5 million cap—whistleblowers have reason to view the

³⁷ See Section IV.C., *infra*.

³⁸ See Commodity Futures Trading Commission Whistleblower Program, Preliminary Decisions, <https://www.whistleblower.gov/overview/preliminarydeterminations> (FAQs: "What factors does the CFTC consider in determining the amount of the award?"). See also 7 U.S.C. 26(d) (delineating whistleblowers' right to be represented by counsel). Because attorneys—who may submit tips and other information to the Program for their anonymous clients (*see id.* 26(d)(2))—frequently represent whistleblowers on a contingency basis, the Program's process and award-size potential affects attorneys' incentives as well as whistleblowers'.

Program as more predictable and less burdensome. This, in turn, may increase their willingness to participate. Analysis of the distribution of past awards further supports proposed new rule 165.9(d)'s potential to encourage whistleblower participation. That analysis indicates that, had proposed new rule 165.9(d) been in effect, approximately 30 percent of the matters with awards of \$5 million or less would likely have resulted in higher award payments, while in some of the other matters that yielded 30 percent awards, the 30 Percent Presumption would have reduced the amount of review by Commission staff needed to arrive at those awards.

Fourth, proposed new rule 165.9(d) is purposefully tailored to improve Program efficiency, transparency, and predictability without sacrificing Program integrity or public interests. This tailoring is achieved in two ways: (1) conditioning operation of the 30 Percent Presumption on satisfaction of the specific safeguarding criteria articulated in paragraphs (d)(1)(ii)–(iii) and (2) the Commission's explicit retained discretion in paragraphs (d)(1)(iii) and (iv). With respect to the first, the Commission considers it inappropriate to extend the benefit of the presumption to claimants who had any culpability or involvement in the violation, who interfered to a degree with internal compliance or reporting systems, or (absent justifying case-specific circumstances) delayed reporting. Moreover, the delayed reporting condition is designed to spur prompt reporting. With respect to the second, the Commission's retained discretion is intended in paragraph (d)(1)(iv)(A) to incentivize strong and sustained whistleblower assistance in the Covered Action or Related Action and in paragraph (d)(1)(iv)(B) to provide an overarching safeguard against the 30 Percent Presumption unintentionally operating to undermine the public interest and/or Program integrity.³⁹

Finally, proposed new rule 165.9(d)—consistent with the spirit of the Memorandum of Understanding between the CFTC and SEC to guide inter-agency coordination and collaboration⁴⁰—would better align the

CFTC's and the SEC's respective whistleblower programs. As noted above, SEC rule 21F–6(c) currently articulates a conditional 30 percent presumption mechanism for matters where collected monetary sanctions are \$5 million or less and was the model for proposed new rule 165.9(d).⁴¹ Because it is not unusual for affiliated market participants or entities to be subject to regulation or oversight by the CFTC as well as the SEC (and not inconceivable that financial-sector illegal conduct could be sufficiently broad to implicate the jurisdiction of both agencies), the Commission views consistency between the two whistleblower programs' as appropriate.⁴² By modeling proposed new rule 165.9(d) on the SEC's corresponding provision, the Commission intends to guard against potential whistleblowers foregoing participation in the Program because they perceive it as less worthwhile compared to the SEC's whistleblower program.

The Commission also considers the proposed part 165 amendment preferable on cost-benefit grounds to the alternatives it assessed. Namely, these alternatives were to: (1) hire more WBO staff to improve the processing rate, (2) apply the 30 Percent Presumption in matters where the award at the 30 percent maximum would be \$2 million or less, or (3) apply the 30 Percent Presumption in matters where the award at the 30 percent maximum would be \$15 million or less. Briefly, the Commission considers the first option—*i.e.*, hiring more WBO staff—less desirable relative to the option of the WBO operating more efficiently. With respect to the options of adjusting the award threshold downward or upward, the Commission believes, based on its assessment of past award determinations, that a level of \$5 million or less will be effective in serving the Program's needs while better harmonizing the Commission's regulations with the SEC's. Section IV.C. (“Consideration of Costs and Benefits”), below, expands on the Commission's cost-benefit rationale for proposed new rule 165.9(d).

The Commission is also making technical corrections to its rules to update references in part 165 to reflect the WBO's move in 2025 from the Division of Enforcement to the Office of the General Counsel in light of the WBO's adjudicatory functions.⁴³ As a result of the WBO's transfer, several references to the office's placement within the Commission's operating structure in part 165 have become outdated. Accordingly, the Commission is removing several references to the Division of Enforcement and revising part 165 to reflect the office's placement within the Office of the General Counsel.

III. Request for Comment

The Commission generally requests comment on all aspects of the proposed amendments and its analysis of them, including issues identified and discussed in the “Related Matters” sections, IV.A.–E., below.⁴⁴

IV. Related Matters

A. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (“RFA”), 5 U.S.C. 601–612, requires that agencies consider whether the rules they propose will have a significant economic impact on a substantial number of small entities and, if so, provide a regulatory flexibility analysis respecting the impact. RFA section 603(a), 5 U.S.C. 603(a), requires the Commission to undertake an initial regulatory flexibility analysis of a proposed rule on small entities unless the Chairman certifies that the rule, if adopted, would not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b).

Only individuals are eligible for participation in the Commission's whistleblower program. The proposed amendments would apply only to an individual, or individuals acting jointly, who provide information relating to the violation of the CEA or Commission regulations. By definition, companies and other entities cannot be whistleblowers.⁴⁵ Consequently, the persons that would be subject to the proposed rule amendments are not “small entities” under the RFA.

Accordingly, the Chairman, on behalf of the Commission, hereby certifies under 5 U.S.C. 605(b) that the proposed

³⁹ The Commission equates the meaning of the term “public interest” in paragraphs (d)(1)(iii)'s and (iv)'s to the considerations delineated in CEA section 15(a)(2), 7 U.S.C. 19(a)(2)—*i.e.*, protection of market participants and the public; efficiency, competitiveness, and financial integrity of markets; price discovery; sound risk management practices; and other public interest considerations.

⁴⁰ Memorandum of Understanding between the U.S. Securities and Exchange Commission and the U.S. Commodity Futures Trading Commission Regarding Harmonization in Areas of Common Regulatory Interest (March 11, 2026).

⁴¹ *Cf.* Whistleblower Incentives and Protections, 91 FR 16328, 16339 (April 1, 2026) (Department of the Treasury, Financial Crimes Enforcement Network NPRM) (proposing that 30 percent presumption apply when 30 percent of aggregate monetary sanctions are \$15 million or less).

⁴² This is particularly true since members of the legal bar that represent whistleblowers, many of whom are knowledgeable about both agencies' whistleblower programs, may be less likely to seek potential whistleblower clients for, or represent whistleblowers in, the CFTC's Program if they view it as less desirable than the SEC's.

⁴³ Keynote Address of Acting Chairman Caroline D. Pham, ISDA Annual General Meeting (May 15, 2025).

⁴⁴ Section IV.C. (“Consideration of Costs and Benefits”), incorporates additional specific requests for comment.

⁴⁵ 7 U.S.C. 26(1)(7).

rules would not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act (“PRA”), 44 U.S.C. 3501–3521, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. The Commission believes that the proposed amendments, if adopted, would not impose new recordkeeping or information collection requirements that require approval by the Office of Management and Budget under the PRA.

Accordingly, the requirements of the PRA do not apply to this rulemaking.

C. Cost-Benefit Considerations

1. Introduction

CEA section 15(a) requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders.⁴⁶ Section 15(a) further specifies that the costs and benefits shall be evaluated in light of the following five factors: (1) protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The discussion below—framed to conform to Executive Order 12866’s directives for assessing costs and benefits before promulgating a regulation—addresses the Commission’s statutory CEA section 15(a) obligation.⁴⁷

As described above, the Commission is proposing to amend part 165 by adding proposed new rule 165.9(d) to improve the efficiency, transparency, and predictability of processing whistleblower award applications and align the Commission’s approach with

SEC rule 21F–6(c).⁴⁸ Under the current framework, every meritorious claim, regardless of award size, undergoes an individualized, factor-by-factor percentage review. This approach, designed to ensure tailored and fair outcomes, has served the Program across matters of varying complexity. For smaller-dollar matters, however, applying the same amount of analysis can be disproportionately resource-intensive and extend timelines for issuing final awards, which, in turn, potentially weakens incentives for individuals to report violations. Reduced whistleblowing activity, should it occur, could impair the Commission’s ability to enforce the CEA and its regulations effectively, diminish deterrence, and ultimately hinder the Commission’s broader mission of protecting market participants and the public; supporting market efficiency, competitiveness and market integrity; and ensuring sound price discovery and risk management. For reasons discussed below, the Commission sees proposed new rule 165.9(d) as the best option from a cost-benefit standpoint.

2. Baseline for Assessment

The Commission assesses the potential costs and benefits of the amendments under consideration relative to the baseline of current conditions. Specifically, these are the statutory and regulatory conditions specified in existing CEA section 23 and part 165 of the Commission’s regulations and reflected in summary statistics that describe the annual distribution of tips, applications and awards paid by the Program under the existing rules;⁴⁹ as well as present operating conditions that affect whistleblower award timelines.⁵⁰

Section 23 of the CEA directs the Commission to pay awards, in an amount ranging from 10 to 30 percent of collected monetary sanctions, to eligible whistleblowers who voluntarily provide original information leading to a

successful Covered Action or Related Action. The Commission’s implementing regulations reside in part 165, including rule 165.9, which sets out the criteria and procedures for determining award amounts. Under the current rules, claims of all sizes are subject to the same individualized, multi-factor evaluation based on the regulatory criteria addressing significance of information, degree of assistance provided, programmatic considerations, and negative factors such as culpability, unreasonable delay, or interference with internal compliance systems. In short, it is a regulatory structure that includes detailed review procedures uncalibrated to the economic impact of individual cases. Historically, the average interval from claim-submission deadline to final award order has been over two-and-one-half years.⁵¹

Tables 1–3, below, show Program baseline performance metrics. They are labeled as follows to provide common references for the metrics presented: “awards” refers to award payments issued to individual awardees; “orders granting awards” refers to Commission actions issuing formal decisions that confer awards in specific enforcement matters where a single order may cover multiple awardees; “percent of total award dollars” refers to percentage calculated against aggregate dollars paid in whistleblower awards during the stated period. Table 1 presents the distribution of the number of whistleblower tips (received via Form TCR⁵²), award applications (received via Form WB–APP⁵³), awards, and orders granting awards from fiscal year 2012 through the first quarter of fiscal year 2026.⁵⁴ Table 2 presents the distribution of whistleblower awards received by each awardee across award size buckets during the same time period. Table 3 presents the distribution of orders granting whistleblower awards (a given order might have multiple awardees) across award size buckets during the same period.

⁴⁶ 7 U.S.C. 19(a).

⁴⁷ Executive Order 12866 (as supplemented and amended) directs executive agencies to regulate in a manner consistent with the philosophy and principles articulated in it. Executive Order 12866, 58 FR 51735 (Oct. 4, 1993) (“Regulatory Planning and Review”) (as amended by Executive Order 14215, 90 FR 10447 (Feb. 24, 2025) (“Ensuring Accountability for All Agencies”) (“E.O. 14215”)) (sec. 3(a) of E.O. 14215 amends the definition of “agency” in E.O. 12866 sec. 3(b) to bring independent regulatory agencies within E.O. 12866’s scope); Executive Order 13563, 76 FR 3821 (Jan. 21, 2011) (“Improving Regulation and Regulatory Review”) (“E.O. 13563”) (supplementing and reaffirming E.O. 12866).

⁴⁸ The proposed amendments would also redesignate current § 165.9(d) as new § 165.9(e) and make technical corrections in part 165 to update regulatory references to reflect the WBO’s 2025 move, consistent with its adjudicatory functions, from the Division of Enforcement to the Office of the General Counsel. These amendments are ministerial and not expected to generate costs or benefits.

⁴⁹ These summary statistics are available in Tables 1–3, *infra*.

⁵⁰ Under the current framework, rule 165.9 requires an individualized, factor-by-factor review of award-percentage considerations for claims of any size, contributing to processing queues (backlog) in lower-dollar matters.

⁵¹ Multi-claimant matters and those in which Preliminary Determinations are contested are likely to exceed this average.

⁵² See 17 CFR 165.3(a) (prescribing that whistleblowers submit original information via a Form TCR to be eligible for award); *id.* part 165 App. B (Form TCR and Form WP–APP).

⁵³ See *id.* 165.7(b) (prescribing that whistleblowers submit a Form WB–APP to file a claim to receive a whistleblower award); *id.* part 165 App. B (Form TCR and Form WP–APP).

⁵⁴ That is, through December 3, 2025.

TABLE 1—DISTRIBUTION OF THE NUMBER OF WHISTLEBLOWER TIPS, AWARD APPLICATIONS, AWARDS, AND ORDERS GRANTING AWARDS FY 2012–Q1, FY 2026
[Ending December 31, 2025]

FY	Forms TCR	Forms WB–APP	Awards	Orders granting awards
2012	58	16	0	0
2013	138	12	0	0
2014	227	38	1	1
2015	232	47	1	1
2016	273	59	2	2
2017	465	74	0	0
2018	760	120	5	5
2019	455	117	5	5
2020	1,030	140	16	11
2021	961	140	6	6
2022	1,506	152	10	5
2023	1,530	301	7	5
2024	1,744	317	15	12
2025	1,697	203	3	2
2026 Q1	360	18	2	1

TABLE 2—DISTRIBUTION OF WHISTLEBLOWER AWARDS RECEIVED BY EACH Awardee ACROSS AWARD SIZE BUCKETS
[Through December 31, 2025]

Range	Number of awards	Total award count (%)	Total award dollars* (%)
\$2M and below	52	71	4
\$2M+ to \$5M	8	11	6
\$5M+ to \$10M	6	8	12
\$10M+ to \$15M	3	4	10
\$15M+ to \$25M	2	3	11
\$25M and above	2	3	56
Total	73	100	100

* Figures do not sum to 100% due to rounding.

TABLE 3—DISTRIBUTION OF ORDERS GRANTING WHISTLEBLOWER AWARDS ACROSS AWARD SIZE BUCKETS
[Through December 31, 2025]

Range	Number of orders	Total order count* (%)	Total award dollars* (%)
\$2M and below	34	61	3
\$2M+ to \$5M	9	16	7
\$5M+ to \$10M	6	11	12
\$10M+ to \$15M	3	5	10
\$15M+ to \$25M	2	4	11
\$25M and above	2	4	56
Total	56	100	100

* Figures do not sum to 100% due to rounding.

Based on awards the Commission issued through calendar year 2025, whistleblower submissions have contributed to legal judgments calling for more than \$3.3 billion in financial remedies and the return of approximately \$160 million to harmed customers. From 2014, the year of the Commission's first whistleblower award, through calendar year 2025, the Commission granted 73 awards across 56 orders, amounting to more than \$395 million. In fiscal year 2024,

whistleblowers were involved in approximately 42 percent of the Commission's enforcement actions.⁵⁵ These figures demonstrate that the program is firmly established, widely

⁵⁵ See Commodity Futures Trading Commission Whistleblower Program, Customer Education Initiatives 2024 Annual Report, 8 (Oct. 2024), available at <https://www.whistleblower.gov/sites/whistleblower/files/2024-11/FY24%20Customer%20Protection%20Fund%20Annual%20Report%20to%20Congress.pdf>.

used, and integral to the Commission's enforcement objectives.

The distribution of the whistleblower awards across award size buckets further shows that the distribution of awards is highly skewed towards lower dollar amounts, with the majority of awards falling below \$5 million. Approximately 71 percent of awards were at or under \$2 million, collectively representing about four percent of total award dollars paid to whistleblowers. When measured by the Commission's

formal orders granting awards, about 61 percent of these orders were for \$2 million or less, making up roughly three percent of total payouts. Approximately 82 percent of awards were at or under \$5 million and collectively represented about 10 percent of total award dollars paid to whistleblowers. Similarly, 77 percent of orders granting awards were for \$5 million or less, accounting for about 10 percent of total payouts.⁵⁶ Conversely, a small number of large awards, primarily those exceeding \$15 million, account for the largest share of total award payments.

In fiscal year 2025, the Program received 203 award applications and 1,697 tips. As part 165 requires a fully individualized assessment for every claim and award amount, including those with low-value sanctions, the staff review process is labor-intensive and time-consuming, resulting in extended wait-times for award applicants. The longer the interval between the claim deadline and claim-award resolution, the greater the reduction of an expected award's present value, which may diminish the economic incentives for individuals to report potential violations. Challenges to Preliminary Determinations, particularly in small cases, can impose additional wait-times for award applicants. Significant amounts of staff time devoted to reviewing challenges in low-value cases, divert efforts that otherwise would be expended towards processing other claims, potentially ones with greater impact or significance. As a result, resources spent on smaller matters may delay the resolution of other cases, ultimately extending overall award processing times and reducing the Program's effectiveness.⁵⁷

The absence of any streamlined mechanism for small claims contrasts with the SEC's whistleblower program, which, as amended in 2020, includes a presumption for awarding qualifying claimants in matters involving total awards of \$5 million or less at the statutory 30 percent maximum.⁵⁸ Given the potential overlap between commodities and securities enforcement

matters, divergence between the two federal whistleblower programs has the potential to create uncertainty and inconsistent incentives that could dissuade potential whistleblowers.

3. Proposed New Rule 165.9(d) and Other Alternatives Considered

The Commission is proposing to amend rule 165.9 by adding proposed new 165.9(d) to establish a presumption that the Commission will set the award at 30 percent, the statutory maximum, in matters where the total awards in the Covered Action and any Related Actions do not exceed \$5 million (the 30 Percent Presumption) unless certain negative factors are present. That is, subject to meeting the conditions set out in proposed new rule 165.9(d)(1)(ii)–(iii) and the Commission's continued discretion to override the presumption for limited assistance or public interest/Program objective concerns (*see* proposed new rule 165.9(d)(1)(iv)), the award amount will be set at the 30 percent statutory maximum. Under the proposed rule, the presumption would be unavailable if the claimant engaged in culpable conduct, unreasonably delayed reporting, or interfered with an entity's internal compliance system, or where the Commission deems application of the presumption inappropriate due to limited assistance or conflicts with the public interest or the objectives of the whistleblower program.

In addition, in cases where multiple whistleblowers qualify for an award in a matter at or below the \$5 million threshold, the Commission would set the total, aggregate award at 30 percent and would allocate the award among eligible claimants, taking into account the potential that not all awardees may satisfy the conditions for the presumption in proposed new rule 165.9(d)(1)(ii)–(iii). The Commission believes the proposed amendments will increase transparency, predictability, and efficiency in the adjudication of whistleblower claims and more closely align the CFTC's whistleblower rules with the SEC's approach.

In determining to propose new rule 165.9(d), the Commission also assessed its costs and benefits relative to three alternatives: (1) hiring more WBO staff to address the existing backlog and improve processing times, (2) applying the 30 Percent Presumption in matters where the resulting award based on collected monetary sanctions would be \$2 million or less, or (3) applying the 30 Percent Presumption in matters where such an award would total up to \$15 million. The assessment of various thresholds relies on historical Program

data and reflects observed patterns in claim volume, award size distribution, and administrative resource demands.⁵⁹ For 2014 through calendar year 2025, approximately 71 percent of awards fall in the \$2 million-and-below category, but those awards account for only about 4 percent of total award dollars. Expanding the threshold to \$5 million increases the affected population substantially—to 82 percent of awards—while still implicating only about 10 percent of total award dollars. By contrast, extending the threshold to \$15 million captures about 94 percent of awards, but increases the associated award dollars affected to approximately 32 percent. Based on this comparison, the Commission preliminarily believes that applying the 30 Percent Presumption to matters with awards of up to \$5 million would capture a large proportion of whistleblowers while helping ensure that raising the threshold does not significantly increase the total amount of awards distributed, thereby balancing administrative efficiency with the Program's incentive objectives. The Commission recognizes, however, that significant structural changes continue to occur in the financial markets within its jurisdiction, and that the number, nature, and complexity of future enforcement matters—and related whistleblower claims—cannot be predicted with precision. As a result, any estimate of the net effects of the proposed amendment is subject to uncertainty and cannot be expressed with a narrow confidence interval. Recognizing this limitation, the Commission preliminarily believes, based on the information presently available and subject to consideration of public comments, that proposed new rule 165.9(d) represents the most effective and appropriate option from a cost-benefit standpoint.

4. Assessment of Proposed New Rule 165.9(d)'s Benefits

Relative to the baseline and subject to consideration of comments, the Commission preliminarily believes that proposed new rule 165.9(d) would improve the efficiency of whistleblower-award processing; reduce the potential for some administrative and judicial contests; enhance the predictability and procedural clarity of the award process for prospective whistleblowers; strengthen incentives for timely and high-quality reporting; support the effectiveness of the Program and the Commission's enforcement mission; conserve CPF resources; and adopt an

⁵⁶ The Commission has continued to resolve Covered Actions for which the imposed monetary sanctions are small enough that a 30 percent award would not exceed \$5 million.

⁵⁷ *See* 17 CFR 165.7(g)(2) (process for claimants to contest preliminary award); *id.* 165.13(a) (claimants' right to appeal final Commission order). Unlike the amount of an SEC whistleblower award, the amount of a CFTC whistleblower award is subject to judicial challenge. *Cf.* 15 U.S.C. 78u–6(f) with 7 U.S.C. 26(f)(2).

⁵⁸ Whistleblower Program Rules, 85 FR 70898, 70911–70912 (Nov. 5, 2020) (promulgating, among other rules, SEC rule 21F–6(c), codified at 17 CFR 240.21F–6).

⁵⁹ *See* Tables 2 and 3, *supra*.

approach consistent with the SEC's rule 21F-6(c).⁶⁰

Through operation of the 30 Percent Presumption, proposed new rule 165.9(d) is expected to reduce the time and resources required for the WBO and the Commission to engage in the full factor-by-factor analysis specified in rule 165.9(b) and (c) for smaller-dollar matters. Specifically, when the presumption applies, staff would not conduct granular analysis for three award-percentage factors—*i.e.*, (1) the significance of the whistleblower's information; (2) the degree of assistance provided by the whistleblower (beyond confirming that assistance was not limited); (3) the Commission's interest in deterring violations; and (4) participation in internal compliance systems.⁶¹ Assessing all these factors can be labor intensive. For example, evaluating "degree of assistance" may entail reviewing hundreds of pages of investigative records and correspondence, while determining "significance" or "deterrence" involves cross-referencing enforcement outcomes and market impacts. Based on historical data, streamlining the award determination process for matters under the \$5 million threshold should eliminate the need for individualized analysis on these points for many awards, thereby substantially reducing administrative burden. Accordingly, the Commission preliminarily believes that removing these requirements is likely to result in substantial improvements in award-processing efficiency, including fewer disputes over award percentages when the maximum is awarded by operation of the 30 Percent Presumption.⁶² The Commission further notes that the SEC's experience with its analogous provision, SEC rule 21F-6(c), indicates that such a presumption can result in meaningful improvements in award-processing efficiency.⁶³

⁶⁰ The Commission is unaware of metrics to monetize these benefits. Accordingly, they are discussed qualitatively and, to the extent possible, quantitatively.

⁶¹ Commission staff would continue to evaluate the negative factors in rule 165.9(c) to determine whether the presumption applies under proposed new rule 165.9(d).

⁶² A single-claimant award at the 30-percent level eliminates any incentive for that claimant to contest the award percentage in the Preliminary Determination or appeal the Final Determination.

⁶³ According to the SEC's 2021 annual report to Congress, after implementation of the Whistleblower Rule Amendments, the 30 percent presumption was applied in approximately 89 percent of cases with award amounts not exceeding \$5 million, compared to 46 percent prior to the amendments. The report further notes that this presumption has increased consistency, transparency, and expedited the processing of award claims in FY 2021. Securities and Exchange Commission, 2021 Annual Report to Congress

The Commission also preliminarily believes that the benefits of improved processing efficiency are likely to increase over time as the markets within the Commission's jurisdiction continue to evolve. As new products, trading technologies, and market structures emerge, the Commission expects, based on its experience, that the number and complexity of potential enforcement matters will grow as well, expanding the field for potential whistleblower assistance in the process.⁶⁴ Accordingly, the Commission preliminarily believes it is reasonable to expect that streamlined review of smaller-dollar claims will become increasingly important for maintaining Program effectiveness.⁶⁵

In addition, the Commission expects that proposed new rule 165.9(d) will reduce the potential for award-processing delays to discourage future whistleblower reporting. Economic theory and common experience suggest that shorter, more predictable timelines reinforce the incentive to report promptly by increasing the perceived value of prospective awards.⁶⁶ By shortening processing timelines, proposed new rule 165.9(d) should mitigate timing-related disincentives and help preserve the Program's ability to attract high-quality information.

The Commission further anticipates that proposed new rule 165.9(d) will improve the predictability and procedural transparency of the award

Whistleblower Program, 18 (2021), available at https://www.sec.gov/reports?ald=edit-tid&year=All&field_article_sub_type_secart_value=Reports+and+Publications-AnnualReports&tid=59.

⁶⁴ For example, the Commission has observed significant recent growth in event contracts—*i.e.*, derivative contracts, typically with a binary payoff structure, based on the outcome of an underlying occurrence or event—and the prediction markets that trade them. See Prediction Markets, 91 FR 12516, 12517 nn.9–10 and accompanying text (March 16, 2026) (advanced notice of proposed rulemaking). Insider trading in these expanding prediction markets is a particular focus for the Commission's enforcement effort. See David I. Miller, CFTC Director of Enforcement, Public Remarks and New York University Law School—CFTC Enforcement Priorities, Insider Trading in the Prediction Markets and Cooperation with the CFTC (March 31, 2026), available at <https://www.cftc.gov/PressRoom/SpeechesTestimony/opamiller1>.

⁶⁵ The Commission's analysis is grounded in historical Program data, which, combined with the markets' highly dynamic natures, renders it unable to more precisely quantify the likely magnitude of expected efficiency gains *ex ante*.

⁶⁶ According to the economic theory, the longer the time required to make an award, the lower the present value of the award becomes to the claimant at the time of applying, reflecting the time value of money. As a result, if the delay between application and award becomes too long, a potential whistleblower, based on his or her circumstances, may likely decide that the cost of becoming a whistleblower would outweigh the present value of the whistleblower award.

process for prospective whistleblowers. Clearer expectations regarding the likely award percentage and anticipated processing time may encourage timely reporting—particularly before any negative award factors, such as unreasonable delay, could arise. Greater predictability may also enhance prospective whistleblowers' ability to evaluate the present value of potential awards, thereby reinforcing CEA section 23's incentive structure.⁶⁷

Proposed new rule 165.9(d) is also expected to support the effectiveness of the Program and the Commission's broader deterrence and enforcement mission, for which the Program is a market disciplining mechanism. By introducing efficiencies without requiring additional staffing, the proposed new rule would help conserve CPF resources for expenditure on Program awards.⁶⁸ Moreover, by strengthening incentives for individuals to provide timely, high-quality information, proposed new rule 165.9(d) also could conserve enforcement resources that would otherwise be required to independently identify and investigate misconduct.

Finally, harmonizing the Commission's approach with SEC rule 21F-6(c) should reduce interagency differences that otherwise may create uncertainty among prospective whistleblowers operating in markets subject to both agencies' jurisdiction. As noted above, one market participant or entity may be subject to CFTC jurisdiction, while its affiliate market participant or entity may be subject to SEC jurisdiction. And, while the CFTC and SEC oversee different aspects of financial-sector activity, it is not impossible that some broad-reach illegal conduct could implicate the jurisdiction of both agencies, meaning that a prospective whistleblower could conceivably have information valuable to both agencies and/or be informed about both agencies' whistleblower programs.⁶⁹ Such harmonization is consistent with existing coordination between the two agencies and may help ensure that the CFTC's Program is

⁶⁷ Also, some meritorious whistleblowers may receive higher awards than they would under the status quo. The Commission's analysis of historical award data suggests that, of the 43 matters with \$5 million or less in awards, approximately 30 percent would have received a larger award had proposed new rule 165.9(d) been in effect.

⁶⁸ See 7 U.S.C. 26(g)(2) (specifying use of fund); n.3, *supra*.

⁶⁹ Further, symmetry with SEC rule 21F-6(c)'s presumption helps guard against the potential that members of the whistleblower bar may be less inclined to represent clients in Program matters. See n.42, *supra*, noting that the Program's process and award-size potential affects attorneys' incentives as well as whistleblowers'.

viewed as offering fair and comparable incentives, thereby encouraging participation and improving the overall functioning of the federal whistleblower framework.

5. Assessment of Proposed New Rule 165.9(d)'s Costs

Based on historical experience and subject to acknowledged uncertainty about future market conditions and enforcement activity, the Commission preliminarily believes that proposed new rule 165.9(d) would not impose additional burdens on whistleblowers seeking to provide tips or apply for awards; incorporates safeguards that mitigate risks to the public interest; and would result in a limited and manageable increase in award payments from the CPF. Using Program data from 2014 through calendar year 2025, the Commission identified 43 matters with awards at or under \$5 million that, had the 30 Percent Presumption been operative for all 43, could have increased the aggregate award payments from the CPF by as much as \$4 million.⁷⁰ Four million dollars corresponds to one percent of the approximately \$395 million paid in awards since 2014 and less than two percent of the FY 2025 CPF balance, an effect that the Commission preliminarily views as limited and manageable relative to the Program's scale and the CPF's capacity.

Relative to the baseline, the Commission does not anticipate that proposed new rule 165.9(d) would impose material costs on whistleblowers. The proposal does not change the information that whistleblowers must provide to submit a tip or apply for an award, nor does it alter the substantive eligibility requirements under part 165. Accordingly, the Commission expects no incremental burden on potential or existing whistleblowers. Likewise, the proposal introduces no new reporting, recordkeeping, or compliance obligations for the WBO or the Commission, and therefore, is not expected to increase administrative operating costs. Since the proposal reduces, in many cases, the number of positive factors Commission staff need to analyze to determine the award percentage, the Commission preliminarily expects associated processing costs to decline, thereby increasing program efficiency.

Also, the proposed amendment is tailored with conditions and retained Commission discretion to ensure that the 30 Percent Presumption does not result in outcomes contrary to the Commission's interests. The presumption would be unavailable where negative factors are present (including culpability, unreasonable delay, or interference with internal compliance systems) and the Commission would retain the ability to overcome the presumption if applying the maximum percentage would be inappropriate in light of the public interest or the objectives of the whistleblower program. These safeguards are intended to avoid unintended costs associated with over-inclusive awards, *i.e.*, awards at the statutory-maximum percentage notwithstanding that the claimant's assistance was limited or duplicative; the presence of a negative factor (culpability, unreasonable delay, or interference with internal compliance systems); inconsistency with program objectives or the public interest; or unduly awarding one claimant relative to another in a multi-claimant award allocation. The unintended costs could be realized, for example, in the form of diminished Program and/or enforcement effectiveness resulting from dulled or distorted whistleblower incentives to report violations swiftly and provide fulsome whistleblower assistance.

With respect to the CPF,⁷¹ the Commission recognizes that proposed new rule 165.9(d) could increase payments for the subset of awards at or under the \$5 million threshold compared to awards calculated under existing part 165. Using Program data from 2014 through the end of calendar year 2025, the Commission identified 43 matters with \$5 million or less in awards, representing approximately 10 percent of the total award dollars paid over that period. If the 30 Percent Presumption had applied to these 43 matters, the Commission's analysis indicates that total CPF payouts would have increased by less than \$4 million during the entire period the Program has been operated⁷² (*i.e.*, less than \$333,333 on an annualized basis over 12 years). Four million dollars is approximately one percent of the more than \$395 million in whistleblower awards issued since 2014 through calendar year 2025 and less than two percent of the CPF balance at the end of FY 2025.⁷³ Based

on this historical analysis, the Commission does not view the potential increase in CPF withdrawals as threatening the CPF's continued efficacy or its ability to support the Program's statutory functions.⁷⁴

The Commission acknowledges that these estimates rely on the Program's historical experience and that future effects are subject to uncertainty. The derivatives markets overseen by the Commission are experiencing significant structural evolution, including new products, new intermediaries, and changing market dynamics and new trading technologies, introducing uncertainty regarding the number, nature, and size of future enforcement actions and related whistleblower claims. Accordingly, *ex ante* estimates of the proposal's impact on the CPF cannot be expressed with a narrow confidence interval. Recognizing this limitation, the Commission preliminarily believes, based on currently available data and the proposal's tailored safeguards and retained Commission discretion, that any additional costs associated with proposed new rule 165.9(d) are likely to be limited and manageable.

6. Assessment of Alternatives

In developing proposed new rule 165.9(d), the Commission considered several alternatives and has preliminarily determined that none would achieve the same combination of efficiency, incentive alignment, and programmatic coherence as the proposed approach.

The Commission considered increasing WBO staffing to accelerate processing. While additional staff may modestly improve processing capacity in the near term, this alternative does not result in a substantial increase in the number of cases reviewed compared to the 30-Percent-Presumption option in proposed new rule 165.9(d) nor does it fundamentally address the procedural inefficiencies inherent in the current framework. Furthermore, staffing increases are costlier to implement. For example, the Commission estimates the annual salary burden for hiring one data analyst at the CT-13 grade and two attorney-advisors at the CT-14 grade would be \$512,497 per year, not

Initiatives 2025 Annual Report, 3, 21–21 (Feb. 2026) (includes CPF balance sheet showing available balance of \$212,679,118 as of September 30, 2025).

⁷⁴ And, as noted previously, the Commission lacks discretion to consider the CPF balance in its determination of award amount. 7 U.S.C. 26(c)(1)(B)(ii); 17 CFR 165.9(d). Further, the Commission lacks discretion to not pay meritorious awards. See 7 U.S.C. 26(b)(1) (saying the Commission "shall pay" awards to qualifying whistleblowers).

⁷⁰ As previously noted, a portion of these 43 awards were at levels below 30 percent. See n.67, *supra*. The estimated \$4 million increase reflects the impact had all 43 awards been at the 30 percent level.

⁷¹ See n.3, *supra*.

⁷² See nn.67 and 70, *supra*.

⁷³ See Commodity Futures Trading Commission Whistleblower Program, Customer Education

including benefits.⁷⁵ Funding additional staffing from the CPF would require, therefore, a greater draw on resources, without a commensurate improvement in award-processing efficiency. Because this option fails to meaningfully address the underlying procedural inefficiency of the current framework and carries ongoing costs to the CPF, the Commission does not regard it as preferable to the proposed amendment.

The Commission also considered a lower presumption threshold of \$2 million.⁷⁶ Although a \$2 million threshold would capture a substantial number of smaller matters, it would forfeit the benefits associated with harmonization with SEC rule 21F–6(c), including reducing inter-agency disparities that could influence whistleblower behavior in cross-jurisdictional contexts. A lower threshold, assessed on the basis of the historical data, would also apply the presumption to fewer matters,⁷⁷ thereby diminishing potential gains in timeliness, participation, and administrative efficiency without significantly reducing the cost burden on the CPF.⁷⁸ Given these considerations, and recognizing that the CPF impact of a \$5 million threshold appears manageable based on historical data, the Commission preliminarily believes that a \$2 million threshold would not maximize the programmatic and incentive-based benefits sought through this rulemaking.

The Commission also evaluated whether the 30 Percent Presumption should apply to matters with awards up to \$15 million, consistent with an approach proposed by another federal agency in a separate whistleblower rulemaking.⁷⁹ The vast majority of historical awards, approximately 94 percent by count, fall within a \$15

million threshold, substantially more than within the \$5 million threshold under proposed new rule 165.9(d). Based on the historical Program data, such an expansion would scope in roughly one-third of total award dollars (approximately 32%), increasing potential CPF exposure. Additionally, a \$15 million threshold would diverge significantly from the SEC's approach, reducing the harmonization benefits in cross-jurisdictional contexts. For these reasons, the Commission preliminarily concludes that a higher threshold would not offer a superior balance of costs and benefits relative to the proposed \$5 million level.

7. Consideration of CEA Section 15(a) Factors

Section 15(a)(2) of the CEA requires the Commission to consider the costs and benefits of its actions in light of five factors: (1) protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the futures and swaps markets; (3) price discovery; (4) sound risk management practices; and (5) any other public-interest considerations.⁸⁰ The following discussion synthesizes the Commission's consideration of these factors with respect to proposed new rule 165.9(d), based on the Program's historical data and subject to recognized uncertainty regarding the number, nature, and complexity of future whistleblower matters.

The Commission preliminarily believes that proposed new rule 165.9(d) is likely to enhance the protection of market participants and the public by improving incentives for the timely, high-quality reporting of potential violations through more predictable award-percentage outcomes and streamlined processing for matters where the statutory-maximum payout would be \$5 million or less. Assessed using historical Program data, approximately 82 percent of awards by count were \$5 million or less, indicating that more rapid award-percentage determinations for smaller-dollar cases could improve timeliness across a substantial share of meritorious claims. Under proposed new rule 165.9(d), when the presumption applies, granular assessment of specified factors—*e.g.*, significance; degree of assistance (beyond confirming it was not limited); programmatic interest/deterrence; certain negative factors—will be reduced; at the same time, legal sufficiency checks, eligibility checks, and Commission discretion are retained.

Accordingly, the Commission sees this approach as consistent with strengthened detection, deterrence, and remediation without compromising safeguards. More timely and accurate reporting strengthens the Commission's ability to detect, deter, and remediate violations that could harm market participants, distort market integrity, or undermine confidence in derivatives markets. Based on the historical Program data—which shows that, had proposed new rule 165.9(d) been operative since 2014, the aggregate total impact to the CPF would have been less than \$4 million⁸¹—the Commission preliminarily expects proposed new rule 165.9(d)'s impact on the CPF to be limited, manageable, and consistent with the Program's public-interest objectives. In addition, the Commission preliminarily views the alignment between proposed new rule 165.9(d) and the SEC rule 21F–6(c) as likely to reduce cross-jurisdictional uncertainty for prospective whistleblowers operating in markets subject to both agencies, supporting more timely detection and remediation of misconduct. These benefits may increase over time as the evolving structure of CFTC-regulated markets gives rise to new forms of misconduct that whistleblowers are uniquely positioned to identify.

The Commission preliminarily expects proposed new rule 165.9(d) to promote efficiency by streamlining award-percentage determinations for matters in which the statutory-maximum payout would be \$5 million or less, a cohort that accounts for approximately 82 percent of awards by count in historical Program data. Improved Program processing efficiency should feed enforcement program effectiveness, which in turn supports market competitiveness and enhances overall market integrity by increasing the likelihood that harmful conduct will be detected and addressed. The Commission expects similar positive effects for its enforcement program from the alignment of proposed new rule 165.9(d) and SEC rule 21F–6(c). The rules' alignment is likely to reduce cross-jurisdictional uncertainty for prospective whistleblowers—a feature that could potentially improve the flow of whistleblower information to support the Commission's enforcement program effectiveness in furtherance of market competitiveness and financial integrity. Finally, because proposed new rule 165.9(d) does not introduce new

⁷⁵ The Commission estimates that increasing the capacity of the Program by hiring one data analyst at the CT–13 salary grade and two attorney-advisors at the CT–14 salary grade would result in an aggregate minimum annual salary burden (excluding benefits) of \$512,497. This figure was calculated using the Commission's 2026 pay table and the lowest wage specified in the CT–13 and CT–14 wage bands for employees in Washington, DC, respectively.

⁷⁶ This is an approach initially proposed but ultimately not adopted by the SEC. See Whistleblower Program Rules, 85 FR at 70910–70911.

⁷⁷ That is, 61 percent instead of 77 percent as measured by past whistleblower awards. See Table 3, *supra*.

⁷⁸ *Id.* (showing only a four percent difference in total award dollars at the \$2 million-capped level versus the \$5 million-capped level).

⁷⁹ See Whistleblower Incentives and Protections, 91 FR 16328, 16339 (Financial Crimes Enforcement Network, Department of Treasury; proposed 31 CFR 1010.930(e)(3)(iv)—Certain Awards of \$15 Million or Less).

⁸⁰ 7 U.S.C. 19(a)(2).

⁸¹ This figure represents approximately one percent of total awards paid since 2014 and less than two percent of the FY 2025 CPF balance.

reporting, recordkeeping, or compliance obligations, it is not expected to impose new burdens on registrants or other market participants.

Although the proposed new rule 165.9(d) would not directly impact price-formation mechanisms, the Commission preliminarily foresees an indirect contribution to more accurate price discovery. Again, by enhancing the Program's efficiency, transparency and predictability—improvements likely to shorten award timelines and reinforce whistleblower incentives to report—proposed new rule 165.9(d) would operate in service of the Commission's enforcement mission to deter and police misconduct. Misconduct that impairs market transparency, distorts prices, or affects liquidity is more likely to be identified and addressed when whistleblowers have reliable incentives and predictable award outcomes. By enhancing the Commission's ability to detect misconduct earlier and to deploy enforcement resources more efficiently, the proposed amendment supports the statutory objective of fostering fair, orderly, and transparent markets.

Market participants rely on the integrity of derivatives markets to hedge and manage risk effectively. The Commission preliminarily believes that to the extent proposed new rule 165.9(d), for reasons already identified, strengthens deterrence of misconduct and accelerates the Commission's response to potential violations, it will support sound risk-management practices indirectly by accelerating the identification and remediation of misconduct that can create operational, counterparty, or market-wide risks. By reinforcing the incentive for whistleblowers to promptly report information that may reveal systemic risks, operational failures, or abusive conduct, the proposal enhances the Commission's ability to address emerging threats to market integrity. These benefits may be particularly significant given the ongoing evolution of the markets within the Commission's jurisdiction and the accompanying uncertainty in predicting future patterns of misconduct.

The Commission preliminarily believes the proposed new rule 165.9(d) is likely to advance several additional public-interest considerations. First, the proposed new rule is expected to conserve public resources by improving administrative efficiency with limited additional CPF drawdown. Analysis of historical Program data indicates that total CPF payouts would have increased by less than \$4 million during the entire period the Program has operated (*i.e.*,

less than \$333,333 on an annualized basis over 12 years). Four million dollars is approximately one percent of the more than \$395 million in whistleblower awards issued since 2014 and less than two percent of the CPF balance at the end of FY 2025.

Second, the Commission preliminarily believes that aligning the \$5 million threshold with SEC rule 21F-6(c) fosters consistency across the two whistleblower programs, which serves the public interest in effective legal enforcement across financial markets. More specifically, the more harmonized award framework should help ensure that attorneys representing whistleblowers, many of whom submit tips resulting in awards, are motivated and confident in advising and prioritizing CFTC whistleblowers and their cases along with those of SEC whistleblowers. This, in turn, helps prevent valuable whistleblower information from being overlooked or not fully pursued through the appropriate channels whether at the CFTC, SEC or both. Ultimately, consistent legal enforcement across financial markets supports market integrity, market participant protection and public trust in regulatory systems.

8. Request for Comments

The Commission invites public comments on all aspects of its cost-benefit consideration, including but not limited to the correctness of the baseline against which costs and benefit are measured; the correctness of its assessment of proposed new rule 165.9(d)'s costs and benefits; the correctness of its assessment of the costs and benefits of the three identified alternatives; and whether an alternative other than those the Commission is proposing or considered would be more net beneficial and/or better serve the considerations set out in CEA section 15(a)(2) and why. Commenters are also requested to submit data or other information to support any positions they assert as well as to assist the Commission in monetizing, quantifying or qualifying the costs and benefits of proposed new rule 165.9(d) and the alternatives considered.

D. Antitrust Considerations

CEA section 15(b) requires the Commission to consider the public interests protected by the antitrust laws and to take actions involving the least anti-competitive means of achieving the objectives of the CEA. Subject to consideration of comments, the Commission foresees no negative impact accruing to the public interests protected by the antitrust laws from

proposed new rule 165.9(d).

Accordingly, in its view proposed new rule 165.9(d) is consistent with the least anti-competitive means of achieving the objectives of the CEA.

E. Executive Orders 12866, 13563, and 14192

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select those regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; and distributive impacts). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as any regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, or the President's priorities.

The Office of Management and Budget has determined that this action is not a significant regulatory action as defined in Executive Order 12866, as amended, and therefore it was not subject to Executive Order 12866 review.

This Proposal, if finalized as proposed, is not expected to be an Executive Order 14192 regulatory action, because the proposed rule is not a significant regulatory action under E.O. 12866.

List of Subjects in 17 CFR Part 165

Administrative practice and procedure, Government employees, Investigations, Whistleblowing.

For the reasons stated in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR part 165 as follows:

PART 165—WHISTLEBLOWER RULES

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

Authority: 7 U.S.C. 2, 5, 9, 12a(5), 13a, 13a-1, 13b, and 26.

§ 165.7 [Amended]

■ 2. In § 165.7(e)(1), remove the words “by the Director of the Division of Enforcement.”

■ 3. Amend § 165.9 by:

■ a. Redesignating paragraph (d) as paragraph (e); and

■ b. Adding a new paragraph (d) to read as follows:

§ 165.9 Criteria for determining amount of award.

* * * * *

(d) *Additional considerations in connection with certain awards of \$5 million or less.* (1) This paragraph (d) applies when the Commission is considering any meritorious award application where:

(i) The statutory maximum award of 30 percent of the monetary sanctions collected in any covered and related action(s), in the aggregate, is \$5 million or less, and the Commission determines that it does not reasonably anticipate that future collections would cause the statutory maximum award to be paid to any whistleblower to exceed \$5 million in the aggregate;

(ii) None of the negative award factors specified in paragraphs (c)(1) or (c)(3) of this section were found present with respect to the claimant’s award application and the award claim does not trigger § 165.17 (concerning awards to whistleblowers who engage in culpable conduct);

(iii) The claimant did not engage in unreasonable reporting delay under paragraph (c)(2) of this section (although the Commission, in its discretion, may in certain limited circumstances determine to waive this criterion if the claimant can demonstrate that doing so based on the facts and circumstances of the matter is consistent with the public interest and the objectives of the whistleblower program); and

(iv) The Commission does not otherwise determine in its discretion that application of the enhancement afforded by this paragraph (d) would be inappropriate because either:

(A) The whistleblower’s assistance in the covered action or related action (as assessed under paragraph (b)(2) of this section) was, under the relevant facts and circumstances, limited; or

(B) Providing the enhancement would be inconsistent with the public interest, or the objectives of the whistleblower program.

(2) If the Commission determines that the criteria in paragraph (d)(1) of this section are satisfied, the resulting payout to a claimant for the original information that the claimant provided that led to one or more successful covered or related action(s), collectively,

will be the maximum allowed under the statute.

(3) Notwithstanding paragraph (d)(2) of this section, if two or more claimants qualify for an award in connection with any covered action or related action and at least one of those claimants’ award applications qualifies under paragraph (d)(1) of this section, the aggregate amount awarded to all meritorious claimants will be the statutory maximum. In allocating that amount among the meritorious claimants, the Commission will consider whether an individual claimant’s award application satisfies paragraphs (d)(1)(ii) and (d)(1)(iii) of this section.

§ 165.10 [Amended]

■ 4. In § 165.10(a)(7), remove the words “Division of Enforcement.”

■ 5. Revise § 165.15 to read as follows:

§ 165.15 Administering the whistleblower program.

(a) *Specific authorities—(1) Payments, deposits, and credits.* The Executive Director is authorized to deposit into or credit collected monetary sanctions to the Fund, and to make payment of awards therefrom, with the concurrence of the General Counsel, or of their respective designees.

(2) *Designation of claims review staff.* The Claims Review Staff referenced in § 165.7 shall be composed of no fewer than three and no more than five staff members from at least two of the Commission’s Offices or Divisions (except the Office of the General Counsel) who have not had direct involvement in the underlying enforcement action, as designated by the General Counsel in consultation with the Executive Director.

(3) *Disclosure of whistleblower identifying information.* The General Counsel is authorized on behalf of the Commission to exercise its discretion to disclose whistleblower identifying information under § 165.4(a).

(b) *General authority to administer the program.* The General Counsel shall have general authority to administer the whistleblower program except as otherwise provided under this part.

Issued in Washington, DC, on June 11, 2026, by the Commission.

Christopher Kirkpatrick,

Secretary of the Commission.

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

Appendix to Whistleblower Award Determination—Commission Voting Summary

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

[FR Doc. 2026–12006 Filed 6–12–26; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF STATE**22 CFR Parts 122, 123, 124, 126, and 130**

[Public Notice: 13021]

RIN 1400–AF94

International Traffic in Arms Regulations (ITAR): Part 130 Changes To Reduce Reporting Burden

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: In support of the policy directed in Executive Order 14268 to reduce rules and regulations involved in the development, execution, and monitoring of foreign defense sales and of arms transfer cases, the Department of State proposes to amend the International Traffic in Arms Regulations (ITAR) to modernize and streamline reporting on certain political contributions and fees or commissions.

DATES: Send comments on or before August 14, 2026.

ADDRESSES: Interested parties may submit comments to the Department by any of the following methods:

• Visit the *Regulations.gov* website at: <https://www.regulations.gov> and search for the docket number DOS–2026–0562.

• Email: DDTCPublicComments@state.gov. Commenting parties must include RIN 1400–AF94 in the subject line of the email message.

Comments received after that date may be considered if feasible, but consideration cannot be assured. Those submitting comments should not include any personally identifying information they do not desire to be made public or information for which a claim of confidentiality is asserted, because any such claim will be deemed waived and comments and/or transmittal emails may be made publicly available. Parties who wish to comment anonymously may do so by submitting their comments via www.regulations.gov, leaving the fields that would identify the commenter blank and including no identifying information in the comment itself.

FOR FURTHER INFORMATION CONTACT: Rob Hart, Office of Defense Trade Controls

Policy, Department of State, email DDTCCustomerService@state.gov; Subject: International Traffic in Arms Regulations: Part 130 Changes to Reduce Reporting Burden (RIN 1400–AF94).

SUPPLEMENTARY INFORMATION: The Department of State's Directorate of Defense Trade Controls (DDTC) administers the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130). The regulations implement certain authorities of the Arms Export Control Act (AECA) (22 U.S.C. 2751 *et seq.*) delegated to the Secretary of State pursuant to Executive Order 13637. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at www.regulations.gov.

In accordance with § 39(a) of the AECA (22 U.S.C. 2779(a)), the Secretary of State requires “adequate and timely reporting on political contributions, gifts, commissions and fees paid, or offered or agreed to be paid,” in connection with the sale or export of certain defense articles, defense services, and design and construction services, under AECA §§ 22, 29, 38, and 38(j)(1)(C)(i) (22 U.S.C. 2762, 2769, 2778, and 2778(j)(1)(C)(i)) to or for the armed forces of a foreign country or international organization. Part 130 of the ITAR implements AECA § 39(a), governing the reporting of covered political contributions and fees or commissions, and related recordkeeping. While AECA § 39 references “political contributions, gifts, commissions and fees,” the ITAR defines “Fee or commission” and “Political contribution” at § 130.5 and § 130.6, respectively, to collectively include the reference to “gifts,” as well as two terms not explicit in the statute, “loan” and “donation.” In this preamble, the Department will use the phrase “political contributions and fees or commissions” to encompass the collective activities defined in those two sections and implementing the text of AECA § 39(a). Similarly, in this preamble, the Department will use the term “payment” to include gifts, loans, donations, and in-kind transactions.

Pursuant to § 130.9(a), an applicant (as defined in § 130.2) must inform DDTC as to whether the applicant or its vendors (as defined in § 130.8) have paid, or offered or agreed to pay, in respect of any sale: (1) political contributions in an aggregate amount of \$5,000 or more; or (2) fees or commissions in an aggregate amount of \$100,000 or more. If an applicant or their vendors has paid, or offered or agreed to pay, such payments relating to a qualifying transaction, the applicant must report to DDTC the information

specified in § 130.10 (herein referred to as a “part 130 report”). Reporting this information to DDTC, or providing a satisfactory explanation as to why the information cannot be reported at that time, is a condition precedent to the granting of the relevant license or approval. Similarly, under § 130.9(b), a supplier (as defined in § 130.7) must also inform DDTC as to whether the supplier or its vendors have paid, or offered or agreed to pay, political contributions or fees or commissions in the same amounts. If so, the supplier must submit a part 130 report to DDTC “no later than 30 days after the contract award to such supplier, or such earlier date as may be specified by the Department of Defense.”

The Department proposes to amend part 130 and related sections of the ITAR to reduce the reporting burden on the regulated community by raising the threshold value to which part 130 requirements apply and the aggregate totals that require reporting, to streamline the reporting process by consolidating submissions to an annual report, and to create a more efficient system for both the regulated community and the Department by introducing a standardized form.

Background

The Department last raised the threshold value for defense articles or defense services to which the requirements in part 130 apply (herein referred to as the “value threshold”) from \$250,000 to \$500,000 on July 22, 1993 (58 FR 39280). The Department now proposes to raise the value threshold from \$500,000 to \$1,000,000. To determine the new threshold amount, the Department used the U.S. Bureau of Labor Statistics Consumer Price Index (CPI) to assess the cumulative impact of inflation since 1993. According to the CPI calculator on the Bureau of Labor Statistics website (https://www.bls.gov/data/inflation_calculator.htm), \$500,000 in July 1993 would have the same buying power as \$1,140,434.78 in January 2026. The proposed value threshold increase, from \$500,000 to \$1,000,000, is rounded down from the calculated adjustment for inflation to maintain a memorable number for compliance for the regulated community, while modernizing the requirement.

The Department also proposes to raise the aggregate total of political contributions that must be reported to DDTC from \$5,000 to \$10,000, as reflected in proposed paragraphs § 130.9(a)(1) and (c)(1). Additionally, the Department proposes to raise the aggregate total of fees or commissions

that must be reported to DDTC from \$100,000 to \$200,000, as reflected in proposed paragraphs § 130.9(a)(2) and (c)(2). Increasing these amounts by 100% would maintain the 1:100 ratio between the aggregate total of political contributions and the value threshold for defense articles or defense services (currently \$5,000 to \$500,000; proposed \$10,000 to \$1,000,000) and the 1:5 ratio between the aggregate total of fees or commissions and the value threshold (currently \$100,000 to \$500,000; proposed \$200,000 to \$1,000,000). Furthermore, the Department would raise the miscellaneous payment thresholds in § 130.10(c)(1) and (c)(2) to half of the proposed aggregate totals in order to maintain the 1:2 ratio between those values. The threshold below which a payment may be labeled a miscellaneous political contribution would increase from \$2,500 to \$5,000 and the threshold below which a payment may be labeled a miscellaneous fee or commission would increase from \$50,000 to \$100,000.

In addition to the proposed updates to the value and payment thresholds in part 130, the Department proposes to streamline the reporting process altogether to improve efficiency and reduce common reporting errors. The current requirement that an applicant's part 130 report accompany an application for authorization and a supplier's part 130 report be submitted within 30 days of contract award, or as specified by the Department of Defense, can result in applicants and suppliers reporting estimated and forecasted payments, and offers and agreements of payments, particularly those which may be contingent upon a future license or contract award, or various other factors. These estimates may or may not be updated with accurate values in a supplementary report. The supplementary report, for example, may not always clarify whether it was submitted to make a correction to a previously reported payment or to add an additional payment, leading to duplicative reporting. In other cases, DDTC has received part 130 reports that include information on political contributions or fees or commissions collectively described as “paid, or offered or agreed to be paid,” failing to indicate whether a particular fee has been paid or whether it was only offered or agreed to be paid.

The lack of consistency and standardization of part 130 reports received by the Department impacts the accuracy of the reports provided to Congress pursuant to AECA § 36(a). As such, in order to produce the information required by § 36(a), the

Department must conduct an extensive manual review of every report it receives from the regulated community.

The Department's position is that "adequate and timely" reporting required by AECA § 39(a) can be achieved through an annual submission process as proposed by this rule. The revisions to the ITAR proposed by this rule would not only improve the ease of compliance with the requirements of part 130, but would also improve the reporting process for the regulated community and the accuracy of the resulting information collected by the Department.

Analysis

In 2020, the Department initiated a review of the process for reporting political contributions and fees or commissions to determine how to improve the information collected pursuant to part 130 in order to better inform the Department and Congress. To support this effort, the Department tasked the Defense Trade Advisory Group (DTAG), a federal advisory committee, with proposing recommendations to address challenges related to reporting and compliance with part 130. Based on the DTAG's recommendations and the Department's own analyses, the Department determined that duplicative reporting across multiple programs or products, over-reporting based on estimates, and the absence of a standard form affect the accuracy of the information.

The Department intends to improve the process for reporting pursuant to part 130 by proposing a new form to standardize submissions and changing to a single report that would be submitted to DDTC at the time of an applicant's or supplier's annual registration renewal under part 122 of the ITAR. A supplier that is not registered with DDTC under part 122 would report by the end of the federal fiscal year, September 30. The Department would no longer require a statement regarding part 130 to be made in an application for authorization under ITAR parts 123, 124, and 125; thus, the section relating to compliance with part 130 would be removed from the DSP-5, DS-6004, and DSP-85 forms.

The new part 130 annual reporting form would include distinct fields for applicants and suppliers to provide payments and offers or agreements, and, for example, to indicate repeating entries, allowing industry to better communicate different or unique scenarios, such as recurring payments and offers across multiple sales. Currently, DDTC receives part 130

reports under the approved information collection "Statement of Political Contributions, Fees, and Commissions Relating to Sales of Defense Articles and Defense Services" (OMB Control Number: 1405-0025), without a standard form. For this reason, DDTC receives submissions in various formats with inconsistent levels of detail, requiring significant labor to manually process the information for congressional reports and compliance purposes. The inconsistent formatting and information reported often requires DDTC to contact the applicant or supplier with questions or clarifications. A standardized form would reduce errors during the initial submission process, decreasing the need for the Department to follow-up with applicants or suppliers.

The standardized form would improve the reporting process and the accuracy of the information collected by the Department. The proposed change to an annual submission would enable applicants and suppliers to review the previous 12 months of relevant activity and report based on what has occurred during that time, rather than on forecasts or estimates. Finally, consolidating reporting into a single annual submission would simplify the reporting process for entities managing numerous reports across multiple programs or subsidiaries.

Proposed Implementation

An applicant or supplier that pays, or offers or agrees to pay, political contributions or fees or commissions in aggregate totals specified in § 130.9 would still be required to furnish that information to DDTC. Instead of furnishing the information with a request for authorization under parts 123, 124, and 125, or within 30 days of a contract award to a supplier, as under the current regulations, the Department proposes that information be furnished in an annual report submitted to DDTC with the applicant's or supplier's registration renewal. If a supplier is not registered with DDTC, the report would be due by September 30 of the relevant year (to coincide with the closing of the Department financial year). The requirement for the annual report is described in proposed paragraphs § 130.9(a) and (c). If an applicant or supplier does not pay, or offer or agree to pay, political contributions or fees or commissions in qualifying aggregate totals during a reporting period, the applicant or supplier would not be required to furnish an annual report for that period. If a vendor elects to furnish information directly to DDTC under § 130.12(c), the vendor would submit

such report at the time of the vendor's annual registration renewal; if a vendor is not registered with DDTC pursuant to part 122, the report would be due by the end of the federal fiscal year, September 30.

If an applicant or supplier needs to correct or amend a previous report or submit a report for a previous reporting period, proposed § 130.11 would contain two reporting requirements distinct from the proposed annual submission—a supplementary report and an interim report. Under the proposed regulations, a supplementary report would only be required as described in proposed paragraphs (a)(1) and (a)(2). A supplementary report described in proposed paragraph (a)(1) would be required when new information, or a subsequent development, necessitates an amendment, correction, or supplement to an annual report that was already furnished to DDTC for a previous reporting period. Subsequent developments that would necessitate a supplementary report include, for example: an applicant discovering that a payment made during a previous reporting period was not included in the appropriate report; or a payment actually made is substantially different than the previously reported estimate. A supplementary report described in proposed paragraph (a)(2) would be required if DDTC requests additional information regarding miscellaneous payments.

The requirement in current paragraph (a)(1) for applicants and suppliers to submit a supplementary report to DDTC when certain political contributions or fees or commissions not previously reported are paid, or offered or agreed to be paid, in connection with a sale for which the applicant or supplier has previously been required to furnish information, would no longer be necessary because that information would be captured in the annual reporting requirement. For that reason, proposed paragraph (a)(1) would replace the current paragraph (a)(1). Under the proposed regulations, an applicant or supplier would submit an annual report to DDTC that includes information on payments, or offers or agreements to pay, that have occurred since the date of their most recent part 130 report, even if, for example, previous payments were reported with respect to that same authorization in a prior year.

An interim report, as described in proposed paragraphs (c) and (d), would be required when new information creates an obligation for an applicant or supplier to furnish an annual report to DDTC for a previous reporting period

and the applicant or supplier did not furnish an annual report to DDTC for that period. New information that would necessitate an interim report includes, for example, an applicant discovering that its vendors have paid a commission with respect to a qualifying sale in an amount that required a report to DDTC, after the applicant renewed its registration and did not submit a report.

Both a supplementary report under (a)(1) and an interim report under (c) would be required to be furnished to DDTC within 30 days of discovering the new information or subsequent development. A supplementary report under (a)(2) would be required to be furnished to DDTC within 30 days of the request from DDTC.

If an applicant or supplier ceases to operate, or their registration expires, the Department would require a part 130 report be submitted to DDTC within 30 days of their registration expiration date or within 30 days of the cessation of operations, to include all information since their last report. In the case of a merger or acquisition of registrants, the parent, acquiring entity, or new entity that maintains the registration number would be responsible for reporting all of the information required under part 130 not yet been reported by the absorbed or acquired entity. The parent, acquiring entity, or new entity would be required to make an initial part 130 report of the absorbed or acquired entity's information no later than six months after the effective date of the merger or acquisition. The parent, acquiring entity, or new entity would be able to report at the time of its registration renewal, if that renewal occurs within six months of the effective date of the merger or acquisition. After the initial report of the absorbed or acquired entity's information, the parent, acquiring entity, or new entity would then be required to report all subsequent activities for any and all subsidiaries with the annual submission during its registration renewal. In the event an entity is sold or restructured more than once in the six-month time period, the obligation to report its prior information to DDTC within six months of the effective date of the original merger or acquisition would remain with the original parent, acquiring entity, or new entity. Each new purchaser or new entity would be required to report all historical information for absorbed or acquired entities not yet been reported to DDTC.

General Revisions

In addition to the proposed substantive changes, the Department takes this opportunity to propose

additional revisions to continue the Department's ITAR reorganization efforts initiated by 87 FR 16396 (Mar. 23, 2022). In keeping with those efforts, the Department further proposes to clarify, organize, and eliminate duplicative text throughout the ITAR in sections that are within part 130 and those that reference part 130. The following proposed revisions incorporate both substantive changes and reorganization efforts; however, where there is purely a clarifying or organizational revision and no change in policy or scope of the regulation, it will be indicated as such. The Department notes that there are other minor changes in part 130 that will be addressed in a future rulemaking; as such, the Department does not address those minor changes here.

Throughout part 130, the Department proposes to remove each reference to "license or approval" and add in its place "authorization." This revision is to make consistent references to licenses and the controlled activities for which they are issued and does not implement a change in policy or regulation. The Department proposes to revise acronyms and initialisms in part 130 to follow a standard format. Where a single term for which there is a known acronym appears on more than two occasions within any one section, the first instance is followed by a parenthetical containing the acronym and subsequent use of the term is by acronym. This provides consistency of format without sacrificing clarity and limits unnecessary text.

Section-Specific Revisions

The Department proposes to amend § 122.4 by adding note 3 to paragraph (c), which would reference the six-month part 130 reporting requirement applicable to mergers and acquisitions, in order to assist industry with the new requirement. Section 123.1 would be amended by removing paragraph (c)(6) in order to remove the requirement that a statement concerning the payment of political contributions and fees or commissions accompany an application for permanent export. Switching to an annual report would eliminate the need for this statement to be included in an application for authorization. For the same reason, the Department also proposes to amend § 124.12(a)(6) by striking the last sentence that requires letters of transmittal to include a statement pursuant to part 130.

The Department proposes to amend § 126.16 and § 126.17 (exemptions that implement the Defense Trade Cooperation Treaty between the United States and Australia and the Defense

Trade Cooperation Treaty between the United States and the United Kingdom, respectively), to revise paragraph (m) relating to political contributions and fees or commissions in both sections. The Department proposes to remove the reference to "§ 130.10" and add in its place "§ 130.9," and to remove the threshold amount. Section 130.10 specifies the information that is required to be submitted to DDTC, while § 130.9 contains the relevant obligation to report to DDTC. The obligation to furnish the information specified in § 130.10 exists only for defense articles or defense services valued at the threshold amount defined in part 130, thus adequately conveying the requirements and making the specific references in §§ 126.16–17 to both the information that must be reported and the threshold unnecessary.

In § 130.2, the Department proposes to clarify within the definition of "applicant" that an applicant includes a person who applies for authorization, who is issued authorization, and a person who utilizes or plans to utilize one of the exemptions implementing the Defense Trade Cooperation Treaties in § 126.16 or § 126.17. In §§ 130.2, 130.7, and 130.8, the Department proposes to increase the \$500,000 threshold to \$1,000,000 for the reasons explained in this preamble. The Department proposes to move the section defining "political contribution" from § 130.6 to § 130.5 and the section defining "fee or commission" from § 130.5 to § 130.6, to match the order in which the terms are used in the AECA and their initial implementation in the ITAR (41 FR 40608 (Sept. 16, 1976)). This proposed revision is organizational and would not impact the scope of the definitions.

The Department proposes to revise the section headings for § 130.9 and § 130.10, to simplify and better describe the contents in each section. The proposed changes to these section headings would not impact the scope of the regulations. The section heading for § 130.9 would be revised from "Obligation to furnish information to the Directorate of Defense Trade Controls." to "Annual reporting requirement." The section heading for § 130.10 would be revised from "Information to be furnished by applicant or supplier to the Directorate of Defense Trade Controls." to "Required information." In § 130.9 through § 130.12, the Department proposes to add a unique paragraph heading for each paragraph to indicate its subject—a standard convention to assist readers with the regulations.

Additionally, in § 130.9, the Department proposes the following

revisions in order to implement the substantive changes discussed herein and also reorganize and clarify existing text:

- Restructuring paragraph (a), which describes the applicant's obligation to report information to DDTC, to mirror the structure of the paragraph regarding the supplier's obligation to report to DDTC (current paragraph (b)) by redesignating current paragraphs (a)(1), (a)(1)(i), and (a)(1)(ii), as paragraphs (a), (a)(1), and (a)(2); and subsequently removing paragraphs (a)(1)(i) and (a)(1)(ii).

- Raising the aggregate total for political contributions in proposed paragraph (a)(1) from \$5,000 to \$10,000 and the aggregate total for fees and commissions in proposed paragraph (a)(2) from \$100,000 to \$200,000 for the reasons discussed in the preamble.

- Redesignating current paragraph (a)(2) as new paragraph (a)(3).

- Removing the text requiring applicants and suppliers to furnish the information specified in § 130.10 to DDTC from the paragraph setting the aggregate threshold for reporting fees or commissions (proposed paragraphs (a)(2) and (c)(2)) and placing it into its own paragraph (proposed paragraphs (b) and (d)). This text would also be revised to reflect the annual reporting process.

- Redesignating current paragraph (b)—the obligation for suppliers to report to DDTC—as paragraph (c); redesignating current paragraph (c)—relating to the computation of political contributions—as new paragraph (e) and revising for clarity; and redesignating current paragraph (d)—the obligation to furnish new information to DDTC—as new paragraph (f).

- Revising new paragraph (f) to indicate that when an applicant or supplier discovers new information about a previous reporting period, the applicant or supplier may be required to submit a supplementary or interim report pursuant to § 130.11.

- Adding new paragraph (g) regarding reporting requirements when there is a registration expiration, cessation of operations, merger, or acquisition.

- Adding new paragraph (h) to require applicants and suppliers to submit the report using the new standardized form provided by DDTC and to submit the form using a system accessible through the DDTC website.

The Department proposes to amend § 130.10 by making editorial revisions to the introductory text in paragraph (a) for clarity, and adding the requirement that the part 130 report be signed by a senior officer (*e.g.*, chief executive officer, president, secretary, partner, member, treasurer, general counsel) who has been

empowered by the applicant or supplier to sign such documents. The Department also proposes to add new paragraph (e), which would require that the part 130 report include a certification that the submission is complete and accurate made by the senior officer. Currently, part 130 reports are generally submitted with an application for authorization, which requires a signature and certification from an empowered official. The proposed paragraphs (a) and (e) would maintain a similar requirement as part of the new form proposed herein. The Department also proposes to revise paragraph (a)(1) to require that the part 130 report include the DDTC authorization number, applicable exemption, or Department of Defense contract or case number, and the end-item associated with the sale. Because part 130 reports would no longer be provided with the request for authorization, the Department would instead collect the authorization number and a description of the end-item through the annual submission. Similarly, the Department would collect the applicable ITAR exemption or the Department of Defense contract or case number, in order to associate the relevant transaction with the annual submission. Additionally, the Department proposes to revise the introductory text in paragraphs (a)(4) and (b) to remove the reference to a “statement,” because the information would be provided in the proposed submission form, rather than a statement. The Department proposes to update the miscellaneous payment thresholds in paragraphs (c)(1) and (c)(2) for the reasons described in the preamble.

The Department proposes revisions to § 130.11 to modify supplementary reporting and create a new type of interim reporting as described in the preamble above. Accordingly, the section heading would be revised from “Supplementary reports.” to “Supplementary and interim reports.” Current paragraph (a)(1)—which requires applicants and suppliers to submit a supplementary report to DDTC when certain political contributions or fees or commissions not previously reported are paid, or offered or agreed to be paid—would be duplicative with an annual submission process; therefore, the text of that paragraph would be removed. For the same reason, the Department proposes to redesignate paragraph (a)(2) as paragraph (a)(1) with revisions described above, redesignate paragraph (a)(3) as paragraph (a)(2), and remove paragraph (a)(3).

Additionally within § 130.11, the Department proposes to remove both current paragraphs (b)(1) and (b)(2) because the text in paragraph (b)(1) can be incorporated into proposed paragraph (b) and the required information listed in paragraph (b)(2) would be required in proposed § 130.10. New paragraphs (c) and (d) would be added to require the interim reporting process as described above. New paragraph (e) would be added to clarify that furnishing a supplementary report or an interim report under § 130.11 does not relieve an applicant or supplier from any obligation to furnish an annual report to DDTC under § 130.9.

The Department proposes to amend § 130.12 by making editorial revisions in paragraph (a). The Department proposes to revise paragraph (c)—which offers vendors the option to furnish information directly to DDTC and submit an abbreviated statement to applicants and suppliers—to reflect the annual submission process. If a vendor elects to furnish information directly to DDTC, the vendor would submit such report at the time of the vendor's annual registration renewal; if a vendor is not registered with DDTC pursuant to part 122, the report would be submitted by the end of the federal fiscal year, September 30. The Department proposes organizational edits to paragraph (d), so that its structure matches other sections in part 130. Paragraph (d)(1) would be redesignated as paragraph (d); paragraphs (d)(1)(i), (d)(1)(ii), and (d)(1)(iii) would be redesignated as paragraphs (d)(1), (d)(2), and new paragraph (d)(3). Consequently, current paragraph (d)(2) would be redesignated as new paragraph (e). The revisions to paragraph (d) and addition of paragraph (e) do not reflect a change in policy or regulation.

Example Reporting Scenarios

The following scenarios exemplify how reporting would be required under the proposed regulations as described in this proposed rule:

Example 1

In January through June 2026, Company A obtains a technical assistance agreement (TAA) that expires in 10 years, a manufacturing licensing agreement (MLA) that expires in 10 years, a DSP–73 authorization for temporary export, and a DSP–5 authorization for permanent export. The TAA and the DSP–5 meet the requirements of § 130.2 because both involve defense articles and defense services valued at over \$1,000,000, which are being sold commercially to the armed forces of a foreign country. In

that same time period, Company A offered four fees in a qualifying aggregate total with respect to the TAA and paid one commission above the qualifying total with respect to the TAA. No payments, or offers or agreements to pay, were made in connection with the DSP–5. Company A plans to renew their registration under part 122 with DDTC in October 2026. Under the proposed regulations, Company A would be required to furnish an annual report to DDTC pursuant to § 130.9(a)(2). In the annual report, Company A would be required to include the information specified in § 130.10 with respect to the four offers of fees and the payment of the commission in connection with the TAA. Company A would not be required to include information with respect to the DSP–5 that meets the requirements of § 130.2 because no payments, or offers or agreements to pay, were made in connection with that authorization.

Example 2

Using the same facts from the previous example, Company A renews its registration with DDTC in October 2026 and furnishes the appropriate annual report pursuant to § 130.9. In January 2027, Company A pays two political contributions in a qualifying aggregate total in connection to the same 2025 TAA that it included in its annual report to DDTC the prior year. Under the proposed regulations, in October 2027, Company A would be required to furnish to DDTC the information specified in § 130.10 with respect to the two payments of political contributions in its annual report submitted during registration renewal.

Example 3

Using the same facts from the previous example, on March 1, 2028, Company A discovers that it paid a fee in a qualifying aggregate total with respect to the DSP–5 it obtained in 2025. On March 10, 2028, Company A offers two commissions in a qualifying aggregate total with respect to a new MLA that meets the requirements of § 130.2. Under proposed § 130.11(a)(1), Company A would be required to furnish to DDTC a supplementary report within 30 days of March 1, 2028, that includes the information specified in § 130.10 with respect to the DSP–5 obtained in 2025 and an explanation as to why Company A did not furnish this information at the time it submitted its annual report for that year. Company A would also be required to furnish its annual report in October 2028 during registration renewal and include the information specified in § 130.10 with

respect to the payments made relating to the new MLA.

Example 4

In February 2026, Company B obtains a TAA that expires in 10 years that meets the requirements of § 130.2, but Company B does not make payments, or offers or agreements to pay, political contributions or fees or commissions in relation to that TAA. Company B renews its registration with DDTC in April 2026 and, under the proposed regulations, would not be required to furnish an annual report to DDTC pursuant to § 130.9. From April 2026 to April 2027, Company B does not apply for or obtain authorizations that meet the requirements of § 130.2. However, in April 2027, Company B discovers that, in March 2026, Company B had paid one political contribution above the qualifying total with respect to the 2026 TAA. Pursuant to the proposed § 130.11(c), Company B would be obligated within 30 days of this discovery to furnish to DDTC an interim report that includes the information specified in § 130.10 with respect to the 2026 TAA and an explanation as to why Company B did not furnish this information at the time it renewed its registration. Company B would not be required to file an annual report in April 2027 because Company B did not make any payments or offers or agreements to pay since its most recent registration renewal.

Comments Requested

The Department encourages the public to provide comments directly related to this proposed rule and provide responses to the questions presented herein. To facilitate timely review and assessment, comments should be provided in a concise sentence or paragraph, followed by supporting explanatory paragraphs and examples, with each distinct comment treated separately, as opposed to multiple comments in one paragraph or section. The Department specifically requests comments on the following matters:

1. Do you foresee any operational, administrative, or compliance challenges with the change to annual part 130 reporting?
2. With this rule, the Department would be revising an existing collection of information under OMB control number 1405–0025 titled *Statement of Political Contributions, Fees, and Commissions Relating to Sales of Defense Articles and Defense Services* to add a new form. This proposed form would utilize existing systems accessible through the DDTC website.

Information regarding this collection of information—including all current supporting materials—can be found at <https://www.reginfo.gov/public/do/PRAMain> by using the search function to enter either the title of the collection or the OMB Control Number. The Department requests comment on the draft version of the form, available at [regulations.gov](https://www.regulations.gov) (see Docket information under **ADDRESSES**, above).

3. Considering different reporting scenarios, do you anticipate any difficulties with using the proposed form to submit information pursuant to part 130? Note that the form at the link is mockup of a web application and applicants and suppliers would not submit the actual form as a PDF.

4. Do you expect that annual reporting and the standard form would result in a more precise and accurate accounting of the appropriate payments?

5. Do the proposed changes in this rule alleviate any difficulties that you currently experience when reporting information pursuant to part 130? If not, why?

Regulatory Analysis and Notices

Administrative Procedure Act

This rulemaking is exempt from the rulemaking requirements of § 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) pursuant to § 553(a)(1) as a military or foreign affairs function of the United States. Nevertheless, and without prejudice to this determination, the Department elects to seek public comment on this rule.

Regulatory Flexibility Act

Since this rule is exempt from the notice-and-comment rulemaking provisions of 5 U.S.C. 553, it does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Executive Orders 12372 and 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in

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

Executive Orders 12866 and 13563

Executive Order 12866, as amended by Executive Order 13563, directs 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department specifically welcomes public comment on the impact, including costs and benefits, of this rule. After review by the Office of Management and Budget (OMB), this rule has been deemed a significant regulatory action.

The Department believes that this proposed rule, if finalized, will result in a decrease in burden on the regulated entities. See the discussion of the Paperwork Reduction Act, below.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

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

Executive Order 14192

This rule is exempt from the requirements of Executive Order 14192 because it relates to a foreign affairs or national security function of the United States.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) requires all

Federal agencies to analyze proposed regulations for potential burdens on the regulated community created by provisions in the proposed regulations that require the submission or retention of the information. The information collection requirements must be submitted to the Office of Management and Budget (OMB) for approval. Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number.

This proposed rule contains proposed revisions to the information collection currently approved under OMB control number 1405–0025, *Statement of Political Contributions, Fees, and Commissions Relating to Sales of Defense Articles and Defense Services*.

Summary of Proposed Changes to the Collection

In addition to the current information collection requirements contained in § 130.10, this proposed rule would make the following modifications to the information collection:

- Creation of a form for submission of the information.
- Change to an annual submission requirement, rather than a requirement to submit with an application for authorization.
- Adding a description of the end-item as well as the DDTC authorization number, ITAR exemption, or Department of Defense contract or case number to the information collected.

The revisions in this proposed rule would reduce the number of estimated respondents, based on the calculations from the proposed increase to the monetary thresholds, from 57 to 47. While there would be an increase in estimated response time per respondent from one hour to five hours due to changing to an annual submission, the number of responses would significantly decrease from 450 to 47 for that same reason. Finally, the estimated total burden time would decrease by nearly half, from 450 hours to 235 hours.

According to the Department of Labor's Bureau of Labor Statistics, the average hourly wage (weighted) for a "Compliance Officer" is \$81.72.¹ This was calculated by multiplying the average hourly wage (\$40.86) by 2 to account for overhead costs. Therefore, the Department estimates the annual hour-cost burden to applicants to be \$19,204.20 (235 annual burden hours ×

\$81.72), a 48 percent decrease from the current hour-cost burden.

The resultant new estimated total burdens for OMB Control Number 1405–0025 are described below.

- *Title of Information Collection:* Statement of Political Contributions, Fees, and Commissions Relating to Sales of Defense Articles and Defense Services.
- *OMB Control Number:* 1405–0025.
- *Type of Request:* Revision of Currently Approved Collection.

- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

- *Respondents:* Individuals, businesses, or organizations who have paid, or offered or agreed to pay, political contributions or fees or commissions in certain aggregate totals with respect to defense articles or defense services valued in an amount of \$1,000,000 or more that are being sold commercially to or for the use of the armed forces of a foreign country or international organization or individuals, businesses, or organizations who enter into a contract with the Department of Defense for the sale of defense articles or defense services valued in an amount of \$1,000,000 or more under section 22 of the AECA.

- *Estimated Number of Respondents:* 47.

- *Estimated Number of Responses:* 47.

- *Average Time per Response:* 5 hours.

- *Total Estimated Burden Time:* 235 hours.

- *Frequency:* Annually.

- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

- 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.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

¹ Source: Bureau of Labor Statistics; Occupational Employment Statistics <https://www.bls.gov/oes/current/oes131041.htm>.

Methodology

Respondents would submit information electronically through DDTC's electronic system using the new form proposed by this rule.

List of Subjects**22 CFR Parts 122 and 123**

Arms and munitions, Exports, Reporting and recordkeeping requirements.

22 CFR Part 124

Arms and munitions, Exports, Technical assistance.

22 CFR Part 126

Arms and munitions, Exports, Reporting and recordkeeping requirements, Technical assistance.

22 CFR Part 130

Arms and munitions, Campaign funds, Confidential business information, Exports, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth above and under the authority of 22 U.S.C. 2778, 2779 the Department of State proposes to amend title 22, chapter I, subchapter M, parts 122, 123, 124, 126, and 130 as follows:

PART 122—REGISTRATION OF MANUFACTURERS AND EXPORTERS

■ 1. The authority citation for part 122 continues to read as follows:

Authority: Sections 2 and 38, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778); 22 U.S.C. 2651a; E.O. 13637, 78 FR 16129.

■ 2. Amend § 122.4 by adding note 3 to paragraph (c) to read as follows:

§ 122.4 Notification of changes in information furnished by registrants.

* * * * *

(c) * * *

Note 3 to paragraph (c):

Information on political contributions and fees or commissions, as required by part 130 of this subchapter, must be reported to the Directorate of Defense Trade Controls in accordance with § 130.9(g).

* * * * *

PART 123—LICENSES FOR THE EXPORT AND TEMPORARY IMPORT OF DEFENSE ARTICLES

■ 3. The authority citation for part 123 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2753; 22 U.S.C. 2651a; 22 U.S.C. 2776; Pub. L. 105–261, 112 Stat. 1920; Sec. 1205(a), Pub. L. 107–228; Sec. 520, Pub. L. 112–55; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 4. Amend § 123.1 by removing paragraph (c)(6):

§ 123.1 Requirement for export or temporary import licenses.

* * * * *

(c) * * *

(6) [removed]

* * * * *

PART 124—AGREEMENTS, OFF-SHORE PROCUREMENT, AND OTHER DEFENSE SERVICES

■ 5. The authority citation for part 124 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; 22 U.S.C. 2776; Section 1514, Pub. L. 105–261; Pub. L. 111–266; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 6. Amend § 124.12 by revising paragraph (a)(6) as follows:

§ 124.12 Required information in letters of transmittal.

(a) * * *

(6) A statement of the actual or estimated value of the agreement, including the estimated value of all defense articles to be exported in furtherance of the agreement or amendments thereto.

* * * * *

PART 126—GENERAL POLICIES AND PROVISIONS

■ 7. The authority citation for part 126 continues to read as follows:

Authority: 22 U.S.C. 287c, 2651a, 2752, 2753, 2776, 2778, 2779, 2779a, 2780, 2791, 2797, 10423; sec. 1225, Pub. L. 108–375, 118 Stat. 2091; sec. 7045, Pub. L. 112–74, 125 Stat. 1232; sec. 1250A, Pub. L. 116–92, 133 Stat. 1665; sec. 205, Pub. L. 116–94, 133 Stat. 3052; and E.O. 13637, 78 FR 16129, 3 CFR, 2013 Comp., p. 223.

■ 8. Revise § 126.16(m) to read as follows:

§ 126.16 Exemption pursuant to the Defense Trade Cooperation Treaty between the United States and Australia.

* * * * *

(m) *Fees and commissions.* Exporters authorized pursuant to paragraph (b)(2) of this section shall, with respect to each export, transfer, reexport, or retransfer, pursuant to the Defense Trade Cooperation Treaty between the United States and Australia and this section, submit to DDTC information in accordance with § 130.9 of this subchapter relating to political contributions and fees or commissions.

* * * * *

■ 9. Revise § 126.17(m) to read as follows:

§ 126.17 Exemption pursuant to the Defense Trade Cooperation Treaty between the United States and the United Kingdom.

* * * * *

(m) *Fees and commissions.* Exporters authorized pursuant to paragraph (b)(2) of this section shall, with respect to each export, transfer, reexport, or retransfer, pursuant to the Defense Trade Cooperation Treaty between the United States and the United Kingdom and this section, submit to DDTC information in accordance with § 130.9 of this subchapter relating to political contributions and fees or commissions.

* * * * *

PART 130—POLITICAL CONTRIBUTIONS, FEES, AND COMMISSIONS

■ 10. The authority citation for part 130 continues to read as follows:

Authority: Sec. 39, Pub. L. 94–329, 90 Stat. 767 (22 U.S.C. 2779); 22 U.S.C. 2651a; E.O. 13637, 78 FR 16129.

■ 11. Revise § 130.2 to read as follows:

§ 130.2 Applicant.

Applicant means a person who applies to the Directorate of Defense Trade Controls for an authorization required under this subchapter for the export, reexport, or retransfer of defense articles or defense services valued in an amount of \$1,000,000 or more which are being sold commercially to or for the use of the armed forces of a foreign country or international organization. This term also includes a person who applied for and was issued the required authorization or who utilized or plans to utilize an exemption in § 126.16 or § 126.17 of this subchapter.

■ 12. Revise § 130.5 to read as follows:

§ 130.5 Political contribution.

Political contribution means a loan, gift, donation or other payment of \$1,000 or more made, or offered or agreed to be made, directly or indirectly, whether in cash or in kind, which is:

(a) To or for the benefit of, or at the direction of, any foreign candidate, committee, political party, political faction, or government or governmental subdivision, or any individual elected, appointed or otherwise designated as an employee or officer thereof; and

(b) For the solicitation or promotion or otherwise to secure the conclusion of a sale of defense articles or defense services to or for the use of the armed forces of a foreign country or international organization. Taxes, customs duties, license fees, and other charges required to be paid by applicable law or regulation are not regarded as political contributions.

■ 13. Revise § 130.6 to read as follows:

§ 130.6 Fee or commission.

(a) *Fee or commission* means, except as provided in paragraph (b) of this section, a loan, gift, donation or other payment of \$1,000 or more made, or offered or agreed to be made directly or indirectly, whether in cash or in kind, and whether or not pursuant to a written contract, which is:

(1) To or at the direction of any person, irrespective of nationality, whether or not employed by or affiliated with an applicant, a supplier or a vendor; and

(2) For the solicitation or promotion or otherwise to secure the conclusion of a sale of defense articles or defense services to or for the use of the armed forces of a foreign country or international organization.

(b) The term fee or commission does not include:

(1) A political contribution or a payment excluded by § 130.5 from the definition of political contribution;

(2) A normal salary, excluding contingent compensation, established at an annual rate and paid to a regular employee of an applicant, supplier or vendor;

(3) General advertising or promotional expenses not directed to any particular sale or purchaser; or

(4) Payments made, or offered or agreed to be made, solely for the purchase by an applicant, supplier or vendor of specific goods or technical, operational or advisory services, which payments are not disproportionate in amount with the value of the specific goods or services actually furnished.

■ 14. Revise § 130.7 to read as follows:

§ 130.7 Supplier.

Supplier means a person who enters into a contract with the Department of Defense for the sale of defense articles or defense services valued in an amount of \$1,000,000 or more under § 22 of the Arms Export Control Act (22 U.S.C. 2762).

■ 15. Amend § 130.8 by revising the introductory text to paragraph (a) and paragraph (a)(1) to read as follows:

§ 130.8 Vendor.

(a) *Vendor* means a distributor or manufacturer who, directly or indirectly, furnishes to an applicant or supplier defense articles valued in an amount of \$1,000,000 or more which are end-items or major components as defined in § 120.45 of this subchapter. It also means any person who, directly or indirectly, furnishes to an applicant or supplier defense articles or services valued in an amount of \$1,000,000 or

more when such articles or services are to be delivered (or incorporated in defense articles or defense services to be delivered) to or for the use of the armed forces of a foreign country or international organization under:

(1) A sale requiring authorization from the Directorate of Defense Trade Controls under this subchapter; or

* * * * *

■ 16. Revise § 130.9 to read as follows:

§ 130.9 Annual reporting requirement.

(a) *Applicant obligation to report.* An applicant must submit an annual report to the Directorate of Defense Trade Controls (DDTC) if the applicant or its vendors have paid, or offered or agreed to pay, in respect of any sale:

(1) Political contributions in an aggregate amount of \$10,000 or more; or

(2) Fees or commissions in an aggregate amount of \$200,000 or more.

(3) The requirements of paragraph (a) do not apply in the case of a sale for which all the information specified in § 130.10 has already been reported to DDTC.

(b) *Timing and content of annual applicant report.* If the applicant or its vendors have paid, or offered or agreed to pay, political contributions or fees or commissions as specified in paragraphs (a)(1) or (a)(2) of this section, the applicant must furnish the information specified in § 130.10 in a report to DDTC. The report shall be submitted at the time of the applicant's registration renewal and include all qualifying payments, or offers or agreements to pay, since the date of the applicant's most recent registration or renewal. If all required information cannot be furnished at the time of submission, the applicant shall include in its report an explanation as to what information cannot be furnished and why.

(c) *Supplier obligation to report.* A supplier must submit an annual report to DDTC if the supplier or its vendors have paid, or offered or agreed to pay, in respect of any sale:

(1) Political contributions in an aggregate amount of \$10,000 or more; or

(2) Fees or commissions in an aggregate amount of \$200,000 or more.

(d) *Timing and content of supplier annual report.* If the supplier or its vendors have paid, or offered or agreed to pay, political contributions or fees or commissions as specified in paragraphs (c)(1) or (c)(2) of this section, the supplier must furnish the information specified in § 130.10 in a report to DDTC. The report shall be submitted at the time of the supplier's registration renewal or such earlier date as may be specified by the Department of Defense. If the supplier is not registered with

DDTC, the supplier must submit such report by the last day of the federal fiscal year, September 30. The report shall include all qualifying payments, or offers or agreements to pay, since the date of the supplier's most recent report made pursuant to this part.

(e) *Aggregate computation of political contributions.* Any political contributions which are paid, or offered or agreed to be paid, by or on behalf of, or at the direction of, any person to whom the applicant, supplier or vendor has paid, or offered or agreed to pay, a fee or commission in respect of a sale, must be included in the total computation of political contributions for that sale under this section. Any such political contributions are deemed for purposes of this part to be political contributions by the applicant, supplier or vendor who paid or offered or agreed to pay the fee or commission.

(f) *Reporting for previous periods.* Any applicant or supplier required to furnish information pursuant to paragraphs (a) or (c) of this section, should include the information relating to all qualifying payments, or offers or agreements to pay, that occur during the standard reporting period in the annual submission. In the event of new information about a previous reporting period, an applicant or supplier may be required to furnish a supplementary or interim report pursuant to § 130.11.

(g) *Reporting after registration expiration, cessation of operations, merger, or acquisition.* An applicant or supplier required to furnish information pursuant to paragraphs (a) or (c) of this section, whose registration expires, who ceases to operate, or who merges with, acquires, or is acquired by another, must submit such a report as follows:

(1) An applicant or supplier that ceases to operate, or whose registration expires, must submit a report to DDTC within 30 days of the cessation of operations or the registration expiration date, respectively, that includes all information specified in § 130.10 that has not been furnished in a previous report submitted pursuant to this part.

(2) The parent, acquiring entity, or new entity formed when a registrant merges with another company or acquires, or is acquired by, another company or a subsidiary or division of another company, must furnish to DDTC for the absorbed or acquired company all of the information specified in § 130.10 that has not been furnished to DDTC in a previous report submitted pursuant to this part, no later than 6 months after the effective date of the merger or acquisition. After that report, the parent, acquiring entity, or new entity shall furnish all subsequent

information with its annual report during registration renewal pursuant to part 122 of this subchapter.

(h) *Form submission.* An applicant or supplier must furnish the information specified in § 130.10 using the reporting form provided by DDTC and submit the report using the DDTC website.

■ 17. Revise and republish § 130.10 to read as follows:

§ 130.10 Required information.

(a) *Information to be reported to DDTC.* Persons required to submit a report under § 130.9 must furnish to the Directorate of Defense Trade Controls (DDTC) an annual report signed by a senior officer (e.g., chief executive officer, president, secretary, partner, member, treasurer, general counsel) who has been empowered by the applicant or supplier to sign such documents, including the following information:

(1) The total contract price of the sale to the foreign purchaser; any relevant Directorate of Defense Trade Controls authorization number or exemption, or Department of Defense contract or case number; and the end-item associated with the sale;

(2) The name, nationality, address and principal place of business of the applicant or supplier and, if applicable, the employer and title;

(3) The name, nationality, address and principal place of business, and if applicable, employer and title of each foreign purchaser, including the ultimate end-user involved in the sale;

(4) Except as provided in paragraph (c) of this section, the following information must be provided with respect to such sale:

(i) The amount of each political contribution paid, or offered or agreed to be paid, or the amount of each fee or commission paid, or offered or agreed to be paid;

(ii) The date or dates on which each reported amount was paid, or offered or agreed to be paid;

(iii) The recipient of each such amount paid, or intended recipient if not yet paid;

(iv) The person who paid, or offered or agreed to pay such amount; and

(v) The aggregate amounts of political contributions and of fees or commissions, respectively, which shall have been reported.

(b) *Specified information relating to certain payments and recipients.* In responding to paragraph (a)(4) of this section, the report must:

(1) With respect to each payment reported, indicate whether such payment was in cash or in kind. If in kind, it must include a description and valuation thereof. Where precise

amounts are not available because a payment has not yet been made, an estimate of the amount offered or agreed to be paid must be provided;

(2) With respect to each recipient, state:

(i) Its name;

(ii) Its nationality;

(iii) Its address and principal place of business;

(iv) Its employer and title; and

(v) Its relationship, if any, to the applicant, supplier, or vendor, and to any foreign purchaser or end-user.

(c) *Payments that may be labeled as miscellaneous.* In submitting a report required by § 130.9, the detailed information specified in paragraph (a)(4) and (b) of this section need not be included if the payments do not exceed:

(1) \$5,000 in the case of political contributions; and

(2) \$100,000 in the case of fees or commissions.

In lieu of reporting detailed information with respect to such payments, the aggregate amount thereof must be reported, identified as miscellaneous political contributions or miscellaneous fees or commissions, as the case may be.

(d) *Required responses.* Every person required to furnish the information specified in paragraphs (a) and (b) of this section must respond fully to each subdivision of those paragraphs and, where the correct response is “none” or “not applicable,” must so state.

(e) *Senior officer certification.* The senior officer empowered to sign such documents shall include a certification that the submission is complete and accurate.

■ 18. Revise § 130.11 to read as follows:

§ 130.11 Supplementary and interim reports.

(a) *Obligation to submit supplementary report.* An applicant or supplier must furnish to the Directorate of Defense Trade Controls (DDTC) the information specified in § 130.10 in a supplementary report when the applicant or supplier submitted an annual report pursuant to § 130.9 for a reporting period and either:

(1) Subsequent developments cause the information initially reported with respect to that sale to no longer be accurate or complete (e.g., where an applicant is made aware of a payment or offer to pay made during a previous reporting period and not included in a prior annual report, or where a payment actually made is substantially different in amount from a previously reported estimate of an amount offered or agreed to be paid, or where certain information specified in § 130.10 could not be

obtained at the time of annual submission); or

(2) Additional details are requested by DDTC with respect to any miscellaneous payments reported under § 130.10(c).

(b) *Timing and content of supplementary report.* A supplementary report required under paragraph (a)(1) of this section must be furnished to DDTC within 30 days of discovering that the information previously reported to DDTC is no longer accurate or complete. A supplementary report required under paragraph (a)(2) of this section must be furnished to DDTC within 30 days of such request. All supplementary reports must include the information specified in § 130.10 required or requested by DDTC and which was not previously reported.

(c) *Obligation to submit interim report.* Every applicant or supplier must furnish to DDTC the information specified in § 130.10 in an interim report if the applicant or supplier did not submit an annual report pursuant to § 130.9 for a reporting period and later discovers that the applicant or its vendors or the supplier or its vendors have paid, or offered or agreed to pay, political contributions or fees or commissions in an aggregate total specified in § 130.9 during that reporting period.

(d) *Timing and content of interim report.* An interim report required under paragraph (c) of this section must be furnished to DDTC within 30 days after discovering the information that, if known to the applicant or supplier at the time, would have obliged the applicant or supplier to submit an annual report pursuant to § 130.9. Any interim report furnished under paragraph (c) must, in addition to the information specified in § 130.10, include a detailed statement of the reasons why applicant or supplier did not furnish the information at the time specified in § 130.9.

(e) *Interaction of supplementary or interim report with annual reporting requirement.* An applicant or supplier who furnishes a supplementary report or an interim report to DDTC pursuant to paragraphs (a) or (c) of this section is not released from any obligation to furnish an annual report to DDTC as specified in § 130.9.

■ 19. Revise § 130.12 to read as follows:

§ 130.12 Information to be furnished by vendor to applicant or supplier.

(a) *Initial vendor statement.* In order to determine whether it is obliged under § 130.9 to furnish the information specified in § 130.10 with respect to a sale, the applicant or supplier must obtain from each vendor, from or

through whom the applicant or supplier acquired defense articles or defense services forming the whole or a part of the sale, a statement containing a full disclosure by the vendor of all political contributions or fees or commissions paid, by the vendor with respect to such sale. Such disclosure must include all the information relating to the vendor that enables the applicant or supplier to comply fully with §§ 130.9 and 130.10. If so required, the applicant or supplier must include the information furnished by each vendor in the report to DDTC made pursuant to § 130.9.

(b) *Time limit for an initial statement.* Any vendor which has been requested by an applicant or supplier to provide an initial statement under paragraph (a) of this section must, except as provided in paragraph (c) of this section, provide such statement in a timely manner and not later than 20 days after receipt of such request.

(c) *Abbreviated vendor statement.* If the vendor believes that furnishing information to an applicant or supplier in a requested statement would unreasonably risk injury to the vendor's commercial interests, the vendor may instead provide an abbreviated statement disclosing only the aggregate amount of all political contributions and the aggregate amount of all fees or commissions which have been paid, or offered or agreed to be paid, or offered or agreed to be paid, by the vendor with respect to the sale. Any abbreviated statement provided to an applicant or supplier under this paragraph must be accompanied by a certification that the requested information will be reported by the vendor directly to DDTC at the time of the vendor's registration renewal or, if the vendor is not registered with DDTC, by the last day of the federal fiscal year, September 30. The vendor must report to DDTC all information the vendor would otherwise have been required to report to the applicant or supplier under this section. Any report must clearly identify the sale with respect to which the reported information pertains.

(d) *Vendor failure to provide initial statement.* If upon the 25th day after the date of its request to any vendor, an applicant or supplier has not received from the vendor the initial statement required by paragraph (a) of this section, the applicant or supplier must submit to DDTC a signed statement attesting to:

(1) The manner and extent of the applicant's or supplier's attempt to obtain from the vendor the initial statement required under paragraph (a) of this section;

(2) Vendor's failure to comply with this section; and

(3) The amount of time elapsed between the date of the applicant's or supplier's request to the vendor and the date of the signed statement;

(e) *Applicant or supplier obligation if vendor fails to provide statement.* The failure of a vendor to comply with this section does not relieve any applicant or supplier otherwise required by § 130.9 to submit a report to DDTC from the obligation to submit such a report.

Thomas G. DiNanno,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 2026-12019 Filed 6-12-26; 8:45 am]

BILLING CODE 4710-25-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA-HQ-OPP-2026-0332; FRL-13201-02-OCSPJ]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities—February 2026

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits public comment on initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities. The Agency is providing this notice in accordance with the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA uses the month and year in the title to identify when the Agency compiled the petitions identified in this notice of filing. Unit II. of this document identifies certain petitions received in 2023, 2024, 2025 and 2026 that are currently being evaluated by EPA, along with information about each petition, including who submitted the petition and the requested action.

DATES: Comments must be received on or before July 15, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest identified in Unit II. of this document, online 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, is 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:

- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566-1030; email address: RDNotices@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 is the Agency's authority for taking this action?

EPA regulations for residues of pesticide chemicals in or on various food commodities are established under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), requires EPA to publish a notice of receipt of these petitions in the **Federal Register** and provide an opportunity for public comment on the requests.

C. What action is the Agency taking?

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the receipt of pesticide petitions filed under FFDCA section 408 that request the establishment or modification of regulations for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comments on the requests before responding to the petitioner. Pursuant to 40 CFR 180.7(f), a summary of the petition identified in this document, prepared by the petitioner, is included in a docket. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2), and 40 CFR 180.7(b); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Based upon review of the data supporting these petitions and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA may establish a final tolerance or tolerance exemption that “may vary from that sought by the petitioner.” For example, EPA may determine that it is appropriate to vary the commodity name for consistency with EPA’s Food and Feed Commodity Vocabulary, which is located here <https://www.epa.gov/pesticide-tolerances/food-and-feed-commodity-vocabulary>, or vary the tolerance level based on available data, harmonization interests, or the trailing zeros policy. In addition, when evaluating a petition’s requests for a tolerance or exemption, EPA will consider how use of the pesticide on a crop for which a tolerance is requested may result in residues in or on commodities related to that requested commodity (e.g., whether use on sugar beets for which a tolerance was requested on sugar beet root also requires a tolerance on sugar beet tops or whether use on a cereal grain for which a grain tolerance was requested also requires a tolerance on related animal feed commodities derived from that cereal grain). Public commenters should consider the possibility of such revisions in preparing comments on these petitions.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, 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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI 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. Petitions Received

This unit provides the following information about the petitions:

- The Pesticide Petition (PP) Identification (IN) number;
- EPA docket ID number for the petition;
- Information about the petition (i.e., name of the petitioner, name of the

pesticide chemical residue and the commodities for which a tolerance or exemption is sought);

- The analytical method available to detect and measure the pesticide chemical residue or the petitioner’s statement about why such a method is not needed; and
- The division to contact for that petition.

Additional information on the petitions may be obtained through the petition summaries that were prepared by the petitioners pursuant to 21 U.S.C. 346a(d)(2)(A)(i)(I) and 40 CFR 180.7(b)(1), which are included in the docket for the petition as identified in this unit.

• *PP IN-12361.* (EPA-HQ-OPP-2026-0629). Spring Regulatory Sciences on behalf of Clariant Corporation, 500 East Morehead, Charlotte, NC 28202, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180.960 for residues of 2-propenoic acid, 2-methyl-, telomer with 1-dodecanethiol, and 2-methyloxirane polymer with oxirane monoether with 1,2-propanediol mono(2-methyl-2-propenoate) (CAS Reg. No. 1186225-21-7) with a number average molecular weight of 3250 daltons when used as a pesticide inert ingredient in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of tolerance. *Contact:* RD.

• *PP IN-12546.* (EPA-HQ-OPP-2026-0529). Spring Regulatory Sciences (6620 Cypresswood Dr., Suite 250, Spring, TX 77379), on behalf of Gaylord Chemical Company, L.L.C. (106 Galeria Boulevard, Slidell, LA 70458) requests to establish an exemption from the requirement of a tolerance for residues of dimethyl sulfoxide (CAS Reg. No. 67-68-5) when used as a pesticide inert ingredient (solvent/cosolvent) in pesticide formulations applied to growing crops pre- and post-harvest under 40 CFR 180.910, applied to/on animals under 40 CFR 180.930 and in antimicrobial pesticide formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils under 40 CFR 180.940(a). The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of tolerance. *Contact:* RD.

• *PP 3E9081.* (EPA-HQ-OPP-2024-0156). Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606,

requests to amend 40 CFR 180.503 by removing the established tolerances for the residues of the fungicide, cymoxanil, 2-cyano -N-[(ethylamino)carbonyl]-2-(methoxyimino), in or on the raw agricultural commodities: Cilantro, leaves at 19 parts per million (ppm); leafy greens, subgroup 4A at 19 ppm; leaf petioles, subgroup 4B at 6.0 ppm; potato at 0.5 ppm; vegetable, fruiting, group 8-10B at 0.2 ppm. The high-performance level chromatography (HPLC) with ultraviolet (UV) detection is used to measure and evaluate the chemical cymoxanil. *Contact:* RD.

• *PP 3E9081.* (EPA-HQ-OPP-2024-0156). Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish a tolerance in 40 CFR 180.503 for residues of the fungicide, cymoxanil, 2-cyano -N-[(ethylamino)carbonyl]-2-(methoxyimino), in or on the raw agricultural commodities: Arugula at 19 ppm; brassica, leafy greens subgroup 4-16B at 15 ppm; celtuce at 6 ppm; cress, garden at 19 ppm; cress, upland at 19 ppm; fennel, Florence at 6 ppm; leafy greens subgroup 4-16A at 19 ppm; leaf petiole vegetable subgroup 22B at 6 ppm; mango at 0.02 ppm; vegetable, fruiting, group 8-10A at 0.2 ppm; vegetable, root, except sugar beet, subgroup 1B at 0.03 ppm; and vegetable, tuberous and corm, subgroup 1C at 0.05 ppm; and to establish a regional tolerance in 40 CFR 180.503 for residues of the fungicide cymoxanil, 2-cyano -N-[(ethylamino)carbonyl]-2-(methoxyimino) acetamide, in or on succulent shelled bean subgroup 6-22C at 0.05 ppm. The high-performance level chromatography (HPLC) with ultraviolet (UV) detection is used to measure and evaluate the chemical cymoxanil. *Contact:* RD.

• *PP 3E9082.* (EPA-HQ-OPP-2024-0155). Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to amend 40 CFR 180.587 by removing the established tolerances for residues of the fungicide famoxadone (3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione) in or on cilantro, leaves at 25 ppm; potato at 0.02 ppm; tomato at 1.0 ppm; vegetable, fruiting, group 8, except tomato at 4.0 ppm; vegetable, leafy, except brassica, group 4, except spinach at 25 ppm. The gas-liquid chromatography (GC) with nitrogen phosphorus detection (NPD) is used to

measure and evaluate the chemical famoxadone. *Contact:* RD.

- *PP 3E9082.* (EPA-HQ-OPP-2024-0155). Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish a tolerance in 40 CFR part 180.587 for residues of the fungicide famoxadone (3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione) in or on Arugula at 25 ppm; brassica, leafy greens subgroup 4-16B at 40 ppm; celtuce at 25 ppm; cress, garden at 25 ppm; cress, upland at 25 ppm; fennel, Florence at 25 ppm; leafy greens subgroup 4-16A, except spinach at 25 ppm; leaf petiole vegetable subgroup 22B at 25 ppm; mango at 0.9 ppm; pepper/eggplant subgroup 8-10B at 4 ppm; tomato subgroup 8-10A at 1 ppm; vegetable, root, except sugar beet, subgroup 1B at 0.6 ppm; vegetable, tuberous and corm, subgroup 1C at 0.02 ppm; and to establish a regional tolerance in 40 CFR 180.587 for residues of the fungicide famoxadone (3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione) in or on succulent shelled bean subgroup 6-22C (East of the Rocky Mountains) at 0.15 ppm. The gas-liquid chromatography (GC) with nitrogen phosphorus detection (NPD) is used to measure and evaluate the chemical famoxadone. *Contact:* RD.

- *PP 5E9166.* (EPA-HQ-OPP-2025-0126). Applicant: Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63141. *Active ingredient:* Trifloxystrobin. *Product type:* Fungicide. Requests to establish import tolerances in 40 CFR part 180 for residues of the fungicide trifloxystrobin (benzeneacetic acid, (E,E)- α -(methoxyimino)-2-[[[1-(3-(trifluoromethyl)phenyl]ethylidene]amino]oxy]methyl-methyl ester) and the free form of its acid metabolite CGA-321113 ((E,E)-methoxyimino-[2-[1-(3-trifluoromethyl-phenyl)-ethylideneamino]oxymethyl]-phenyl]acetic acid) in or on the raw agricultural commodities: Avocado at 0.5 ppm. A newer analytical method is available employing identical solvent mixtures and solvent to matrix ratio (as the first method), deuterated internal standards, and liquid chromatography/mass spectrometry-mass spectrometry (LC/MS-MS) with an electrospray interface, operated in the positive ion mode is used to measure and evaluate the chemical trifloxystrobin. *Contact:* RD.

- *PP 5F9177.* (EPA-HQ-OPP-2025-3824). Valent BioSciences, LLC, 1910 Innovation Way, Suite 100, Libertyville,

IL 60048, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide fenprothrin in or on all food/feed items (other than those covered by a higher tolerance as a result of use on growing crops) when fenprothrin is used in food/feed handling establishments or as a wide-area mosquito adulticide at 0.9 ppm. The LC-MS/MS method is used to measure and evaluate chemical fenprothrin. *Contact:* RD.

- *PP 5F9195.* (EPA-HQ-OPP-2025-2565). BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, requests to amend (increase) the existing afidopyropen tolerance established in 40 CFR part 180.700 in or on Orange, subgroup 10-10A from 0.15 ppm to 0.3 ppm. In their initial assessment of afidopyropen (DP No. 441491), EPA's HED indicated the existing methods and accompanying independent method validations were sufficient to support afidopyropen tolerances. EPA's ROCKS stated that the submitted analytical method for plant commodities can adequately detect parent afidopyropen (as well as its dimer M440I007) for the purposes of tolerance enforcement. *Contact:* RD.

- *PP 6F9234.* (EPA-HQ-OPP-2025-3824). Valent BioSciences, LLC, 1910 Innovation Way, Suite 100, Libertyville, IL 60048, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide abamectin in or on all food/feed items (other than those covered by a higher tolerance as a result of use on growing crops) when abamectin is used in food/feed handling establishments or as a wide-area mosquito adulticide at 0.1 ppm. The LC-MS/MS method is used to measure and evaluate chemical abamectin. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: June 9, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026-11942 Filed 6-12-26; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 156

[CMS-9874-NC]

RIN 0938-AW02

Request for Information; Comprehensive Review of the Essential Health Benefits Framework and Typical Employer Plan Standard

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: This request for information (RFI) seeks public input to support CMS' comprehensive review of the Essential Health Benefits (EHB) framework and the requirement under the Patient Protection and Affordable Care Act (Affordable Care Act) that the scope of EHB be equal to the scope of benefits provided under a typical employer plan. CMS seeks comment on current interpretations of EHB, State approaches to selecting and updating EHB-benchmark plans, and methodologies used to determine the scope of benefits included as EHB, as well as how these approaches relate to access and market stability under the Affordable Care Act. CMS also seeks comment on variation across States in the scope of benefits included as EHB, cost pressures affecting EHB, processes for updating State EHB-benchmark plans, limitations in available data used to evaluate EHB, and potential impacts of possible future policy changes. The information gathered will inform CMS' evaluation of whether revisions or additions to the current EHB regulations through future notice and comment rulemaking may be appropriate.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by July 15, 2026.

ADDRESSES: In commenting, refer to file code CMS-9874-NC.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <https://www.regulations.gov/docket/CMS-2026-2081>. Follow the "Submit a comment" instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention:

CMS-9874-NC, P.O. Box 8016, Baltimore, MD 21244-8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-9874-NC, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: LeAnn Brodhead, (667) 290-8805.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received at <https://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on [Regulations.gov](https://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

Section 1301(a)(1)(B) of the Affordable Care Act¹ requires qualified health plans (QHPs) to cover the Essential Health Benefits (EHB) package described in section 1302(a) of the Affordable Care Act, which includes coverage of the services described in section 1302(b) of the Affordable Care Act. Section 2707(a) of the Public Health Service Act extends this requirement to non-grandfathered individual and small group health insurance coverage (hereinafter referred to as plans subject to EHB requirements)

irrespective of whether such coverage is offered through an Exchange.

Section 1302(a) of the Affordable Care Act provides for the establishment of this EHB package to include coverage of the EHB (as defined by the Secretary of HHS (Secretary)), cost-sharing limits, and actuarial value (AV) requirements. Section 1302(b) of the Affordable Care Act directs the Secretary, in defining the EHB, to ensure that they are equal in scope to the benefits provided under a typical employer plan and that they include at least the following ten statutory benefit categories and the items and services covered within the categories: ambulatory patient services; emergency services; hospitalization; maternity and newborn care; mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services and chronic disease management; and pediatric services, including oral and vision care. In addition, section 1302(d) of the Affordable Care Act establishes AV standards for plan coverage. Section 1302(b)(4)(A) and section 1302(b)(4)(G)(i) of the Affordable Care Act further direct the Secretary to ensure that such EHB reflect an appropriate balance among the benefit categories so that benefits are not unduly weighted toward any category when defining EHB and to assess whether enrollees are facing any difficulty accessing needed services for reasons of coverage or cost when reviewing EHB, respectively. Sections 1302(b)(4)(G)(ii) and (iv) of the Affordable Care Act direct the Secretary to periodically review EHB to assess whether the EHB needs to be modified or updated to account for any changes in medical evidence or scientific advancement, and how benefit changes affect costs.

HHS initially outlined its intended regulatory approach to defining EHB, including a State benchmark-based approach, in a 2011 bulletin.² We subsequently finalized implementing regulations related to EHB in the Standards Related to Essential Health Benefits, Actuarial Value, and Accreditation final rule, which appeared in the February 25, 2013 **Federal Register** (78 FR 12834) (EHB Rule). As set forth in the EHB Rule, for a non-grandfathered individual or small group market health plan to provide the

required EHB package, the health plan must, among other things, provide the benefits in accordance with the State's EHB-benchmark plan, as described at 45 CFR 156.115. A State's EHB-benchmark plan serves as a reference plan for the benefits considered as EHB in the State. This State benchmark-based framework gives States flexibility in defining EHB in their respective States.

For plan years (PYs) 2014 through 2016, States were required to select—or default to—one of ten “typical” employer plans identified at § 156.100, all of which were based on 2012 plan designs, with any missing benefit categories supplemented as specified under § 156.110.³ States were required to select base-benchmark plans (that is, the reference plan used to determine the specific items and services included as EHB in a State) from among the following four types of health plans: (1) the largest plan by enrollment in any of the three largest small group insurance products in the State's small group market as defined in § 155.20; (2) any of the largest three State employee health benefit plans by enrollment; (3) any of the largest three national Federal Employees Health Benefits Program (FEHBP) plan options by enrollment that are open to Federal employees under 5 U.S.C. 8903; or (4) the largest insured commercial non-Medicaid HMO operating in the State.

For PYs 2017, 2018, and 2019, States retained these same base-benchmark plan options; however, the underlying reference plans were updated from 2012 plans to 2014 plan designs pursuant to revisions to the EHB regulations finalized in the HHS Notice of Benefit and Payment Parameters for 2017 final rule, which appeared in the March 8, 2016 **Federal Register** (81 FR 12204) (2017 Payment Notice). In most States, the EHB-benchmark plans from this period remain in effect today.

The HHS Notice of Benefit and Payment Parameters for 2019 final rule, which appeared in the April 17, 2018 **Federal Register** (83 FR 16930) (2019 Payment Notice), added § 156.111 to provide States with additional options from which to select an EHB-benchmark plan for PYs 2020 and beyond. In that final rule, we stated that we believe States should have additional choices with respect to benefits and affordable coverage, and we added § 156.111 to provide additional flexibility for States

¹ The Patient Protection and Affordable Care Act (Pub. L. 111-148) was enacted on March 23, 2010. The Healthcare and Education Reconciliation Act of 2010 (Pub. L. 111-152), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. In this RFI, the two statutes are referred to collectively as the “Patient Protection and Affordable Care Act,” or “Affordable Care Act.”

² The HHS EHB bulletin is available on the CMS website at https://www.cms.gov/CCIIO/Resources/Files/Downloads/essential_health_benefits_bulletin.pdf.

³ As specified by § 156.100(c), for PYs beginning prior to January 1, 2020, if a State did not make an EHB-benchmark selection using the process described in the section, the State's EHB-benchmark defaulted to the largest plan by enrollment in the largest product by enrollment in the State's small group market.

to select new EHB-benchmark plans starting with the 2020 PY. Specifically, we expanded State flexibility by allowing States to update their EHB-benchmark plans using one of three approaches: (1) selecting the EHB-benchmark plan that another State used for the 2017 PY; (2) replacing one or more EHB categories of benefits in its EHB-benchmark plan used for the 2017 PY with the same category or categories of benefits from another State's EHB-benchmark plan used for the 2017 PY; or (3) otherwise selecting a set of benefits that would become the State's EHB-benchmark plan.⁴ We also established typicality and generosity standards requiring States to demonstrate that the total AV of their EHB is no more or less generous than the total AV in the State's most and least generous typical employer plans, reducing outliers while providing a consistent ceiling on the EHB that is specific and relative to each State. Typicality required that benefits be equal in scope to those of a typical employer plan, defined as one of the original ten base-benchmark plan options or the largest plan by enrollment among one of the five largest group products in the State, given other regulatory conditions were met, effectively giving States fifteen potential comparison plans.⁵ The generosity standard required that updated benefits not be more generous than a comparison plan, defined as the benchmark plan used for PY 2017 or any of the base-benchmark options available for that PY.

In the HHS Notice of Benefit and Payment Parameters for 2025 final rule, which appeared in the April 15, 2024 *Federal Register* (89 FR 26218) (2025 Payment Notice), we finalized revisions to § 156.111 that eliminated the first two options for States to update their EHB-benchmark plans—adopting another State's EHB-benchmark plan in whole or replacing individual EHB categories—beginning in PY 2026 on the basis that they were subsets of the broader option to create a new EHB-benchmark plan. We also amended the typicality standard so that in demonstrating that a State's new EHB-benchmark plan provides a scope of benefits that is equal

to the scope of benefits of a typical employer plan in the State, the scope of benefits of a typical employer plan in the State is defined as any scope of benefits that is as or more generous than the scope of benefits in the State's least generous typical employer plan, and as or less generous than the scope of benefits in the State's most generous typical employer plan, from a defined set of plans identified as typical employer plans. In addition, we removed the generosity standard.

Since establishing a process by which States can apply to update their EHB-benchmark plans in the 2019 Payment Notice, 12 States have updated their EHB-benchmark plans, while the remaining States have continued to use the EHB-benchmark plans that became applicable in PY 2017.

II. Solicitation of Public Comments

In the HHS Notice of Benefit and Payment Parameters for 2027 final rule, which appeared in the May 20, 2026 *Federal Register* (91 FR 29526) (2027 Payment Notice), we noted that we paused review of State applications to modify their EHB-benchmark plans pursuant to 45 CFR 156.111 for PYs beginning on or after January 1, 2027. We also noted that we are conducting a comprehensive review of section 1302 of the Affordable Care Act and the Secretary's statutory responsibilities under that provision.

We are engaging in a renewed examination of the EHB framework in light of significant changes in the health insurance and health care landscape, including changes in employer-sponsored insurance coverage, advances in health care innovations and delivery, shifts in the utilization of services, and rising health care costs. These changes necessitate examination of whether existing approaches to defining EHB, methodologies used to determine whether benefits are “typical” of employer coverage, and scope of benefits included as EHB continue to reflect current market conditions and support the statutory goals of affordability and access to care under the Affordable Care Act. For purposes of this RFI, the term “benefits” refers to items and services, including medical services, treatments, procedures, and covered goods and is intended to encompass the full scope of covered health care services and products unless otherwise specified.

We request comments from all interested parties on several topics related to EHB, including the general EHB framework and the typicality standard. Collectively, these comments will assist CMS in identifying areas

where further analysis or potential future rulemaking may be appropriate.

Commenters are encouraged to identify the specific section and question number(s) (for example, Topic 2, Question 2.1; Topic 4, Question 4.3) addressed in each portion of their submission and to organize comments consistent with the structure of this RFI. Where applicable, commenters are encouraged to provide supporting data, citations to relevant statutory or regulatory provisions, and quantitative analyses to substantiate their views.

Topic 1: Typical Employer Plans and Typicality

The following questions relate to the statutory requirement at section 1302(b)(2)(A) of the Affordable Care Act that the Secretary ensure the scope of EHB is equal to the scope of benefits provided under a typical employer plan, as determined by the Secretary. CMS recognizes that changes to the interpretation of “typical employer plan” and “equal in scope” could affect affordability, market stability, State flexibility, and access to services by influencing which benefits are required to be covered as EHB and the degree of variation permitted across State EHB-benchmark plans.

Question 1.1 (Typical Employer Plan)

The current regulatory framework for identifying a “typical employer plan” as reflected in the EHB-benchmark plan selection framework established under §§ 156.100 and 156.111(b)(2), includes the following plan types:

- Government employee plans (Federal and State);
- Small group plans;
- Large group plans; and
- Self-funded plans.

However, the statute does not specifically require CMS to use a reference plan approach when defining the EHB or ensuring typicality and there are many ways that typicality could be assessed. What considerations, including data availability, representativeness of typical employer plan coverage, and administrative feasibility, should CMS consider when evaluating whether it is appropriate to propose policy changes related to typicality and whether changes to the current framework of a “typical employer plan” are warranted? Are certain types of plans more representative of a typical employer plan than others? Are there other ways that CMS could define and/or assess typicality that are not based on a reference plan approach, such as through a survey of commonly covered benefits within the 10 categories of EHB

⁴ Section 156.111(a).

⁵ The “typicality” standard for EHB is codified in 45 CFR 156.111(b)(2). Under this provision, a State's EHB-benchmark plan must provide a scope of benefits equal to the scope of benefits provided under a typical employer plan; for PYs 2020 through 2025, this was defined either as one of the State's 10 base-benchmark plan options from § 156.100 or the largest large-group health plan by enrollment in the State. <https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-B/part-156/subpart-B/section-156.111>.

or a review of existing data sets (for example, commercial claims data or employer-sponsored coverage surveys)? When considering typicality, should CMS consider employer size? When selecting or designing an EHB-benchmark plan, States have overwhelmingly relied on small group plans as a reference. Is there something inherently more “typical” about these plans such that they are more readily selected, or is this due to factors such as data availability? Are self-funded plans, which cover more than half of people with employer-sponsored coverage, insufficiently represented, and if not, how could CMS use data related to self-funded plans to improve how typicality is defined?

Question 1.2 (Defining Scope of Plan Benefits)

Under current EHB policy, the scope of benefits of a typical employer plan is based on comparison to specific reference plans within the EHB-benchmark framework, rather than a standardized actuarial value-based definition. What advantages or drawbacks should CMS consider when considering whether to define the scope of benefits of a typical employer plan based on AV, as opposed to a definition based on a specific set of benefits or another alternative methodology? We seek comment on considerations such as transparency, data limitations, comparability across plans, and administrative feasibility.

Question 1.3 (Typical Employer Plan Selection Approach)

Under current EHB policy, States must select from specified subsets of typical employer plans when selecting or updating the State’s EHB-benchmark plan. As discussed previously, some of these typical employer plan options are limited to plans that were available in the 2017 PY, while others are available in any PY after 2017. We seek comment on whether and how this approach, including the defined set of plan options and associated constraints, could be refined, as appropriate, to continue to reflect the statutory requirement that EHB be equal in scope to benefits provided under a typical employer plan. What additional or alternative limits, if any, would be reasonable to apply to the use of historical plans (for example, limiting selection to plans that were in effect more than a specified number of years prior; tied to the EHB-benchmark plan selection year, etc.)? Are there modifications to the types of plans included in the current set of options, or to how CMS selects the plan options

available to States, that could further support representation of a typical employer plan? Are there alternative ways CMS could structure or refine the current approach, including the use of plan options or the current requirement that EHB-benchmark plans fall within the range of the least and most generous typical employer plans, to maintain consistency with the statutory standard? In responding, we request that commenters address considerations related to market evolution, medical or scientific advancements, data reliability, and consistency across States.

Topic 2: State Selection of EHB-Benchmark Plans—National Standards and Variation Across States

The current EHB framework allows States to select EHB-benchmark plans that reflect their health insurance markets and population needs. This State-based approach has resulted in variation in the scope of benefits included as EHB across the 51 current EHB-benchmark plans. For example, premium rates and coverage of different benefits vary from State to State. We seek to better understand how this State variation affects consumers, issuers, and State regulators.

Question 2.1 (Overall Impacts Associated With Variation Across States)

To what extent does variation in the scope of benefits included as EHB across States affect consumers, issuers, and State regulators? Please describe specific impacts on:

- Plan availability;
- Consumer education;
- Issuer operations;
- State regulation and enforcement; and
- Market competition.

Question 2.2 (Benefits Associated With Variation Across States)

What are the advantages of State flexibility in defining the scope of EHB? How does State flexibility facilitate:

- Responsiveness to State-specific population needs;
- Innovation in benefit design and coverage approaches; and
- Alignment with State regulations and market conditions?

Question 2.3 (Challenges Associated With Variation Across States)

What challenges result from variation across States in the scope of benefits included as EHB? For example, consider:

- Administrative or compliance burden on issuers; and
- Potential differences in access to EHB based on State of residence, and

potential variation in specific benefit categories (for example, maternity and newborn care, rehabilitative and habilitative services and devices, etc.).

Question 2.4 (Evaluation of the Scope of Benefits Included as EHB Across States)

What methodologies, data sources, or metrics should CMS use to evaluate and compare the scope of benefits included as EHB across States and in relation to typical employer plans? In responding, commenters are encouraged to address claims-based measures, including how differences in prices, service use, and population health may affect comparisons of the scope of benefits included as EHB across States.

Question 2.5 (Variation Across Markets and Populations)

How should CMS interpret differences in health care costs and utilization when comparing the scope of benefits included as EHB across States or plan markets, given that claims data may reflect other factors such as differences in prices, cost of living, or population health?

Topic 3: Affordability and Cost

Since the implementation of EHB requirements under section 1302 of the Affordable Care Act and implementing regulations beginning in 2014, health care delivery models, utilization patterns, and clinical practices have evolved, and overall health care spending has increased.^{8,9} We seek comment on how the scope of benefits included as EHB affects premiums, consumer affordability, and long-term market stability. Additionally, we seek input on whether and how affordability considerations should inform assessments of whether the scope of EHB is equal in scope to benefits provided under a typical employer plan, consistent with section 1302(b)(2)(A) of the Affordable Care Act.

Question 3.1 (EHB-Related Premium Drivers)

What specific aspects of EHB most significantly influence premium levels in the individual and small group markets? In responding, commenters are encouraged to identify specific EHB categories, services, or coverage features that contribute to cost growth, such as high-cost therapies, utilization-intensive

⁸ Centers for Medicare & Medicaid Services, Office of the Actuary, *National Health Expenditure Data*; Agency for Healthcare Research and Quality, *National Healthcare Quality and Disparities Report*, available at <https://www.ahrq.gov/research/findings/nhqdr/index.html>.

⁹ Centers for Disease Control and Prevention, *Health, United States*, available at <https://www.cdc.gov/nchs/hus/index.htm>.

services, or coverage parameters (for example, limits on services or duration of treatment). To what extent does the scope or breadth of coverage within specific EHB categories contribute to premium increases? Are there specific EHB categories, services, or coverage features that do not contribute to cost growth? Have employer plans, especially self-funded plans, implemented changes to plan design features to mitigate cost growth that would lower premiums for plans subject to EHB requirements?

Question 3.2 (Issuer Cost Management Strategies)

How do issuers, employers, and other interested parties manage costs associated with benefits included as EHB, including through benefit design, utilization management techniques, network design, or payment approaches? To what extent do current EHB requirements influence or constrain these cost-management strategies, including how such tools affect affordability and enrollee access to medically necessary care?

Question 3.3 (Coverage and Affordability Tradeoffs)

What factors should CMS consider when evaluating potential tradeoffs between the scope of benefits included as EHB and affordability for consumers, issuers, and Federal taxpayers? In responding, commenters are encouraged to address:

- How State regulators currently evaluate such tradeoffs when designing or regulating EHB coverage;
- How mismatches between EHB and benefits covered by a typical employer plan might introduce adverse selection risks between individual and group plans;
- To what extent CMS should consider that the generosity of EHB affects Federal expenditures through premium tax credits and cost-sharing reductions, in evaluating the appropriate scope of benefits included as EHB; and
- What data or empirical evidence should inform assessments of tradeoffs between an expanded scope of benefits and potential offsets elsewhere in plan design (for example, changes in cost-sharing or coverage limitations) relative to a typical employer plan.

Question 3.4 (Measurement of Affordability and Cost)

What data sources, analytic methods, or research approaches should CMS rely on to evaluate the relationship between the scope of benefits included as EHB, premiums, consumer affordability, and

long-term stability of the individual and small group markets?

Question 3.5 (Emerging Costs and Future Trends)

Are there emerging trends in health care delivery, utilization, or technology that interested parties believe may influence the affordability of benefits included as EHB in future PYs? If so, how should CMS consider these trends when periodically reviewing EHB as required by section 1302(b)(4)(G) of the Affordable Care Act?

Topic 4. Scope of Benefits Included as EHB

We seek comment on how CMS should define and evaluate the scope of EHB, including methodological approaches, employer-sponsored coverage patterns, and how considerations such as clinical effectiveness, preventive services, and population health outcomes may inform which services are reflected in the scope of benefits included as EHB. For purposes of this section, the scope of benefits may include covered services, treatment approaches, coverage limitations, medical management, and other benefit design features that affect access to care and health outcomes.

Question 4.1 (Employer-Sponsored Plan Coverage Outside EHB)

Do employer-sponsored plans routinely cover benefits that are not EHB? What are the most commonly covered benefits by employer-sponsored plans that are not EHB?

Question 4.2 (Factors Informing Scope of Benefits Included as EHB)

What factors should CMS consider when evaluating benefits included as EHB considering the evolution of health care delivery, clinical standards of care, and statutory requirements related to a typical employer plan? For example, should CMS consider:

- AV and cost-sharing levels (for example, whether the scope of benefits allows plans to meet AV requirements and how the scope of benefits affects consumer out-of-pocket costs);
- Breadth of covered services within each EHB category;
- Alignment with clinical guidelines and evidence-based practices;
- Consistency with employer-sponsored coverage; and
- Impact on premium affordability?

Question 4.3 (Defining Scope Within Select EHB Categories)

How should CMS evaluate the appropriate scope of benefits within the 10 EHB categories, specifically with

regard to behavioral health, preventive care, and chronic disease management, to ensure coverage remains clinically appropriate and consistent with statutory requirements?

Question 4.4 (Level of Detail for Defining and Analyzing EHB)

Section 1302(b)(1) of the Affordable Care Act provides that EHB must include “at least the following general categories and the items and services covered within the categories,” as further described in the statute. At what level of detail and using what analytical methods should EHB coverage be defined in EHB-benchmark plans? For example, coverage for “inpatient hospital services” may include many more specific “sub-benefits” and without additional detail, there can be ambiguity in which of the specific “sub-benefits” should be considered covered within “inpatient hospital services.” How should CMS or States ensure that the items and services within each EHB category are appropriately reflected in EHB-benchmark plans?

Question 4.5 (Preventive and Wellness Services, Behavioral Health Services, Chronic Disease Management, and Health Outcomes)

How do current EHB policies support coverage of preventive and wellness services, behavioral health services, and chronic disease management and how should CMS or States evaluate the role of such services in improving health outcomes and influencing long-term affordability when determining the scope of benefits included as EHB?

Topic 5. Updating EHB

Section 1302(b)(4)(G)(i), (ii), and (iv) of the Affordable Care Act direct the Secretary to periodically review EHB to assess whether enrollees are facing any difficulty accessing needed services for reasons of coverage or cost, whether the EHB needs to be modified or updated to account for any changes in medical evidence or scientific advancement, and the potential of additional or expanded benefits to increase costs, respectively. The following questions address the frequency and criteria for EHB reviews, safeguards to ensure consistency with typical employer plan coverage, and how the EHB framework can accommodate changes over time.

Question 5.1 (Frequency of EHB Coverage Review)

How frequently should CMS review EHB coverage, consistent with section 1302(b)(4)(G) of the Affordable Care Act, and consider whether updates to

regulations implementing EHB may be appropriate?

- Should there be a regular review cycle (for example, every 3–5 years)?
- Should EHB reviews be event-driven based on specific triggers or indicators? If event-driven, what factors should prompt CMS to initiate a review (for example, significant changes in medical practices and clinical guidelines, new technological innovations, shifts in employer coverage patterns, identified gaps in consumer coverage, public health emergencies, etc.), and what data source(s) (such as for covered employer benefits) would be relevant to determine when the threshold has been met to prompt such review?
- What are the advantages and disadvantages of implementing a formal review schedule versus maintaining flexibility to conduct reviews of EHB coverage as needed? Do States have the resources to support such reviews?

Question 5.2 (EHB Safeguards)

What, if any, mechanisms or safeguards should be in place to ensure that EHB updates maintain consistency with the statutory requirement that the scope of EHB be equal to the scope of benefits provided under a typical employer plan pursuant to section 1302(b)(2)(A) of the Affordable Care Act?

Question 5.3 (EHB Framework Adaptability)

How could the EHB framework more effectively support innovation and adapt to:

- Changes in medical advancements or clinical guidelines;
- Emerging health care delivery models (for example, telehealth, value-based care);
- Regional variations in health care needs and priorities; and
- Promotion of both stability and flexibility in benefit design?

Topic 6. State Processes for Updating EHB-Benchmark Plans

Since establishing an application process for States to update their EHB-benchmark plans in the 2019 Payment Notice, 12 States have updated their EHB-benchmark plans.¹⁰ As part of this process, States submit proposed updates for review, consistent with applicable statutory and regulatory standards, including the requirement that the scope of benefits be equal to the scope

of benefits provided under a typical employer plan as required by section 1302(b)(2)(A) of the Affordable Care Act. We seek comment on considerations related to the structure and operation of the EHB-benchmark plan update process, including the respective roles of CMS and States, and how this process functions in practice while preserving State flexibility.

Question 6.1 (Experience With the EHB-Benchmark Plan Application Process)

Based on your experience with the current EHB-benchmark plan application process, please describe:

- Aspects of the process that work well and should be maintained; and
- Challenges or limitations encountered during the application process.

Question 6.2 (EHB-Benchmark Plan Application Process Improvements)

What improvements to the EHB-benchmark plan application process would you recommend? Please provide specific suggestions regarding:

- Application requirements, documentation, or submission process that could be clarified, simplified, or streamlined;
- Technical assistance from CMS during the EHB-benchmark plan application process, and what resources or support would be most helpful to States and other interested parties;
- The timing of State applications for EHB-benchmark plan updates (for example, the time required for States to research and submit applications and for CMS to review applications, particularly in relation to when the new EHB-benchmark plan would be effective); and
- Any other aspects of the application process that could be improved to address current challenges or limitations encountered during the process.

Question 6.3 (Impacts of Changes to EHB-Benchmark Plan Application Requirements and Review Process)

How might changes to EHB-benchmark plan application requirements or CMS review processes impact:

- Application preparation and documentation requirements;
- Timeline for CMS review of EHB-benchmark plan applications; and
- Interested parties' engagement?

Question 6.4 (Balancing Federal Oversight and State Flexibility)

How could CMS balance Federal oversight with State flexibility in the EHB-benchmark plan selection process?

What level of CMS involvement in benefit-by-benefit analysis would be appropriate?

For example:

- Should CMS review be limited to ensuring overall compliance with statutory and regulatory requirements?

Topic 7. Market Stability and Considerations Related to Implementation of Potential Refinements to the EHB Framework

We recognize that potential changes to how EHB are defined, interpreted, or updated may create short-term transition and operational challenges. While other sections of this RFI address affordability, State variation, typicality, and the scope of benefits included as EHB, this section focuses specifically on implementation of any future proposed changes, including timing, transition safeguards, and minimizing unintended market and coverage disruptions. We seek public comments on the following questions:

Question 7.1 (Market Stability Impacts)

If CMS were to refine how EHB are defined, interpreted, or updated, what short-term market disruption risks should CMS consider?

- What indicators (for example, enrollment volatility, premium fluctuations, plan withdrawals) would signal market disruption?
- How should CMS distinguish between temporary transition effects and longer-term structural market instability?

Question 7.2 (Implementation and Operational Considerations)

What implementation sequencing and operational readiness considerations should CMS evaluate when considering refining EHB policy?

- What lead time would States and issuers require to operationalize changes and how might that timing vary depending on the type, scope, or complexity of such changes?
- How should CMS account for rate filing timelines, plan certification cycles, and product development processes?
- Are phased or staggered implementation approaches preferred?

If so, how do the potential advantages of these approaches outweigh the potential disadvantages?

Question 7.3 (Consumer Access and Coverage Stability)

How might potential refinements to the EHB framework affect consumer continuity of coverage during transition periods?

- What safeguards could minimize consumer confusion or unintended loss

¹⁰ Centers for Medicare & Medicaid Services (CMS), *Information on Essential Health Benefits (EHB) Benchmark Plans*, available at <https://www.cms.gov/marketplace/resources/data/essential-health-benefits>.

of coverage for medically necessary items and services?

- What communication or transition protections should CMS consider?

Question 7.4 (Transitional Implementation Guardrails)

- What temporary guardrails or monitoring thresholds should CMS consider during initial implementation of potential future EHB refinements to mitigate unintended consequences?
- What corrective tools should be available if unintended operational or market effects emerge?

Question 7.5 (Monitoring and Evaluation Metrics)

- Following implementation of any future EHB refinements, what targeted monitoring framework should CMS use to assess market impacts over time without duplicating broader affordability and data analyses addressed elsewhere in this RFI?

III. Collection of Information Requirements

This is a request for information (RFI) only. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other

publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA.

This RFI is issued solely for information and planning purposes; it does not constitute a Request for Proposal (RFP), applications, proposal abstracts, or quotations. This RFI does not commit the U.S. Government to contract for any supplies or services or make a grant award. Further, we are not seeking proposals through this RFI and will not accept unsolicited proposals. Responders are advised that the U.S. Government will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. We note that not responding to this RFI does not preclude participation in any future procurement, if conducted. It is the responsibility of the potential responders to monitor this RFI announcement for additional information pertaining to this request. In addition, we note that CMS will not respond to questions about the policy issues raised in this RFI.

We will actively consider all input as we develop future regulatory proposals or future subregulatory policy guidance. We may or may not choose to contact individual responders. Such communications would be for the sole purpose of clarifying statements in the responders' written responses. Contractor support personnel may be used to review responses to this RFI. Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this RFI may be used by the Government for program planning on a non-attribution basis. Respondents should not include any information that might be considered proprietary or confidential. This RFI should not be construed as a commitment or authorization to incur cost for which reimbursement would be required or sought. All submissions become U.S. Government property and will not be returned. In addition, we may publicly post the public comments received, or a summary of those public comments.

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on June 11, 2026.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.

[FR Doc. 2026-11994 Filed 6-12-26; 4:15 pm]

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Notices

Federal Register

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Monday, June 15, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

Agency Information Collection Activities: Proposed Collection; Comment Request—Supplemental Nutrition Assistance Program (SNAP): Operating Guidelines, Forms, Waivers, and Annual State Report on Verification of SNAP Participation

AGENCY: Food and Nutrition Administration (FNA), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this information collection. This is a revision of a currently approved collection. This information collection consists of several components of State agency reporting and/or recordkeeping: State Plan of Operations, Puerto Rico Plan of Operations, Territory Memoranda of Understanding (MOUs), budget projection statement, program activity report, waiver requests submitted via the Waiver Information Management System (WIMS), and other plans and submissions such as advance planning documents (APD) for information systems and for electronic benefit transfer systems. Also included in this collection are the activities related to the Annual State Report on Verification of SNAP Participation,¹ which ensures that no person who is deceased, or who has been permanently disqualified from SNAP, improperly received SNAP benefits for the Federal fiscal year (FY) preceding the report submission. Each State agency emails their FNA Regional Office annually to confirm compliance with this requirement.

DATES: Written comments must be received on or before August 14, 2026.

ADDRESSES: Comments may be sent to Maribelle Balbes, Food and Nutrition Administration, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314 or (703) 605-4272. Comments may also be submitted via email to sm.fn.snapsab@usda.gov. Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov> and follow the online instructions for submitting comments electronically. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Jennifer Ragan at (703) 457-6786 or sm.fn.snapsab@usda.gov.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Operating Guidelines, Forms, Waivers, and Annual State Report on Verification of SNAP Participation.

Form Number: FNS-366A; FNS-366B; FNS-388; FNS-388A; SF-425/FNS-778* (*recordkeeping only).

OMB Control Number: 0584-0083.

Expiration Date: 09/30/2026.

Type of Request: Revision of a currently approved collection.

Abstract: Section 16(a) of the Food and Nutrition Act of 2008² (the Act)

authorizes 50 percent Federal reimbursement for State agency costs to administer the program. 7 CFR 272.2(a)³ of SNAP regulations states that State agencies shall periodically plan budget program operations and establish objectives for the next year. This collection is required by Section 4032 of the Agricultural Act of 2014.⁴

The basic components of the State Plan of Operation are the Federal/State Agreement, the Budget Projection Statement (FNS-366A), and the Program Activity Statement (FNS-366B) (7 CFR 272.2(a)(2)).

The Budget Projection Statement (FNS-366A) includes the State agency's projections for each quarter of the next FY and a narrative to show how these projections were calculated. Per 7 CFR 272.2(c), the State agency submits the FNS-366A quarterly to FNA for approval. The State Program Activity Statement (FNS-366B) includes a summary of Program activity for the State agency's operations during the preceding quarter. This statement is submitted quarterly by the State agency to FNA.

State agencies and territories will submit a monthly report of benefit issuance and participation data (FNS-388), and a semi-annual report of benefit and participation data by project area (FNS-388A).

The FNS-366A, the FNS-366B, FNS-388 and FNS-388A are submitted via the Food Programs Reporting System, OMB Control Number 0584-0594,⁵ expiration date 09/30/2026.

State agencies must also annually submit a State plan to FNA via the FNA PartnerWeb at <https://partnerweb.usda.gov/>. Attachments to the plan are to be submitted, as applicable. State agencies must provide FNA with changes to these attachments as they occur. Consequently, these attachments are considered State plan updates. Puerto Rico submits a State Plan of Operations while American Samoa and Commonwealth of Northern Mariana Islands (CNMI) submit an MOU that functions as a State Plan of Operations. Each of these documents are submitted via email.

³ [https://www.ecfr.gov/current/title-7/part-272/section-272.2#p-272.2\(a\)](https://www.ecfr.gov/current/title-7/part-272/section-272.2#p-272.2(a)).

⁴ <https://www.govinfo.gov/content/pkg/COMPS-10872/pdf/COMPS-10872.pdf>.

⁵ <https://www.govinfo.gov/content/pkg/FR-2022-01-04/pdf/2021-28398.pdf>.

¹ <https://fns-prod.azureedge.us/sites/default/files/snap/Farm%20Bill%20Implementation%20Memo.pdf>.

² <https://www.govinfo.gov/content/pkg/COMPS-10331/pdf/COMPS-10331.pdf>.

Under Section 11(o) of the Act, each State agency is required to develop and submit plans via email for the use of automated data processing (ADP) and information retrieval systems to administer SNAP. State agencies and territories are also required to submit a transmittal letter along with the ADP to verify the accuracy of information provided to FNA. Section 16(a) of the Act authorizes partial Federal reimbursement of State costs for State ADP systems that the Secretary determines will assist meeting the requirements of the Act, meets conditions prescribed by the Secretary, are likely to provide more efficient and effective administration of the program, and are compatible with certain other Federally funded systems.

Under 7 CFR 277.18(c)(1),⁶ State agencies must obtain prior written approval from FNA when planning to enhance, replace, or acquire information system equipment with a total acquisition cost of \$6 million or more in Federal and State funds. The State agency must submit an APD via email prior to acquiring planning services and an Implementation APD prior to acquiring ADP equipment or services. Additionally, State agencies administering SNAP may submit a request through WIMS to obtain approval from FNA to deviate from a specific program rule or regulation. Current procedures require that for FNA to approve a SNAP waiver request, the State agency must submit the SNAP waiver request to FNA via WIMS.

SNAP regulations at 7 CFR 273.16⁷ require that State agencies disqualify an individual who has committed an intentional program violation (IPV). Federal regulations at 7 CFR 273.16(e)(8) require that these individuals “be disqualified in accordance with the disqualification periods and procedures in paragraph (b) of this Section” (7 CFR 273.16(b)). Paragraph 7 CFR 273.16(i) requires State agencies to report information concerning each individual disqualified for an IPV to the disqualified recipient database, the electronic Disqualified Recipient System (eDRS), and to use eDRS data to determine the eligibility of individual applicants prior to certification. Activities associated with the reporting of this data are covered under Federal Collection

Methods for SNAP Recipient Claims, OMB Control Number 0584–0446, a collection that is requesting

reinstatement and a new expiration date by OMB, SNAP regulations at 7 CFR 272.14⁸ also require that each State agency establish a system to verify and ensure that benefits are not issued to individuals who are deceased. That data source is the Social Security Administration’s (SSA) Death Master File. The information required for the Annual State Report on Verification of SNAP Participation is obtained by validating that the State had the appropriate systems in place and followed procedures currently mandated at 7 CFR 272.14 and 7 CFR 273.16 for the preceding FY. The burdens associated with establishing a system to verify and ensure that benefits are not issued to deceased individuals or those permanently disqualified from SNAP using both the SSA Death Master File and eDRS are already approved under SNAP Forms: Applications Periodic Reporting, Notices, OMB burden number 0584–0064,⁹ expiration date 06/30/2027. In order to meet the reporting requirements specified in Section 4032 of the Act, States are required to confirm via email to their FNA Regional SNAP Director that in the immediately preceding FY they had the appropriate systems in place to meet the requirements of 7 CFR 272.14 and 273.16(i)(4) and that they conducted the matches required by these regulations. States are required to submit their Section 4032 reports to the FNA Regional SNAP Director by March 31 each year for the preceding FY.

Burden Estimates: The burden within this collection consists of reporting burden for the State Plan of Operation and Territory MOU, APD Plans or Updates, and SNAP waiver requests via WIMS. The recordkeeping burden for this collection includes forms FNS–366A, FNS–366B, FNS–388, and FNS–388A, Plan of Operations Updates, Territory MOU Updates, SF–425, other APD Plans or Updates, and the maintenance of the confirmation of match records. The currently approved collection also includes the submission of card skimming reports to FNA via WIMS. With this revision, the burden for card skimming reports has been removed, as these reports are no longer required. FNA also adjusted the number of respondents for both reporting and recordkeeping, as we previously overestimated the amount of respondents. The previously reported burden for this information collection was 1,231.56 burden hours. The

requested burden for this revision is 952.39 hours (873.10 reporting burden hours and 79.29 recordkeeping hours), resulting in a decrease of 279.17 burden hours

Reporting

Affected Public: State, Territory, local and Tribal Government agencies.

Estimated Number of Respondents: 56.

Estimated Number of Responses per Respondent: 10.32.

Estimated Total Annual Responses: 578.

Estimated Time per Response: 1.51 hours.

Estimated Total Annual Burden on Respondents: 873.10 hours.

7 CFR 272.2 and 7 CFR 285.3¹⁰—

State Plan of Operations: 53 State agencies submit 1 response annually for a total of 53 annual responses. The reporting burden for submission of updates to State Plans of Operation is 6.58 hours per respondent, resulting in an estimated 348.98 burden hours.

7 U.S.C. 2028¹¹ and 7 CFR 272.2—**Territory Memoranda of Understanding and Puerto Rico Plan of Operations:** 3 Territories (CNMI, American Samoa, and Puerto Rico) submit 1 response annually for a total of 3 annual responses. The reporting burden for submission of Territory MOUs and Puerto Rico Plan of Operations is 6.58 hours per respondent resulting in an estimated 19.75 burden hours.

7 CFR 277.18—**State Systems Advance Planning Document (APD) process.** FNA estimates that up to 56 State agencies and territories submit 1 APD, plan, or update submissions for a total of 56 annual responses at an average estimate of 2.5 hours per respondent. The estimated reporting burden for submission of other APD Plans or Updates is 140 hours.

7 CFR 277.18—**Report ADP to FNA via email:** FNA estimates that 56 State agencies and territories will submit 1 APD via email to FNA once a year for a total of 56 responses. FNA estimates it will take approximately 0.5 hours to compile this information and email it to FNA for a total of 28 hours.

7 CFR 277.18—**FNA Transmittal Letter for APD:** FNA estimates that 56 State agencies and territories may submit 1 transmittal letter in conjunction with the APD to verify the accuracy of the information they are submitting once per year for a total of 56 annual responses. FNA estimates it

⁶ [https://www.ecfr.gov/current/title-7/part-277/section-277.18#p-277.18\(c\)\(1\)](https://www.ecfr.gov/current/title-7/part-277/section-277.18#p-277.18(c)(1)).

⁷ <https://www.ecfr.gov/current/title-7/section-273.16>.

⁸ <https://www.ecfr.gov/current/title-7/section-272.14>.

⁹ <https://www.govinfo.gov/content/pkg/FR-2023-09-12/pdf/2023-19633.pdf>.

¹⁰ <https://www.ecfr.gov/current/title-7/section-285.3>.

¹¹ <https://www.govinfo.gov/content/pkg/USCODE-2023-title7/pdf/USCODE-2023-title7-chap51-sec2028.pdf>.

will take 0.17 hours for a State agency to draft and submit the transmittal letter for an estimated burden of 9.35 hours.

7 CFR 277.18—Other APD Plan or Update: FNA estimates that approximately 12 State agencies or territories will update their APD once a year for a total of 12 annual responses. FNA estimates it will take 2.5 hours to update and submit the APD plan for a total burden of 30 hours.

7 CFR 272.3(c)¹²—SNAP Waiver Requests (WIMS): FNA estimates that 45 of 53 State agencies will submit 4 waivers annually for a total number of 180 waivers annually. Completion and submission of these waivers take

approximately 1 hour for a total burden of 180 hours annually.

7 CFR 272.13¹³ and 7 CFR 273.16—Annual Email Reminder from FNA Regional Offices: FNA estimates that 53 State agencies and Puerto Rico will receive an annual reminder to confirm use of matches related to eDRS and/or Deceased Matching System for an estimated total annual response of 54. FNA estimates it will take 0.17 hours to delegate this task for a total burden of 9.02 hours.

7 CFR 272.14 and 7 CFR 273.16—Compile Information to Confirm Proper Systems are in Place for Matches: FNA estimates that 53 State agencies and

Puerto Rico will compile information to confirm their systems are in place for eDRS and Deceased Matching Systems for an estimated total annual response of 54. FNA estimates it will take approximately 1 hour to compile this information for a total burden of 54 hours.

7 CFR 272.13 and 7 CFR 273.16—Report Information to FNA via Email: FNA estimates that 53 State agencies and Puerto Rico will report the compiled information to FNA once for a total of 54 annual responses. FNA estimates it will take approximately 1 hour to report this information to FNA for a total burden of 54 hours.

Regulation	Respondent type	Burden activity	Estimated number of respondents	Estimated responses per respondent	Estimated total annual responses	Estimated hours per response	Estimated total annual hours
REPORTING							
State Agency Burden							
7CFR 272.2, 7CFR 285.3	State Government Management Analyst.	State Plan of Operations	53	1	53	6.58	348.98
7CFR 272.2	State Government Management Analyst.	Territory Memorandum of Understanding (MOU) and Puerto Rico Plan of Operations.	3	1	3	6.58	19.75
7CFR 277.18	State Government Management Analyst.	State Systems Advance Planning Document (APD).	56	1	56	2.50	140.00
7CFR 277.18	State Government Management Analyst.	Report APD to Food and Nutrition Administration (FNA) via email.	56	1	56	0.50	28.00
7CFR 277.18	State Government Management Analyst.	FNA Transmittal Letter for APD.	56	1	56	0.17	9.35
7CFR 277.18	State Government Management Analyst.	Other APD Plan or Update *.	12	1	12	2.50	30.00
7CFR 272.3(c)	State Government Management Analyst.	SNAP Waiver Requests (WIMS).	45	4	180	1.00	180.00
7CFR 272.14, 7CFR 273.16.	Administrative Manager	Annual Email Reminder from FNA Regional Offices (0605) *.	54	1	54	0.17	9.02
7CFR 272.14, 7CFR 273.16.	Eligibility Interviewer	Compile Information to Confirm Proper Systems are in Place for Matches (0605).	54	1	54	1.00	54.00
7CFR 272.14, 7CFR 273.16.	Administrative Manager	Report Information to FNA via email (0605)*.	54	1	54	1.00	54.00
State Agency Reporting Total Burden Estimates.	.....	.....	56	27	578	1.51	873.10

Recordkeeping

Affected Public: State, Local and Tribal Government.

Estimated Number of Respondents: 56.

Estimated Number of Responses per Respondent: 27.

Estimated Total Annual Responses: 1,512.

Estimated Time per Response: 0.05 hours.

Estimated Total Annual Burden on Respondents: 79.29 hours.

FNS-366A—State agencies are required to submit to FNA for approval a Budget Projection Statement, Form FNS-366A, which includes projections of the total Federal costs for major areas of program operations. There is a total of 54 recordkeepers for each activity. Each State agency submits 1 response annually for a total of 54 annual responses. A copy is maintained for 3 years. It takes approximately 0.05 hours to maintain each record. The total

recordkeeping burden for the FNS-366A is estimated at 2.71 hours.

FNS-366B—State agencies are required to submit to FNA a Program Activity Statement, Form FNS-366B, providing a summary of program activity for the State agency's operations during its preceding FY. There is a total of 55 recordkeepers for each activity. Each State agency submits 4 responses annually for a total of 212 responses; each record takes approximately 0.05 hours to maintain. The total

¹² [https://www.ecfr.gov/current/title-7/part-272/section-272.3#p-272.3\(c\)](https://www.ecfr.gov/current/title-7/part-272/section-272.3#p-272.3(c)).

¹³ <https://www.ecfr.gov/current/title-7/section-272.13>.

recordkeeping burden for the FNS-366B is estimated at 11.02 hours.

FNS-388—State agencies are required to submit the FNS-388 on the 19th of each month. This form is used to report an estimate for issuance and number of participating households for the current and previous months and actual amounts for the second preceding month. A total of 56 State agencies will send one response per month for a total of 672 responses annually; each response takes approximately 0.05 hours to complete. The total recordkeeping burden for the FNS-388 is estimated at 33.67 hours.

FNS-388A—State agencies are required to submit the FNS-388A semi-annually, on March 19 and September 19 of each year. This form is used to report actual amounts for issuance and number of participating households for January and July of each year. There are 54 State agencies that will submit the form 2 times per year; each response takes approximately 0.05 hours to

complete. The total recordkeeping burden for the FNS-388A is estimated at 5.41 hours.

State Plan of Operation Updates—Each State agency submits 1 response annually for a total of 53 responses; each record takes approximately 0.07 hours to maintain. The total recordkeeping burden for updates to State Plans of Operation as attachments to the FNS-366B is 3.54 hours.

Territory MOU and Puerto Rico Plan of Operation Updates—Territories and Puerto Rico submit 1 response annually for a total of 3 responses; each record takes approximately 0.07 hours to maintain. The total recordkeeping burden for updates to Territory MOU and Puerto Rico Plans of Operation as attachments to the FNS-366B is 0.20 hours.

Other APD Plans and Updates. FNA estimates that up to 56 State agencies may submit an average of four APD, Plan, or Update submissions annually, for a total of approximately 224 records.

Each record takes an average estimate of 0.05 hours per recordkeeper for an estimated burden of 11.22 recordkeeping hours.

SF-425 and FNS-778. All 56 State agencies submit 4 responses annually for a total of 224 annual responses; each record takes approximately 0.05 hours to maintain. The total annual recordkeeping burden for the FNS-366B is estimated at 11.02 hours.

Advance Planning Document. Each of the 56 State agencies will submit 1 response annually. Each response will take approximately 0.05 hours. The total annual burden is 2.81 hours.

Transmittal Letter for APD. Each of the 56 State agencies will submit 1 response annually. Each response will take approximately 0.05 hours. The total annual burden is 2.81 hours.

Maintain Confirmation of Match Records. 54 State agencies will respond 1 time annually. Each response will take approximately 0.08 hours, for a total of 4.51 burden hours annually.

Regulation	Respondent type	Burden activity	Estimated number of respondents	Estimated responses per respondent	Estimated total annual responses	Estimated hours per response	Estimated total annual hours
RECORDKEEPING							
State Agency Recordkeeping							
7 CFR 272.1(f)	State Government Management Analyst.	FNS-366A	54.00	1.00	54.00	0.05	2.71
	State Government Management Analyst.	FNS-366B	55.00	4.00	220.00	0.05	11.02
	State Government Management Analyst.	FNS-388	56.00	12.00	672.00	0.05	33.67
	State Government Management Analyst.	FNS-388A	54.00	2.00	108.00	0.05	5.41
	State Government Management Analyst.	Plan of Operations Updates.	53.00	1.00	53.00	0.07	3.54
	State Government Management Analyst.	Territory MOU and Puerto Rico Plan of Operations Updates.	3.00	1.00	3.00	0.07	0.20
	State Government Management Analyst.	SF-425/FNS-778	56.00	4.00	224.00	0.05	11.22
	State Government Management Analyst.	Advance Planning Document (APD).	56.00	1.00	56.00	0.05	2.81
	State Government Management Analyst.	Transmittal Letter for APD.	56.00	1.00	56.00	0.05	2.81
	State Government Management Analyst.	Other APD Plan or Update.	12.00	1.00	12.00	0.12	1.40
	Eligibility Interviewer	Maintain Confirmation of Match Records (0605).	54.00	1.00	54.00	0.08	4.51
State Agency Recordkeeping Total Estimates.	.....	.....	56	27	1512.00	0.05	79.29

Patrick A. Penn,

Acting Administrator, Food and Nutrition Administration, U.S. Department of Agriculture.

[FR Doc. 2026-11918 Filed 6-12-26; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

Privacy Act of 1974; System of Records

AGENCY: Department of Agriculture (USDA), Food and Nutrition Administration (FNA).

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A-108, notice is hereby given that USDA proposes modifying the system of records (SOR) entitled USDA/FNA-15, "National Supplemental Nutrition Assistance Program (SNAP) Information

Database” after considering public comments. This system is owned, administered, and secured by FNA. The system will assist efforts to validate the accuracy of eligibility determinations and strengthen SNAP and government program integrity. The modification clarifies under what circumstances records may be disclosed pursuant to a routine use. It also removes reference to foreign entities.

DATES: Pursuant to 5 U.S.C. 552a(e)(4) and (11), this system of records notice will become effective upon publication in the **Federal Register**, except for the routine uses, which will become effective 30 days after publication in the **Federal Register**, unless USDA determines they must be changed as a result of public comment. USDA will publish any changes to the system of records notice resulting from public comment.

ADDRESSES: Interested parties may submit written comments by one of the following methods:

- *Preferred:* Federal eRulemaking Portal at <http://www.regulations.gov> provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Follow the online instructions at that site for submitting comments.

- *By email:* snapdatabase@usda.gov.
- *By mail:* FNA, 1320 Braddock Place, Alexandria, VA 22314.

Instructions: All comment submissions 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. However, comments containing profanity or inappropriate or abusive content may be rejected or redacted before posting.

Docket: For access to the docket to read background documents or comments received go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: FNA Privacy Officer, Information Management Branch, Food and Nutrition Administration, USDA, 1320 Braddock Pl., Alexandria, Virginia 22314; or via email at SM.fn.Privacy-FNS@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to, among other authorities, 7 U.S.C. 2020(a)(3) and (e)(8)(A) and 7 CFR 272.1(c)(1) and (e), FNA works with all State agencies and their designated vendors and/or contractors

to transmit data on SNAP participants and transactions for the purposes listed below. This system is consistent with and effectuates multiple executive orders, including but not limited to Executive Order 14243 of March 20, 2025, *Stopping Waste, Fraud, and Abuse by Eliminating Information Silos* and Executive Order 14218 of February 19, 2025, *Ending Taxpayer Subsidization of Open Borders*.

USDA and FNA use the SNAP data in this system to administer and enforce the SNAP Act, including ensuring the integrity of Government programs by verifying SNAP recipient eligibility against federally maintained databases, identifying and eliminating duplicate enrollments, and performing additional eligibility and program integrity checks specified herein.

The system of records notice explains how the records within the new system will be used and with whom they will be shared.

Purpose of Changes Made to the System

In response to the publication of the notice of a new system of records entitled USDA/FNA-15, “National Supplemental Nutrition Assistance Program (SNAP) Information Database,” on June 23, 2025 (Document Number 2025-11463, 90 FR 26521), USDA received more than 450 unique comments. Approximately 132 of those comments raised concerns that information maintained in USDA/FNA-15 could be improperly shared with outside entities, could violate privacy protections, could jeopardize recipient privacy, or could otherwise be mishandled.

USDA reviewed these comments and determined that many reflected uncertainty about how the routine uses in the notice interact with the confidentiality and disclosure requirements of the Food and Nutrition Act of 2008, as amended, 7 U.S.C. 2011 et seq., as well as other privacy-related statutes, such as the Privacy Act. USDA remains bound by all applicable statutory requirements governing privacy generally and household and applicant information, as provided by the Food and Nutrition Act. The original SORN stated in the section titled “Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses” that any routine use is permitted only to the extent it is consistent with applicable law. Because this issue was raised frequently by commenters, USDA is revising the routine uses section to state more clearly that all routine uses are subject to applicable legal requirements,

including the Privacy Act and the Food and Nutrition Act.

This modification also revises the text of routine uses 8 and 11 to more explicitly mirror the language of the Food and Nutrition Act. In addition, USDA is removing the word “foreign” from routine use 8. Since publication of USDA/FNA-15 in the **Federal Register**, USDA is not aware of any disclosure of SNAP data under this SORN to a foreign entity. Although USDA did not intend that term to suggest that such disclosures were anticipated, its inclusion as standard Departmental language created unnecessary concern. USDA is therefore deleting the term to avoid confusion in the future.

USDA is also modifying this SORN to update the storage description from the currently published notice. The revised language clarifies that records in the National SNAP Information Database are maintained electronically and hosted in a FedRAMP High certified cloud infrastructure environment. USDA is making this update so that the SORN more accurately describes the system’s current storage and technical environment. An administrative name change has been made from Food and Nutrition Services (FNS) to Food and Nutrition Administration (FNA).

Privacy Act

The Privacy Act of 1974 (the Privacy Act), 5 U.S.C. 552a, embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates records about individuals. The Privacy Act applies to information that is maintained in a SOR. A SOR is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each SOR that the agency maintains, to publish the routine uses that are contained in each system in order to make agency record keeping practices transparent, and to notify individuals regarding the uses and locations of their records.

In accordance with 5 U.S.C. 552a(r), USDA has provided a report of this SOR to the Office of Management and Budget and to the relevant committees of Congress.

SYSTEM NAME AND NUMBER:

USDA/FNA-15, National SNAP Information Database.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The National SNAP Information Database is maintained in a FedRAMP High cloud infrastructure environment that is used only by Federal employees and contractors. The data is processed and stored solely within the continental United States. The agency, U.S. Department of Agriculture, address is 1400 Independence Ave. SW, Washington, DC 20250.

SYSTEM MANAGER(S):

Director, Portfolio Management Division, Office of Information Technology, Food and Nutrition Service, 1320 Braddock Road, Alexandria, Virginia 22314. Telephone: (703) 305-2504.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Records created or stored in this system may be disclosed pursuant to the permitted routine uses outlined below only if such disclosure is permitted by the Food and Nutrition Act of 2008, as amended; specifically 7 U.S.C. 2020(a)(3) and (e)(8); implementing regulations at 7 CFR 272.1(c)(1) and (e), or any other applicable law.

To the extent a routine use outlined below conflicts with the Food and Nutrition Act of 2008, as amended, records will not be disclosed pursuant to that enumerated routine use.

(1) To the Department of Justice or in a proceeding before a court or adjudicative body when: (a) USDA/FNA or any component thereof; or (b) any employee of USDA in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and USDA determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is deemed by USDA to be for a purpose that is compatible with the purpose for which USDA collected the records.

(2) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the USDA/FNA or other Agency representing the USDA, determines that the records are both relevant and necessary to the

proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant and necessary to the proceeding.

(3) To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of, and on behalf of, the individual about whom the record is maintained.

(4) To the National Archives and Records Administration or other Federal government agencies pursuant to records management activities being conducted under 44 U.S.C. 2904 and 2906.

(5) To another Federal agency or Federal entity, when USDA/FNA 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.

(6) To appropriate agencies, entities, and persons when: (1) USDA/FNA suspects or has confirmed that there has been a breach of the system of records; (2) USDA/FNA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, USDA (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 USDA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(7) To contractors, grantees, experts, consultants, and the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for USDA, when necessary to accomplish an agency function related to this system of records. USDA and FNA will require individuals provided information under this routine use to comply with all applicable requirements and limitations of disclosure imposed by the Privacy Act.

(8) When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, USDA/

FNA may disclose the record to the appropriate agency, whether Federal, State, local, or tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. To the extent that the record contains information obtained from applicant households and that information derives from records provided by a State Agency or its vendor, the applicant household information may be disclosed for the administration or enforcement of the Food and Nutrition Act of 2008, its corresponding regulations, Federal assistance programs, or federally-assisted State programs in compliance with 7 U.S.C. 2020(e)(8)(A); for audit and examination by the Comptroller General; for the investigation by local, State, or Federal law enforcement of alleged violations of the Food and Nutrition Act of 2008 or its corresponding regulations; for purposes of collecting the amount of an overissuance of benefits from Federal pay, pursuant to 5 U.S.C. 5514, or a Federal income tax, pursuant to 31 U.S.C. 3720A; and for assisting Federal, State, or local law enforcement officers in apprehending a fleeing felon, as defined by 7 U.S.C. 2020(e)(8)(E), where the requirements of that provision are met.

(9) To Federal and State Agencies responsible for: (1) the administration of SNAP; or (2) the administration of other Federal benefits programs to the extent permitted by applicable law when such information is necessary for the performance of lawful audit, oversight, or administrative functions.

(10) To the U.S. Department of the Treasury when disclosure of the information is relevant and necessary to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

(11) To support another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate or assist USDA to investigate potential fraud, waste, or abuse, in a Federal

benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by USDA to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs by disclosing information for the administration or enforcement of the Food and Nutrition Act of 2008, its corresponding regulations, Federal assistance programs, or federally-assisted State programs; for audit and examination by the Comptroller General; for the investigation of alleged violations of the Food and Nutrition Act of 2008 or its corresponding regulations; for purposes of collecting the amount of an over issuance of benefits from Federal pay or a Federal income tax; for assisting Federal, State, or local law enforcement officers in apprehending a fleeing felon, as defined by 7 U.S.C. 2020(e)(8)(E); or otherwise as is necessary for administering or enforcing the Food and Nutrition Act of 2008.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The National SNAP Information Database is hosted in a FedRAMP High certified cloud infrastructure environment. These records are electronic.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Administrative Safeguards: The USDA safeguards records in this system according to applicable rules and policies, including all applicable USDA automated systems security and access policies. USDA has imposed strict controls to minimize the risk of compromising information in the system. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Access is controlled through USDA eAuthentication service.

Technical Safeguards: The National SNAP Information Database utilizes a robust collection of technical safeguards to ensure the integrity of the platform. The National SNAP Information Database is designed to meet all technical safeguards required by its system categorization in National Institute of Standards and Technology (NIST) 800–53. The National SNAP Information Database will be hosted in a secure environment that uses perimeter security protection to prevent interference or access from outside intruders. When accessing the National

SNAP Information Database, Secure Socket Layer (SSL)/Transport Layer Security (TLS) technology protects the user's information by using both server authentication and data encryption. Users will only access the National SNAP Information Database by USDA eAuthentication through Personal Identity Verification (PIV) Card and Personal Identification Number (PIN) entry or *Login.gov*. The National SNAP Information Database administrators will have a suite of security tools that can be used to increase the security of the system.

Physical Safeguards: The servers that host the National SNAP Information Database are stored in a USDA FedRAMP authorized data center with strict physical access control procedures in place to prevent unauthorized access.

HISTORY:

Agriculture Department, Notice of a new system of records, published 6/23/2025 (Document Number 2025–11463, 90 FR 26521).

Agriculture Department, Notice of modified systems of records, published 4/13/2026 (Document Number 2026–07093, 91 FR 18812).

Patrick A. Penn,

Acting Administrator.

[FR Doc. 2026–12005 Filed 6–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

Agency Information Collection

Activities: Proposed Collection: Comment Request—EmpowHR/Person Model Non-Employee Data Sheet— FNA–775

AGENCY: Food and Nutrition Administration (FNA), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection; the purpose of this information collection request is to continue the use of the electronic form FNA–775. This form will continue to provide for the collection of Personal Identifiable Information required to conduct background investigation which is a pre-requisite for all non-FNA employees (contractor, intern, volunteers, etc.) to be granted a security clearance for employment at all FNA locations.

DATES: Written comments must be received on or before August 14, 2026.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Tonya Johnson, Food and Nutrition Administration, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, VA 22314. Comments may be sent via email to tonya.johnson2@usda.gov. Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Tonya Johnson at 703–605–1170.

SUPPLEMENTARY INFORMATION:

Title: EmpowHR/Person Model Non-Employee Data Sheet.

Form Number: FNA–775.

OMB Number: 0584–0686.

Expiration Date: August 31, 2026.

Type of Request: Revision of a currently approved collection.

Abstract: The data collected on this sheet is used to input the USDA, Food and Nutrition Administration's non-employee (contractor, intern, volunteer, etc.) information into EmpowHR/Person Model. The data collected is for the specific purpose of sponsorship for the agency's PIV credential and background investigation required for access to agency facilities, systems, and information.

Affected Public: (a) Individual/ Households; (b) Business or Other For Profit; (c) Federal Government; *All USDA FNA non-employee affiliates.*

Estimated Number of Respondents: 750.

The respondents are agency non-employee affiliates at all FNA locations across the nation, inclusive of the FNA Headquarters in Alexandria, VA and at the seven (7) FNA regional offices across the USA. The estimated annual number of respondents who will be required to provide personal data for the FNA-775

for a requisite background investigation request are 750.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 750.

Estimated Time per Response: 0.167 of an hour. Each respondent takes

approximately 0.167 of an hour, or 10 minutes, to provide the required information.

Estimated Total Annual Burden on Respondents: 125 hours.

See the table below for estimated total annual burden for each type of respondent.

Affected public	Form number	Number of respondents	Number of responses annually per respondent	Total annual responses	Estimate of burden hours per response	Total annual burden hours
Agency non-employee affiliates.	FNA 775	750	1	750	0.16667 (10 minutes ...	125
Annualized Totals .....	.....	750	1	750	10 minutes	125

Patrick A. Penn,

Acting Administrator, Food and Nutrition Administration, U.S. Department of Agriculture.

[FR Doc. 2026-11917 Filed 6-12-26; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Forest Service

Custer Gallatin National Forest; Montana; Stillwater Mine Complex Amendment 14

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The U.S. Department of Agriculture, Forest Service (Custer Gallatin National Forest), intends to prepare an environmental impact statement to assess and disclose effects from Stillwater Mining Company's proposed amendment to the Stillwater Mine plan of operations. Acting as joint lead agencies, the Forest Service and Montana Department of Environmental Quality are preparing an environmental impact statement to evaluate potential impacts from expanding mining-related surface disturbance on National Forest System lands and private lands. This notice announces the beginning of a dual agency 30-day comment period to solicit comments and identify issues. The Planning, Administrative Reviews, and Litigation System identification number for the project is 68998.

DATES: This notice initiates a 30-day public comment period for the notice of intent. The State of Montana will simultaneously be initiating their 30-day public scoping period. The Forest Service requests that the public submit comments on the alternatives or effects and on relevant information, studies, or analyses with respect to the proposal by

July 15, 2026. Comments submitted after this date may not be included in the analysis. Montana Department of Environmental Quality, jointly with the Custer Gallatin National Forest, expect to publish a draft Environmental Impact Statement in June of 2027, and a complete Environmental Impact Statement for Pre-Decisional Administrative Review is anticipated in April of 2028. Associated documentation will be published on the project web page, listed below. A schedule for the decision-making process and additional information about the project can also be found online at <https://www.fs.usda.gov/r01/custergallatin/projects/68998>.

ADDRESSES: Send substantive written comments on the alternatives or effects and on relevant information, studies, or analyses with respect to the proposal to the Custer Gallatin National Forest Supervisor's Office, ATTN: Stillwater Mine Complex Amendment 14, P.O. Box 130, Bozeman, MT 59771. Comments may also be submitted electronically at <https://cara.fs2c.usda.gov/Public/CommentInput?project=68998>. Additional information about the proposal; documents pertinent to this proposal; and direction regarding comment submission can be found on the following website: <https://www.fs.usda.gov/r01/custergallatin/projects/68998>. The Federal Permitting Improvement Steering Council's dashboard for FAST-41 Transparency projects can be found here: <https://www.permits.performance.gov/permitting-project/fast-41-transparency-projects/stillwater-mine>.

Public Scoping Process

All public scoping documents, as well as supporting documentation on Stillwater Mine Complex Amendment 14 project will be published to the project's web page by the Forest Service. Any public meetings scheduled will be

announced in advance through the Forest Service website at: <https://www.fs.usda.gov/r01/custergallatin/projects/68998>.

FOR FURTHER INFORMATION CONTACT: For additional information on the project or to ask questions, please contact Erin Fryer, Environmental Coordinator for the Custer Gallatin National Forest, by email at comments-northern-custergallatin-nepaprojects@usda.gov, Attn: Stillwater Mine Complex Amendment 14, or by phone at 406-468-8277.

Individuals who are deaf, hard of hearing, or have a speech disability may call 711 to reach the Telecommunications Relay Service, then provide the phone number of the named point of contact for further information.

SUPPLEMENTARY INFORMATION: Stillwater Mining Company has submitted a proposed amendment to its mine plan of operations to the Custer Gallatin National Forest and the Montana Department of Environmental Quality, Mining Bureau. The Stillwater Mine is an active underground platinum group metal mining operation in Stillwater County, Montana. Ongoing operations and proposed operations are located on private lands and National Forest System lands within the Beartooth Ranger District.

Purpose and Need for Action

The purpose of the Forest Service action is to respond to the applicant's proposal to amend its mine plan of operations to expand mining operations on National Forest System lands to support continued mining and development of platinum group metals (which include critical minerals) via underground mining at the Stillwater Mine.

The need for Forest Service action is established by the agency's responsibilities under the Organic

Administration Act of 1897 (16 U.S.C. 478, 482, and 551) and the locatable minerals regulations at 36 Code of Federal Regulations (CFR) 228 subpart A. In accordance with 36 CFR 228.5, the Forest Service must analyze and provide timely response to the submittal of a plan of operations. Furthermore, the Forest Service must assess whether the proposed operations will be conducted so as, where feasible, to minimize adverse environmental impacts on national forest surface resources in accordance with 36 CFR 228.8.

Proposed Action

The Stillwater Mine Plan of Operations Amendment 14 project proposes changes to the integrated waste management plan to continue production of platinum group metals via underground mining operations for an additional 36 to 42 years, approximately. Specifically on National Forest System lands, Amendment 14 proposes to expand the footprint of the waste rock storage area, construct new ventilation and water management infrastructure, and relocate or change utilization of existing surface infrastructure such as water management and treatment facilities, ancillary facilities near the mine access portals, growth media stockpiles, and borrow areas. Full buildout of the waste rock storage area would require approximately 30 acres of new disturbance on National Forest System lands, including relocating a portion of Nye Creek into an engineered channel. Existing monitoring, reclamation, and closure plans would be modified to accommodate the changes from expanded operations and extended life of the mine.

Alternatives

Under the no-action alternative, the development of the applicant's mineral resource would be limited to those activities approved under the existing plan of operations. At the current rate of operation, the Stillwater Mine will reach full capacity in 2031. The no-action alternative would directly impact 1,100 jobs and impact production at the principal domestic source of palladium and platinum in the continental United States.

List of Substantive Issues and Expected Impacts

Substantive issues are those that meaningfully inform the consideration of reasonably foreseeable impacts of the proposed action or a decision on the alternative selected for implementation (7 CFR 1b.11(a)(53)). The following

preliminary substantive issues are anticipated to be evaluated:

- The riparian area and scenic integrity of Nye Creek may be degraded by diverting the natural stream channel into an engineered channel around the waste rock storage area footprint;
- Continued mining operations and additional construction may impact surface and groundwater quality and quantity; and
- Construction and operation of the expanded waste rock facility may impact the availability of suitable topsoil in meeting final reclamation objectives.

Anticipated Permits and other Authorizations

Stillwater Mining Company is working with the Montana Department of Environmental Quality, the Army Corp of Engineers, and the Environmental Protection Agency to secure necessary permits, including State Mine Operating Permit Amendment, Montana Natural Streambed and Land Preservation Act 310 permit, Federal Clean Water Act section 404 permit, and Short-Term Water Quality Standard for Turbidity 318 and 401 permits. Simultaneously, the Forest Service will consult with the U.S. Fish and Wildlife Service regarding section 7 of the Endangered Species Act.

Comments and the Objection Process

This notice of intent initiates the National Environmental Policy Act (NEPA) process timeline, which guides the development of the environmental impact statement. In this process the Forest Service is requesting comments on potential alternatives and impacts, and identification of any relevant information, studies or analyses of any kind concerning impacts affecting the quality of the human environment. It is important that interested members of the public provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, written comments must be provided prior to the close of the comment period and should clearly articulate the commenter's concerns and contentions.

This proposed action is subject to the pre-decisional administrative review process, also known as the objection process at 36 CFR 218, subparts A and B. A proposed rule to amend 36 CFR 218 was published in the **Federal Register** on February 6, 2026 (91 FR 5387), prior to the initiation of public comment in this notice of intent. This proposed action may be subject to the final rule amending 36 CFR 218 if the

final rule takes effect before the objection period occurs for this proposed action. Otherwise, this proposed action will be subject to the pre-decisional administrative review process established prior to the February 2026 proposed rule.

Commenting during any designated opportunities to comment provided by the responsible official will govern eligibility to object under 36 CFR 218 once the environmental impact statement and draft record of decision have been published. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, they will not be used to establish eligibility for the objection process.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during any designated opportunity for written public comment in accordance with section 218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated opportunities.

Cooperating and Participating Agencies

Montana Department of Environmental Quality, Mining Bureau.

Responsible Official

Custer Gallatin Forest Supervisor.

Beattra Wilson,

Associate Deputy Chief, National Forest System.

[FR Doc. 2026-11992 Filed 6-12-26; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-69-2026]

Foreign-Trade Zone (FTZ) 114, Notification of Proposed Production Activity; Rainbow Champaign LLC; (Herbicides); Champaign, Illinois

Rainbow Champaign LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Champaign, Illinois within Subzone 114I. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 10, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to

the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: dicamba DGA; dicamba 4 DMA; diquat; clethodim 2EC; clethodim 3EC; 2,4-D amine 4; 2,4-D/dicamba; 2,4-D ester 6; paraquat 3 SL, chlorothalonil; 2,4-D ester 4; captan 4L; fomesafen sodium SC; captan 80 WDG; sulfentrazone 39.6% SC; and diuron 4L (duty rates are 6.5%). (duty rates are 6.5%).

The proposed foreign-status materials/components include: glyphosate isopropylamine; glufosinate-ammonium; paraquat; diquat; sulfentrazone; fomesafen; clethodim; diuron; thidiazuron; dicamba; captan; 2,4-D 2EHE technical ester; and chlorothalonil (duty rates range from duty free to 6.5%).

The request indicates that certain materials/components are subject to duties under section 122 of the Trade Act of 1974 (Section 122) or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 122 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign (PF) status (19 CFR 146.41). The request also indicates that 2,4-D 2EHE technical ester is subject to an antidumping/countervailing duty (AD/CVD) order/investigation if imported from certain countries. The Board's regulations (15 CFR 400.13(c)(2)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in PF status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is July 27, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Christopher Williams at christopher.williams@trade.gov.

Dated: June 11, 2026.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2026–11991 Filed 6–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–68–2026]

Foreign-Trade Zone (FTZ) 18, Notification of Proposed Production Activity; Energy Recovery Inc.; (Desalination Equipment); San Leandro, California

Energy Recovery Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in San Leandro, California within FTZ 18. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 5, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include high pressure exchanger units (duty rate is duty-free).

The proposed foreign-status materials/components include: fiberglass housing vessels; stainless steel machined end caps; stainless steel machined turbo casings; alumina calcinated powder; stainless steel pump impeller castings; stainless steel finished pump impellers; stainless steel pump bearing sleeves; stainless steel pump inlet diffusers; stainless steel pump shafts; aluminum port bearing plates; plastic seal plates; titanium interconnects; stainless steel low pressure ports; stainless steel tension rods; and stainless steel interconnects (duty rates range from duty free to 2.8%).

The request indicates that certain materials/components are subject to duties under section 122 of the Trade Act of 1974 (Section 122), or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 122 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is July 27, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Christopher Williams at christopher.williams@trade.gov.

Dated: June 10, 2026.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2026–11931 Filed 6–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–876]

Welded Line Pipe From the Republic of Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023– 2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value (NV) during the period of review (POR) December 1, 2023, through November 30, 2024. In addition, we are rescinding the review with respect to 26 companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 15, 2026.

FOR FURTHER INFORMATION CONTACT: Grant Fuller or Aislin Salassi, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6228 or (202)–482–1882, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty (AD) order on welded line pipe from the Republic of Korea

(Korea).¹ On February 24, 2025, Commerce selected Hyundai Steel Pipe Co., Ltd (Hyundai Pipe)² and SeAH Steel Corporation (SeAH) as the mandatory respondents in this review.³

On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.⁴ Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁵ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁶ On January 26, 2026, we extended the preliminary results of this review by 90 days.⁷ Further, on April 1, 2026, we extended the preliminary results of this review by an additional 21 days.⁸ On May 20, 2026, we extended the preliminary results of this review by an additional two days.⁹ Finally, on June 1, 2026, we extended the preliminary results of this review by an additional seven days to no later than June 8, 2026.¹⁰

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 90 FR 8187 (January 27, 2025); see also *Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056 (December 1, 2015) (*Order*).

² On November 14, 2024, Commerce found via a changed circumstances review that Hyundai Pipe is the successor-in-interest to Hyundai Steel Company. See *Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Certain Oil Country Tubular Goods from the Republic of Korea; Welded Line Pipe from the Republic of Korea; and Large Diameter Welded Pipe from the Republic of Korea: Notice of Final Results of Antidumping Duty Changed Circumstances Reviews*, 89 FR 89962 (November 14, 2024), and accompanying Issues and Decision Memorandum.

³ See Memorandum, "Respondent Selection," dated February 24, 2025.

⁴ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁵ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated November 14, 2025.

⁶ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁷ See Memorandum, "Extension of Deadline for Preliminary Results of 2023- 2024 Antidumping Duty Administrative Review," dated January 26, 2026.

⁸ See Memorandum, "Extension of Deadline for Preliminary Results of 2023- 2024 Antidumping Duty Administrative Review," dated April 1, 2026.

⁹ See Memorandum, "Extension of Deadline for Preliminary Results of 2023- 2024 Antidumping Duty Administrative Review," dated May 20, 2026.

¹⁰ See Memorandum, "Extension of Deadline for Preliminary Results of 2023- 2024 Antidumping Duty Administrative Review," dated June 1, 2026.

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.¹¹ A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Order

The merchandise subject to the *Order* is welded line pipe from Korea. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review of an AD order where it concludes that there were no suspended entries of subject merchandise during the POR.¹² Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate for the review period.¹³ Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.¹⁴ Commerce notified all interested parties of its intent to rescind the instant review regarding the companies listed in Appendix II because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.¹⁵ No party commented on this memorandum. In the absence of any suspended entries of subject merchandise from these

companies during the POR, we are rescinding this administrative review with respect to the companies listed in Appendix II, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

As discussed in the Preliminary Decision Memorandum, Commerce intends to issue a post-preliminary analysis regarding whether a particular market situation exists that distorts the price of the respondents' purchases of hot-rolled coil during the POR.

Rate for Non-Individually Examined Companies

The Act and Commerce's regulations do not address the establishment of a rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy less-than-fair-value (LTFV) investigation, for guidance when determining the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review.

Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any rates that are zero, *de minimis* (i.e., less than 0.5 percent), or determined entirely on the basis of facts available. Where the weighted-average dumping margin for each of the individually examined companies is zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated."

¹¹ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Welded Line Pipe from Korea; 2023–2024," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

¹² See, e.g., *Diethyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); see also *Certain Carbon and Alloy Steel Cut- to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

¹³ See 19 CFR 351.212(b)(1).

¹⁴ See 19 CFR 351.213(d)(3).

¹⁵ See Memorandum, "Notice of Intent to Rescind Review, In Part," dated April 21, 2026.

For these preliminary results, because the rate calculated for SeAH is zero, we are preliminarily assigning to the companies under review that were not selected for individual examination a dumping margin based on the rate calculated for Hyundai Pipe (*i.e.*, 1.86 percent).¹⁶

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margins for the period December 1, 2023, through November 30, 2024:

Producer or exporter	Weighted-average dumping margin (percent)
Hyundai Steel Pipe Co., Ltd	1.86
SeAH Steel Corporation	0.00
AJU Besteel Co., Ltd	1.86
EEW Korea Co., Ltd	1.86
Husteel Co., Ltd	1.86
Kumkang Kind Co., Ltd	1.86
NEXTEEL Co., Ltd	1.86

Disclosure

Commerce intends to disclose the calculations performed for these preliminary results to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

On May 7, 2025, the American Cast Iron Pipe Company and Dura-Bond Industries, domestic interested parties, requested that Commerce conduct verification of SeAH's responses. Accordingly, in May 2026, as provided in section 782(i)(3) of the Act, we verified SeAH's information relied upon for the preliminary results of this review.

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than seven days after the date on which Commerce issues its post-preliminary analysis in this administrative review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁷ Interested parties who submit

case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁸ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide, at the beginning of their briefs, a public executive summary for each issue raised in their briefs.¹⁹ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²⁰

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice. Hearing requests should contain (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.²¹

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Hyundai Pipe's and SeAH's weighted-average dumping margins are not zero or *de minimis* (*i.e.*, less than

0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.²² To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Hyundai Pipe's or SeAH's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²³

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by Hyundai Pipe or SeAH for which they did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the LTFV investigation if there is no rate for the intermediate company(ies) involved in the transaction.²⁴

For the companies that were not selected for individual examination (*i.e.*, AJU Besteel, EEW Korea, Husteel, Kumkang Kind, and NEXTEEL), we will assign an assessment rate based on the review-specific rate, calculated as noted in the "Rate for Non-Individually Examined Companies" section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.²⁵

For the companies listed in Appendix II for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all

¹⁶ The companies receiving this rate are: AJU Besteel Co., Ltd. (AJU Besteel); EEW Korea Co., Ltd (EEW Korea); Husteel Co., Ltd. (Husteel); Kumkang Kind Co., Ltd (Kumkang Kind); and NEXTEEL Co., Ltd. (NEXTEEL).

¹⁷ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in*

Antidumping and Countervailing Duty Proceedings, 88 FR 67069, 67077 (September 29, 2023).

¹⁸ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁹ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

²⁰ See *APO and Service Final Rule*.

²¹ See 19 CFR 351.310(d).

²² See 19 CFR 351.212(b)(1).

²³ See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

²⁴ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

²⁵ See section 751(a)(2)(C) of the Act.

appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP for the companies listed in Appendix II no earlier than 35 days after the date of publication of this rescission in the **Federal Register**.

Commerce intends to issue assessment instructions to CBP regarding Hyundai Steel, SeAH, AJU Besteel, EEW Korea, Husteel, Kumkang Kind, and NEXTEEL no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication in the **Federal Register** of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be that established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.38 percent, the all-others rate established in the LTFV investigation.²⁶ These cash deposit requirements, when imposed,

shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: June 8, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Particular Market Situation
- VI. Currency Conversion
- VII. Recommendation

Appendix II

Companies for Which the Review Is Rescinded

1. BDP International, Inc.
2. Daewoo International Corporation
3. Dong Yang Steel Pipe
4. Dongbu Incheon Steel Co.
5. Dongbu Steel Co., Ltd.
6. Dongkuk Steel Mill
7. HISTEEL Co., Ltd.
8. Hyundai RB Co. Ltd.
9. Kelly Pipe Co., LLC
10. Keonwoo Metals Co., Ltd.
11. Kolon Global Corp.
12. Korea Cast Iron Pipe Ind. Co., Ltd.
13. Kurvers Piping Italy S.R.L.
14. Miju Steel MFG Co., Ltd.

15. MSTEEL Co., Ltd.
16. Poongsan Valinox (Valtimet Division)
17. POSCO
18. POSCO Daewoo
19. R&R Trading Co. Ltd.
20. Sam Kang M&T Co., Ltd.
21. Sin Sung Metal Co., Ltd.
22. SK Networks
23. Soon-Hong Trading Company
24. Steel Flower Co., Ltd.
25. TGS Pipe
26. Tokyo Engineering Korea Ltd.

[FR Doc. 2026–12001 Filed 6–12–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–219]

Van-Type Trailers and Subassemblies Thereof From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that van-type trailers and subassemblies thereof (van-type trailers) from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2025, through September 30, 2025. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable June 15, 2026.

FOR FURTHER INFORMATION CONTACT: Jacob Waddell or Mason Harkleroad, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1369 or (202) 482–0905, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on January 26, 2026.¹ For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision

¹ See *Van-Type Trailers and Subassemblies Thereof from Canada, the People's Republic of China, and Mexico: Initiation of Less-Than-Fair-Value Investigations*, 91 FR 3104 (January 26, 2026).

²⁶ See *Order*.

Memorandum.² A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via 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 Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The products covered by this investigation are van-type trailers from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce’s regulations,³ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product

coverage (*i.e.*, scope).⁴ We received comments concerning the scope of this investigation, as well as in the other LTFV and companion countervailing duty (CVD) investigations of van-type trailers, as it appeared in the *Initiation Notice*. We intend to issue our preliminary decision regarding the scope of the LTFV and CVD investigations on or before the preliminary determinations of the companion LTFV investigations, the current deadline of which is July 29, 2026.⁵ We will incorporate the scope decisions from the other LTFV investigations into the scope of the final LTFV determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.⁶

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce preliminary has relied upon facts otherwise available, with adverse

inferences, for the China-wide entity, which includes the companies listed in Appendix III that either did not respond to Commerce’s request for information pertaining to quantity and value or did not submit a separate rate application. For a full description of the methodology underlying Commerce’s preliminary determination, see the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice*,⁷ Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.⁸ In this case, because no respondent qualified for a separate rate, producer/exporter combination rates were not calculated.

Preliminary Determination

Commerce preliminarily determines that the following estimated dumping margin exists:

Producer/exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset (percent))
China-Wide Entity	130.86 *	130.76

* Rate is based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) for all combinations of Chinese producers/exporters of merchandise under

consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (2) for all third-country exporters of merchandise under consideration, the cash deposit rate is the cash deposit rate applicable to the China-wide entity.

Additionally, because the scope of this investigation includes Chinese van-type trailers processed in third countries,⁹ Chinese subassemblies and/or van-type trailers containing Chinese subassemblies imported through third countries are subject to the suspension of liquidation and cash deposit requirements noted above. Because the American Trailer Manufacturers

Coalition ¹⁰ (the petitioner) has requested clarification that Chinese subassemblies and/or van-type trailers containing Chinese subassemblies imported into the United States from Canada are subject to China antidumping duties,¹¹ Commerce has established a Canadian third country case number in the Automated Commercial Environment (ACE). For Chinese subassemblies and/or van-type trailers containing Chinese subassemblies imported through Canada, importers should report such entries under third country case number A–122–219. For van-type trailers containing Chinese subassemblies imported through Canada, only the Chinese subassembly portion of the merchandise is subject to China

² See Memorandum, “Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Ven-type Trailers and Subassemblies Thereof from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).
³ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).
⁴ See *Initiation Notice*, 91 FR at 3105–3106.

⁵ See *Van-Type Trailers and Subassemblies Thereof from Canada and Mexico: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 91 FR 29454 (May 20, 2026).
⁶ The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.
⁷ See *Initiation Notice*, 91 FR at 3109.
⁸ See Enforcement and Compliance’s Policy Bulletin No. 05.1, regarding, “Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market

Economy Countries,” (April 5, 2005) (Policy Bulletin 05.1), available on Commerce’s website at <https://www.trade.gov/enforcement-and-compliance-policy-bulletins-0>.
⁹ See *Initiation Notice*, 91 FR at 3110–1128–29.
¹⁰ The members of the American Trailer Manufacturers Coalition are Great Dane LLC, Stoughton Trailers LLC, and Wabash National Corporation.
¹¹ See Petitioner’s Letter, “Comments in Advance of the Preliminary Determination,” dated May 22, 2026, at 1.

antidumping duties. Importers, producers, or exporters of subject merchandise from other third countries should file a request through ACCESS for Commerce to establish a case number for that specific country in ACE. CBP may also submit a request through the ACE AD/CVD Portal Inquiry System for Commerce to establish specific third country case numbers.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion CVD proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate(s). Any such adjusted rates may be found in the “Preliminary Determination” section’s chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the passed-through domestic subsidies or for export subsidies at the time the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily determined that all companies are part of the China-wide entity and assigned to the China-wide entity, as AFA, a rate that is based solely on the margin alleged in the Petition, there are no calculations to disclose.¹²

¹² See Petitioners’ Letters, “Petitions for the Imposition of Antidumping and Countervailing Duties Pursuant to Sections 701 and 731 of the Tariff Act of 1930, as Amended, Volume VI: China Antidumping Duty Petition,” dated November 20, 2025, “Petitioner Response to the 1st Supplemental

Verification

Because no companies in this investigation demonstrated eligibility for a separate rate, Commerce preliminarily determines that all companies are part of the China-wide entity; therefore, verification will not be conducted.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 14 days after the date of publication of this preliminary determination in the **Federal Register**. A timeline for the submission of case briefs and written comments pertaining to the scope of the investigations will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹³ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁴

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁵ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁶

Questionnaire Regarding Volume VI of the Petition,” dated December 5, 2025, “Petitioner Response to the 2nd Supplemental Questionnaire Regarding Volume VI of the Petition,” dated December 15, 2026; “Petitioner Response to the 3rd Supplemental Questionnaire Regarding Volume VI of the Petition,” dated December 29, 2025; and “Petitioner Response to the 4th Supplemental Questionnaire Regarding Volume VI of the Petition,” dated January 13, 2026.

¹³ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹⁴ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁵ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁶ See *APO and Service Final Rule*.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain (1) the party’s name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that Commerce will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, Commerce will make its final determination no later than 75 days after the signature date of this preliminary determination.

U.S. International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, Commerce will notify the ITC of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: June 9, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The physical characteristics of the covered products, which define the scope, are as follows:

The merchandise covered by this investigation consists of certain van-type trailers and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, regardless of the number of axles, for carriage of goods. Van-type trailers are typically, but not limited to, rectangular cuboid trailers with a fully enclosed cargo space consisting of a front nose (with or

without a refrigeration unit), side walls (with or without doors), movable rear panels (whether roll-up doors, swing doors, or another configuration), a floor and subframe, an affixed or removable roof, a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, landing gear, and coupling for towing behind a truck tractor or a connection system for training behind another van-type trailer. Covered van-type trailers are those with a gross vehicle weight rating of greater than 26,000 pounds.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Van-type trailer subframes, or sections of van-type trailer frames, typically consisting of welded crossmembers and slider rails for attaching the running gear;
- Nose wall, side wall, and roof subassemblies, whether insulated or non insulated, and with or without top, bottom, or side rails;
- Rear door frame, whether for swing or roll-up doors, with or without installed doors, bumpers, bumper plates, or reinforcing plates for liftgate;
- Door assemblies, whether for rear swing doors, roll-up doors, side doors or any other configuration, with or without lockrods, handles, hinges, or hinge pins;
- Rear impact guard subassemblies, typically consisting of a fabricated horizontal structural component (such as a guard tube) and uprights for connection to the underside of the rear frame;
- Coupler assembly for connection to truck tractor's fifth wheel, typically consisting of main beams and cross members, support plates, and front nose wrap, and with or without kingpin installed;
- Running gear subassemblies or axle assemblies for connection to the subframe, which may or may not include suspension(s), wheel end components, slack adjusters, dressed axles, brake chambers, locking pins, wheels, and tires; and
- Landing gear subassemblies, typically consisting of two landing legs, a cross channel, braces, bracketing, a cross shaft, and a crank handle.

These subassemblies are subject to the investigation, whether entered alone or with other subassemblies and whether assembled or unassembled and whether finished or unfinished. The absence of any subassembly from an otherwise finished or unfinished van-type trailer does not remove the van-type trailer from coverage.

Subject merchandise also includes components entered with (*i.e.*, on the same bill of lading as) van-type trailers and subassemblies, such as, but not limited to: hub and drum assemblies, brake assemblies (either drum or disc), bare axles, brake chambers, suspensions and suspension components, wheel end components, landing gear legs, wheels, tires, brake control systems, electrical harnesses and lighting systems, lift gate systems, tire inflation systems, or refrigeration units (with or without evaporators or fuel tanks) whether assembled or unassembled, whether as part of a kit or not, and whether or not accompanied by additional components that constitute as part of an unfinished and/or unassembled van-type trailer and

subassemblies thereof that are subject to the investigation.

Processing of finished and unfinished van-type trailers and subassemblies, such as trimming, cutting, grinding, notching, punching, drilling, painting, coating, staining, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished van-type trailer does not remove the product from the scope.

Specifically excluded are subassemblies covered by the scope of the antidumping and countervailing duty orders on certain chassis and subassemblies thereof from the People's Republic of China. *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order*, 86 FR 36093 (July 8, 2021) and *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 24844 (May 10, 2021).

The finished and unfinished van-type trailers subject to this investigation are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 8716.39.0040 and 8716.90.5060. Imports of finished and unfinished subassemblies may also enter under HTSUS subheadings 7308.30.5050, 7308.90.9590, 7326.90.8688, 8708.29.1500, 8708.99.8180, 8716.90.5010. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Discussion of the Methodology
- V. Adjustment Under Section 777(A)(F) of the Act
- VI. Adjustments to Cash Deposits Rates for Export Subsidies in the Companion Countervailing Duty Investigation
- VII. Recommendation

Appendix III

Companies Preliminarily Determined to be Part of the China-Wide Entity

1. Chusheng Vehicle Group Co., Ltd.
2. CIMC Vehicles (Group) Co., Ltd.
3. CIMC Vehicle (Jiangmen) Co., Ltd.
4. CRRG Urban Traffic Co., Ltd.
5. CSCTRUCK Limited
6. Henan Huayu Jujiu Vehicle Co., Ltd.
7. Henan Reddin Trading Co., Ltd.
8. Henan Ulike Industry Co. Ltd.
9. Hubei ChuSheng Commercial Truck
10. Hubei Chusheng Vehicle Co., Ltd.
11. Hubei Chusheng Vehicle Co., Ltd. Sales Office
12. Jinan Shacman Truck Co., Ltd.
13. Qihang Automobile Co., Ltd.
14. Qingdao CIMC Reefer Trailer Co., Ltd.
15. Qingdao CIMC Special Reefer Co. Ltd.

16. Qingdao CIMC Special Vehicles Co., Ltd.
17. Qingdao Genron International Trade Co., Ltd.
18. Qingdao Quest Vehicles Equipment Co., Ltd.
19. Shaanxi Automobile Holding Group
20. Shanghai CIMC Baowell Industries Co., Ltd.
21. Shandong Fuyan Special Purpose Vehicles Manufacturing Co., Ltd.
22. Shandong Luen Auto Co., Ltd.
23. Shandong Shodailer Automobile Manufacturing Co., Ltd.
24. Shandong Tengyun Special Vehicle Manufacturing Co., Ltd.
25. Xiagong Chusheng (Hubei) Special Purpose Vehicle Manufacturing Co., Ltd.
26. Yangzhou Tonglee Reefer Container Co., Ltd.

[FR Doc. 2026–11928 Filed 6–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–209]

Fiberglass Door Panels From People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that fiberglass door panels (door panels) from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through December 31, 2024.

DATES: Applicable June 15, 2026.

FOR FURTHER INFORMATION CONTACT: Samuel Frost or Miranda Bourdeau, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8180 or (202) 482–2021, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 22, 2026, Commerce published in the **Federal Register** its preliminary affirmative determination in the LFTV investigation of door panels from China, in which Commerce also postponed the final determination until June 8, 2026.¹ We invited interested

¹ See *Fiberglass Door Panels from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination*, and

parties to comment on the *Preliminary Determination*.²

For a full discussion of the issues raised by parties for this final determination, *see* the Issues and Decision Memorandum.³ The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The products covered by this investigation are door panels from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴ We received comments from parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.⁵ We have made no modifications to the scope language as it appeared in the

Preliminary Determination. *See* Appendix I.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in January and March 2026, Commerce verified the sales and factors of production information submitted by Dalian Capstone Engineering Co., Ltd. (Capstone) and Jiangxi Fangda Tech Co., Ltd./Jiangxi Hangda Tech Co., Ltd./Jiangxi Onda Tech Co., Ltd. (Fangda)⁶ for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Capstone and Fangda.⁷

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, *see* Appendix II to this notice.

Changes Since the Preliminary Determination

Based on Commerce's analysis of the comments received and findings at verification, we made certain changes since the *Preliminary Determination*. Commerce applied partial adverse facts available (AFA) to a subset of Capstone's U.S. inland freight expenses.⁸ For a detailed discussion of these changes, *see* the Issues and Decision Memorandum.

China-Wide Entity and Use of AFA

As discussed in the *Preliminary Determination*, Commerce assigned an estimated weighted-average dumping margin to the China-wide entity on the basis of AFA, pursuant to sections 776(a) and (b) of the Act.⁹ No party commented on our findings with respect to the China-wide entity and the use of a dumping margin alleged in the petition as the appropriate rate assigned to the China-wide entity. Therefore, Commerce continues to find, pursuant to sections 776(a) and (b) of the Act, that AFA is warranted in determining the estimated weighted-average dumping margin for the China-wide entity, and we continue to assign a dumping margin alleged in the petition (*i.e.*, 147.85 percent) as the applicable AFA rate, which continues to be corroborated by the transaction-specific dumping margin calculated for the mandatory respondents.¹⁰

Separate Rates

We received no comments on our preliminary separate rate determinations. We have made no changes with respect to separate rate eligibility for this final determination.¹¹

Combination Rates

Consistent with the *Preliminary Determination*, Commerce determined producer/exporter combination rates for companies eligible for a separate rate.¹²

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Anhui Xinyu Fiberglass Door Co., Ltd	Anhui Xinyu Fiberglass Door Co., Ltd	73.07	72.94
Wuxi Lutong Fiberglass Doors Co., Ltd	East Grace Corporation	73.07	72.94
Dalian Capstone Engineering Co., Ltd	Dalian Capstone Engineering Co., Ltd	41.82	41.79

Extension of Provisional Measures, 91 FR 2736 (January 22, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² *Id.*

³ *See* Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Fiberglass Door Panels from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ *See* Memorandum, "Antidumping and Countervailing Duty Investigations Fiberglass Door Panels from the People's Republic of China: Preliminary Scope Decision Memorandum," dated December 23, 2025.

⁵ *See* Memorandum, "Antidumping Duty and Countervailing Duty Investigations of Fiberglass

Door Panels from the People's Republic of China: Final Scope Decision Memorandum," dated concurrently with this notice.

⁶ In the *Preliminary Determination*, Commerce determined that Jiangxi Fangda Tech Co., Ltd., Jiangxi Hangda Tech Co., Ltd., and Jiangxi Onda Tech Co., Ltd. are a single entity, and no party commented on this finding. Accordingly, we continue to treat these companies as a single entity for this final determination. *See Preliminary Determination PDM* at 9–10.

⁷ *See* Memoranda, "Verification of the Questionnaire Responses of Trinity Glass International, Inc. in the Less-Than-Fair-Value Investigation of Fiberglass Door Panels from the People's Republic of China," dated May 13, 2026, "Verification of the Questionnaire Responses of Dalian Capstone Engineering Co., Ltd. in the Less-Than-Fair-Value Investigation of Fiberglass Door

Panels from the People's Republic of China," dated May 13, 2026, and "Verification of the Questionnaire Responses of Jiangxi Fangda Tech Co., Ltd. in the Less-Than-Fair-Value Investigation of Fiberglass Door Panels from the People's Republic of China," dated May 13, 2026.

⁸ *See* Issues and Decision Memorandum at Comment 5.

⁹ *See Preliminary Determination PDM* at 16–17.

¹⁰ *See* Memorandum, "Final Determination Analysis Memorandum for Dalian Capstone Engineering Co. Ltd.," dated concurrently with this memorandum; *see also* Memorandum, "Final Analysis Memorandum for Jiangxi Fangda Tech Co., LTD.," concurrently with this memorandum.

¹¹ *See Preliminary Determination PDM* at 11–14.

¹² *Id.* at 14.

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Jiangxi Fangda Tech Co., Ltd./Jiangxi Hangda Tech Co., Ltd./Jiangxi Onda Tech Co., Ltd.	Jiangxi Fangda Tech Co., Ltd./Jiangxi Hangda Tech Co., Ltd./Jiangxi Onda Tech Co., Ltd.	104.31	104.08
Wuxi Lutong Fiberglass Door Co., Ltd	Wuxi Xinli New Material Co., Ltd	73.07	72.94
China-Wide Entity .....	.....	* 147.85	147.82

* This rate is based on facts available with adverse inferences.

Disclosure

We intend to disclose the calculations and analysis performed to interested parties in this final determination within five days of its public announcement, or if there is no public announcement, within five days of the date of the publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after January 22, 2026, the date of publication of the *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require the following cash deposits of estimated antidumping duties for all appropriate entries: (1) for the producer/exporter combinations listed in the table above, the applicable cash deposit rate will be equal to the estimated weighted-average dumping margin listed in the table for that combination, adjusted for subsidy offsets, if appropriate; (2) for all combinations of Chinese producers/exporters of the merchandise under consideration that have not established eligibility for separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity, adjusted for subsidy offsets if appropriate; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination (or China-wide entity) that supplied that third-country exporter or, if the producer/exporter combination does not have its own rate, the cash deposit will be the cash deposit rate for the China-wide entity. These suspension of

liquidation instructions and cash deposit requirements will remain in effect until further notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic pass-through and export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce has made a final affirmative determination for domestic pass-through or export subsidies, Commerce offsets the estimated weighted-average dumping margin by the appropriate CVD rate. Commerce has continued to adjust the cash deposit rate for export subsidies found in the companion CVD investigation by the appropriate export subsidy rate; however, the suspension of liquidation of provisional measures in the companion CVD case has been discontinued.¹³ Therefore, we are not instructing CBP to collect cash deposits based on the adjusted estimated weighted-average dumping margin for export subsidies at this time.¹⁴ If the U.S. International Trade Commission (ITC) makes a final affirmative determination of injury due to both dumping and subsidies, then the cash deposit rate will be revised effective on the date of publication of the ITC's final affirmative determination in the **Federal Register** to be the company-specific estimated weighted-average dumping margin adjusted for export subsidies.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the

¹³ See *Fiberglass Door Panels from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 90 FR 40818. (August 21, 2025); see also section 703(d) of the Act, which states that the provisional measures may not be in effect for more than four months, which in the companion CVD case is 120 days after the publication of the preliminary determination, or December 18, 2025.

¹⁴ *Id.*

Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of door panels from China. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the section, "Continuation of Suspension of Liquidation."

Administrative Protective Order (APO)

This notice will serve as the final reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination and notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: June 8, 2026.

Christopher Abbott,
Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation consists of fiberglass door panels, including fiberglass sidelites, whether finished or unfinished, whether assembled or unassembled, whether pre-

hung or included in an entry door system. The subject fiberglass door panels consist of at least one fiberglass skin, and may contain (1) frames typically made of wood or composite stiles, bottom rails, and top rails, (2) binding materials, including adhesives or fasteners, and (3) insulation foam or other insulating material, and may be assembled with glass lites (glass that is ultimately installed in the fiberglass door panel). Fiberglass sidelites (or “sidelights”) are typically smaller in width than fiberglass door panels, and consist of at least one fiberglass skin, and may contain (1) frames typically made of wood or composite stiles, bottom rails, and top rails, (2) binding materials, including adhesives or fasteners, and (3) insulation foam or other insulating material, and may be assembled with glass lites (glass that is ultimately installed in the fiberglass sidelite). Subject merchandise includes fiberglass door panels and sidelites whether the fiberglass skin surface is painted or unpainted, contains or does not contain cut-outs for door components, or assembled or unassembled with glass lites in the door.

The country of origin of the fiberglass door panel is determined by where the fiberglass door skin is pressed.

Fiberglass door panels and sidelites are covered by the investigation whether they are imported attached to, or in conjunction with door components and accessories (including but not limited to door jambs, door handles, locks, hinges, door stoppers, door kicks, door thresholds, door sills, and trim), in a pre-hung door system, or an entry door system. Subject fiberglass door panels and sidelites are covered whether or not they are accompanied by other parts. However, if a subject fiberglass door panel or sidelite is imported in a pre-hung door system or entry door system, only the fiberglass door panel and sidelite, including when assembled with glass lites or when the glass lites are shipped with the subject merchandise for further assembly, are covered by the scope. Door components and accessories (including but not limited to transoms, door jambs, door handles, locks, hinges, door stoppers, door kicks, door thresholds, door sills, and trim) are not included in the scope when imported with a fiberglass door panel or sidelite, including when such components or accessories are assembled to a fiberglass door panel or sidelite, or when imported separately. Subject merchandise may be impact-rated to withstand hurricane force wind loads and may be reinforced with steel sheet or plate. Impact-rated doors may be certified to Testing Application Standards (TAS) 201/202/203–94 and American Society for Testing and Materials (ASTM) E330–02/14/M–14, E1886–05/13a/, or E1996–09/14a.

Subject merchandise may be fire-rated for up to 90 minutes and may contain flame retardant composites, including, but not limited to flame retardant foam or mineral core materials, including but not limited to low density calcium silicate. Fire-rated doors generally satisfy the National Fire Protection Association (NFPA) 252 Standard Methods of Fire Tests of Door Assemblies and UL10(b) and (c)-Standard for Safety-Fire Tests of Door Assemblies.

Subject merchandise also includes fiberglass door panels and sidelites that have

been processed in a third country, including but not limited to one or more of the following: filling with insulation foam, trimming, cutting, notching, punching, drilling, painting, finishing, assembly, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product. The inclusion of other parts, such as door components and accessories (including but not limited to door jambs, door handles, locks, hinges, door stoppers, door kicks, door thresholds, door sills, and trim) in a third country does not remove the fiberglass door panels and sidelites from the scope.

Excluded from the scope of this investigation are all products covered by the scope of the antidumping duty and countervailing duty orders on wood mouldings and millwork products from China. *See Wood Mouldings and Millwork Products from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty Order*, 86 FR 9486 (February 16, 2021); and *Wood Mouldings and Millwork Products from the People's Republic of China: Countervailing Duty Order*, 86 FR 9484 (February 16, 2021).

Excluded from the scope of this investigation are all products covered by the scope of the antidumping duty and countervailing duty proceedings on float glass products from China. *See Float Glass Products from the People's Republic of China and Malaysia: Initiation of Less-Than-Fair-Value Investigations*, 90 FR 1435 (January 8, 2025); and *Float Glass Products from the People's Republic of China and Malaysia: Initiation of Countervailing Duty Investigations*, 90 FR 1443 (January 8, 2025).

Imports of subject merchandise are classified under Harmonized Tariff Schedule of the United States (HTSUS) statistical number 3925.20.0010. Subject merchandise may also be classified under 4418.29.4000, 4418.29.8030, 4418.29.8060, or 7019.90.5150. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Discussion of the Issues
 - Comment 1: Whether to Adjust Trinity's Glass Inputs Purchased from Affiliated Parties
 - Comment 2: Whether to Adjust Trinity's Other Inputs Purchased from Affiliated Parties
 - Comment 3: Whether to Use Surrogate Values (SVs) to Value Trinity's International Freight Expenses
 - Comment 4: Whether to Adjust the International Freight SV
 - Comment 5: Whether to Adjust Trinity's Reported U.S. Inland Freight Expenses
 - Comment 6: Whether to Modify Financial Statements to Calculate Surrogate Financial Ratios
 - Comment 7: Whether to Revise the Treatment of Depreciation in the Financial Ratio Calculations
 - Comment 8: Whether to Rely on Bulgarian Data to Value Laminated Veneer Lumber (LVL)
 - Comment 9: Whether to Adjust Capstone's Reported Scrap Polyvinyl Chloride (PVC)
 - Comment 10: Whether to Use Turkish Data to Value Labor
 - Comment 11: Whether to Modify the SV for Capstone's Sheet Moulding Compound (SMC)
 - Comment 12: Whether to Modify the SV for Capstone's Foam Regulator
 - Comment 13: Whether to Modify the SV for Capstone's Diphenylmethane Diisocyanate (MDI)
 - Comment 14: Whether to Modify the SV for PVC
 - Comment 15: Whether to Modify the SV for Fangda's SMC Square Pipe
 - Comment 16: Whether to Modify the SV for Fangda's Adhesive
 - Comment 17: Whether to Adjust Fangda's Freight Expenses for Certain Wood Inputs
- V. Recommendation

- [FR Doc. 2026–11930 Filed 6–12–26; 8:45 am]
- BILLING CODE 3510-DS-P**

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–210]

Fiberglass Door Panels From the People's Republic of China: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of fiberglass door panels (door panels) from the People's Republic of China (China). The period of investigation is January 1, 2024, through December 31, 2024.

DATES: Applicable June 15, 2026.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt or T.J. Worthington, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7851 or (202) 482–4567, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 21, 2025, Commerce published the *Preliminary Determination* in the **Federal Register** and invited interested parties to

comment.¹ In accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final countervailing duty (CVD) determination with the final determination in the less-than-fair-value (LTFV) investigation of door panels from China.² On March 19, 2026, Commerce issued a post-preliminary analysis.³

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁴ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Access System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁵ Accordingly, the deadline for this final determination is now June 8, 2026.

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.⁶ The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Investigation

The products covered by this investigation are door panels from China. For a complete description of the scope of this investigation, see Appendix I.

¹ See *Fiberglass Door Panels from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 90 FR 40818 (August 21, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² *Id.*

³ See Memorandum, "Decision Memorandum for the Post-Preliminary Analysis in the Countervailing Duty Investigation of Fiberglass Door Panels from the People's Republic of China," dated March 19, 2026.

⁴ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁵ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁶ See Memorandum, "Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Fiberglass Door Panels from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁷ We received comments from parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.⁸ We have made no modifications to the scope language as it appeared in the *Preliminary Determination*. See Appendix I.

Verification

As provided in section 782(i) of the Act, in December 2025, Commerce conducted a verification of the information reported by Dalian Capstone Engineering Co., Ltd. (Dalian Capstone)⁹ and Jiangxi Fangda Tech Co., Ltd. (Jiangxi Fangda).¹⁰ Commerce used standard verification procedures, including an examination of relevant documents provided at verification, in conducting its verification of the company respondents.¹¹

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs that were submitted by interested parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, see Appendix II to this notice.

⁷ See Memorandum, "Antidumping and Countervailing Duty Investigations Fiberglass Door Panels from the People's Republic of China: Preliminary Scope Decision Memorandum," dated December 23, 2025.

⁸ See Memorandum, "Antidumping Duty and Countervailing Duty Investigations of Fiberglass Door Panels from the People's Republic of China: Final Scope Decision Memorandum," dated concurrently with this notice.

⁹ Commerce also verified information submitted on behalf of Dalian Capstone's cross-owned affiliate Qinhuangdao Entrylite Co., Ltd. (Qinhuangdao Entrylite).

¹⁰ Commerce also verified information submitted on behalf of Jiangxi Fangda's following cross-owned affiliates: (1) Jiangxi Hangda Tech Co., Ltd. (Jiangxi Hangda); (2) Jiangxi Onda Tech Co., Ltd. (Jiangxi Onda); and (3) Nanchang Fangda Door Tech Co., Ltd. (Nanchang Fangda).

¹¹ See Memoranda, "Verification of the Questionnaire Responses of Dalian Capstone Engineering Co., Ltd.," and "Verification of the Questionnaire Responses of Jiangxi Fangda Tech Co., Ltd.," both dated February 9, 2026.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.¹² For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce relied, in part, on facts otherwise available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of adverse facts available (AFA), see the *Preliminary Determination*,¹³ and the Issues and Decision Memorandum at the sections entitled "Use of Facts Otherwise Available and Application of Adverse Inferences."

Changes Since the Preliminary Determination and Post-Preliminary Analysis

Based on our analysis of the comments received from interested parties and our verification findings, we made certain changes to the subsidy rate calculations for Dalian Capstone and Jiangxi Fangda. Furthermore, we revised the total AFA rate to: (1) reflect changes to the mandatory respondents' program-specific rates resulting from verification and (2) modify certain program rates selected as part of our application of total AFA to certain non-responsive companies.¹⁴ Lastly, we have revised the rate applicable to all other producers and exporters of subject merchandise in this investigation. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Pursuant to section 705(c)(5)(A)(i) of the Act, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually examined, excluding any rates that are zero, *de*

¹² See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

¹³ See *Preliminary Determination* PDM at 6–26.

¹⁴ See Issues and Decision Memorandum at Appendix. Commerce did not receive responses to its quantity and value questionnaire from (1) Kits Glass (China) Limited; (2) Hebei Charlotte Enterprise Co., Ltd.; (3) Lily Industries Co., Ltd.; (4) Shanghai Unikey International Trading Co., Ltd.; (5) Zhejiang Kuchuan Door Co., Ltd; and (6) Zhenshi Group Huamei New Materials Co Ltd (collectively, the non-responsive companies).

minimis, or rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated individual estimated countervailable subsidy rates for Dalian Capstone and Jiangxi Fangda that are not zero, *de minimis*, or based entirely

on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.¹⁵

Final Determination

Commerce determines that the following estimated net countervailable subsidy rates exist for the period January 1, 2024, through December 31, 2024:

Company	Subsidy rate (percent <i>ad valorem</i>)
Dalian Capstone Engineering Co., Ltd. ¹⁶	66.22
Jiangxi Fangda Tech Co., Ltd. ¹⁷	58.50
Kits Glass (China) Limited	* 186.46
Hebei Charlotte Enterprise Co., Ltd	* 186.46
Lily Industries Co., Ltd	* 186.46
Shanghai Unikey International Trading Co., Ltd	* 186.46
Zhejiang Kuchuan Door Co., Ltd	* 186.46
Zhenshi Group Huamei New Materials Co Ltd	* 186.46
All Others	60.64

* Rate is based on facts available with adverse inferences.

Disclosure

We intend to disclose the calculations and analysis performed to interested parties in this final determination within five days of its public announcement, or if there is no public announcement, within five days of the date of the publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after August 21, 2025, the date of publication of the *Preliminary Determination* in the **Federal Register**.¹⁸ In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after December 19, 2025, the first day provisional measures were no longer in effect, but to continue the suspension of liquidation of all

entries of subject merchandise on or before December 18, 2025.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of door panels from China. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of door panels from China. In addition, we are making available to the ITC all non-privileged

and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

This notice will serve as the final reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an

¹⁵ With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all

other producers and exporters. See, e.g., *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, see Memorandum,

"Calculation of Final Subsidy Rate for All Others," dated concurrently with this notice.

¹⁶ As noted above, Commerce has found the following company to be cross-owned with Dalian Capstone: Qinhuangdao Entrylite.

¹⁷ As noted above, Commerce has found the following companies to be cross-owned with Jiangxi Fangda: (1) Jiangxi Hangda; (2) Jiangxi Onda; and (3) Nanchang Fangda.

¹⁸ See *Preliminary Determination*, 90 FR at 40820.

APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: June 8, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation consists of fiberglass door panels, including fiberglass sidelites, whether finished or unfinished, whether assembled or unassembled, whether pre-hung or included in an entry door system. The subject fiberglass door panels consist of at least one fiberglass skin, and may contain (1) frames typically made of wood or composite stiles, bottom rails, and top rails, (2) binding materials, including adhesives or fasteners, and (3) insulation foam or other insulating material, and may be assembled with glass lites (glass that is ultimately installed in the fiberglass door panel). Fiberglass sidelites (or “sidelights”) are typically smaller in width than fiberglass door panels, and consist of at least one fiberglass skin, and may contain (1) frames typically made of wood or composite stiles, bottom rails, and top rails, (2) binding materials, including adhesives or fasteners, and (3) insulation foam or other insulating material, and may be assembled with glass lites (glass that is ultimately installed in the fiberglass sidelite). Subject merchandise includes fiberglass door panels and sidelites whether the fiberglass skin surface is painted or unpainted, contains or does not contain cut-outs for door components, or assembled or unassembled with glass lites in the door.

The country of origin of the fiberglass door panel is determined by where the fiberglass door skin is pressed.

Fiberglass door panels and sidelites are covered by the investigation whether they are imported attached to, or in conjunction with door components and accessories (including but not limited to door jambs, door handles, locks, hinges, door stoppers, door kicks, door thresholds, door sills, and trim), in a pre-hung door system, or an entry door system. Subject fiberglass door panels and sidelites are covered whether or not they are accompanied by other parts. However, if a subject fiberglass door panel or sidelite is imported in a pre-hung door system or entry door system, only the fiberglass door panel and sidelite, including when assembled with glass lites or when the glass lites are shipped with the subject merchandise for further assembly, are covered by the scope. Door components and accessories (including but not limited to transoms, door jambs, door handles, locks, hinges, door stoppers, door kicks, door thresholds, door sills, and trim) are not included in the scope when imported

with a fiberglass door panel or sidelite, including when such components or accessories are assembled to a fiberglass door panel or sidelite, or when imported separately. Subject merchandise may be impact-rated to withstand hurricane force wind loads and may be reinforced with steel sheet or plate. Impact-rated doors may be certified to Testing Application Standards (TAS) 201/202/203–94/and American Society for Testing and Materials (ASTM) E330–02/14/M–14, E1886–05/13a/, or E1996–09/14a.

Subject merchandise may be fire-rated for up to 90 minutes and may contain flame retardant composites, including, but not limited to flame retardant foam or mineral core materials, including but not limited to low density calcium silicate. Fire-rated doors generally satisfy the National Fire Protection Association (NFPA) 252 Standard Methods of Fire Tests of Door Assemblies and UL10(b) and (c)-Standard for Safety-Fire Tests of Door Assemblies.

Subject merchandise also includes fiberglass door panels and sidelites that have been processed in a third country, including but not limited to one or more of the following: filling with insulation foam, trimming, cutting, notching, punching, drilling, painting, finishing, assembly, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product. The inclusion of other parts, such as door components and accessories (including but not limited to door jambs, door handles, locks, hinges, door stoppers, door kicks, door thresholds, door sills, and trim) in a third country does not remove the fiberglass door panels and sidelites from the scope.

Excluded from the scope of this investigation are all products covered by the scope of the antidumping duty and countervailing duty orders on wood mouldings and millwork products from China. *See Wood Mouldings and Millwork Products from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty Order*, 86 FR 9486 (February 16, 2021); and *Wood Mouldings and Millwork Products from the People's Republic of China: Countervailing Duty Order*, 86 FR 9484 (February 16, 2021).

Excluded from the scope of this investigation are all products covered by the scope of the antidumping duty and countervailing duty proceedings on float glass products from China. *See Float Glass Products from the People's Republic of China and Malaysia: Initiation of Less-Than-Fair-Value Investigations*, 90 FR 1435 (January 8, 2025); and *Float Glass Products from the People's Republic of China and Malaysia: Initiation of Countervailing Duty Investigations*, 90 FR 1443 (January 8, 2025).

Imports of subject merchandise are classified under Harmonized Tariff Schedule of the United States (HTSUS) statistical number 3925.20.0010. Subject merchandise may also be classified under 4418.29.4000, 4418.29.8030, 4418.29.8060, or 7019.90.5150. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination* and Post-Preliminary Analysis
- IV. Use of Facts Otherwise Available and Application of Adverse Inferences
- V. Calculation of the All-Others Rate
- VI. Analysis of China's Financial System
- VII. Diversification of China's Economy
- VIII. Subsidies Valuation Information
- IX. Analysis of Programs
- X. Discussion of Comments
 - Comment 1: Whether to Apply Adverse Facts Available (AFA) for Dalian Capstone's Use of Petrochemical Inputs for Less than Adequate Remuneration (LTAR) Program
 - Comment 2: Whether to Countervail Employee Assistance Programs
 - Comment 3: Whether to Continue to Reject Dalian Capstone's New Factual Information (NFI)
 - Comment 4: Sheet Molding Compound (SMC) Benchmark
 - Comment 5: Stainless Steel Inputs Benchmark
 - Comment 6: Glass Fibers Benchmark
 - Comment 7: Fiberglass Door Skins Benchmark
 - Comment 8: Ocean Freight Benchmark
 - Comment 9: Inland Freight Benchmark
 - Comment 10: Whether to Revise the AFA Rate for Non-Responsive Companies
 - Comment 11: Whether to Apply Separate AFA Rates for the Tax Forgiveness for Enterprises in the Northeast Region and the Exemptions for State-Owned Enterprises (SOEs) Distributing Dividends Programs
 - Comment 12: Whether to Revise the AFA Rate for the Provision of Land-Use Rights to SOEs for LTAR Program
 - Comment 13: Whether to Countervail as AFA the Input and Services for LTAR Programs
 - Comment 14: Whether to Countervail as AFA the Provision of Electricity for LTAR Program
 - Comment 15: Whether to Countervail as AFA the Provision of Land for LTAR Program
 - Comment 16: Whether to Countervail as AFA “Other Subsidies” Programs
 - Comment 17: Whether to Countervail Policy Loans to the Glass Fiber Industry
 - Comment 18: Whether the Tax Offsets for Research and Development (R&D) Under the Enterprise Income Tax Law (EIT) and Certain Other Tax Reduction Policies are Specific
 - Comment 19: Revise Calculation for Jiangxi Fangda's Use of Enterprise Income Tax Reduction Program
 - Comment 20: Correction of Ministerial Error
- XI. Recommendation

[FR Doc. 2026–11929 Filed 6–12–26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XF676]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the City of Kodiak St. Herman Harbor Infrastructure Rebuild Project

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

ACTION: Notice; issuance of two incidental harassment authorizations.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two incidental harassment authorizations (IHAs) to the City of Kodiak for authorization to take marine mammals incidental to Phase I and Phase II of the St. Herman Harbor Infrastructure Rebuild Project in Kodiak, Alaska.

DATES: The Phase I IHA is effective for 1 year from the date of notification by the IHA-holder, not to exceed 1 year from the date of issuance (June 10, 2026). The Phase II IHA is effective for 1 year from the date of notification by the IHA-holder, not to exceed 1 year from the date of expiration of the Phase I IHA.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-city-kodiaks-st-herman-harbor-infrastructure-rebuild-project>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Austin Demarest, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:**MMPA Background and Determinations**

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than

commercial fishing) within a specified geographical region if certain findings are made and the public has an opportunity to comment on the proposed IHA.

Specifically, NMFS shall issue an IHA if it finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least [practicable] adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation”). NMFS must also prescribe requirements pertaining to the monitoring and reporting of such takings. The definitions of key terms, such as “take,” “harassment,” and “negligible impact,” can be found in the MMPA and the NMFS’ implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On March 13, 2026, a notice of NMFS’ proposal to issue two separate IHAs (and potential renewal IHAs) to the City of Kodiak for take of marine mammals incidental to the St. Herman Harbor Infrastructure Rebuild Project in Kodiak, Alaska was published in the **Federal Register** (91 FR 12363). In that notice, NMFS indicated the estimated numbers, type, and methods of incidental take proposed for each species or stock, as well as the mitigation, monitoring, and reporting measures that would be required should the IHA be issued. The **Federal Register** notice also included analysis to support NMFS’ preliminary conclusions and determinations that each IHA, if issued, would satisfy the requirements of section 101(a)(5)(D) of the MMPA for issuance of the IHA. The **Federal Register** notice included web links to draft IHAs for review, as well as other supporting documents.

No comments were received during the public comment period. There are no changes to the specified activity, the species taken, the proposed numbers, type, or methods of take, or the mitigation, monitoring, or reporting measures in the notice of proposed IHAs. No new information that would change any of the preliminary analyses, conclusions, or determinations in the notice of proposed IHAs has become available since that notice was published, and therefore, the preliminary analyses, conclusions, and

determinations included in the notice of proposed IHAs are considered final.

Changes From the Proposed IHAs to the Final IHAs

Following publication of the notice of proposed IHAs, the City of Kodiak requested additional flexibility regarding the effective period of the Phase II IHA due to uncertainty in funding and construction scheduling. As such, NMFS modified the Phase II IHA effective dates accordingly. The Phase II draft IHA indicated that it would become effective for 1 year upon the expiration of the Phase I IHA. The issued Phase II IHA will instead become effective upon written notification from the applicant to NMFS, but not beginning later than 1 year from the date of expiration of the Phase I IHA.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of two separate IHAs) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of these two separate IHAs qualifies for categorical exclusion from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize take of humpback whales (Mexico-North Pacific and Western North Pacific DPS), fin whales (Northeast Pacific stock), and

Steller sea lions (Western DPS), which are listed under the ESA.

The NMFS Alaska Regional Office issued a Biological Opinion under section 7 of the ESA (16 U.S.C. 1531 *et seq.*) on the issuance or two separate IHAs and the potential renewal IHAs to the City of Kodiak under section 101(a)(5)(D) of the MMPA by the NMFS Office of Protected Resources. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed humpback whales (Mexico-North Pacific and Western North Pacific DPS), fin whales (Northeast Pacific stock), and Steller sea lions (Western DPS).

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued two separate IHAs to the City of Kodiak for authorization to take marine mammals incidental to the St. Herman Harbor Infrastructure Rebuild Project in Kodiak, Alaska.

Dated: June 11, 2026.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2026-11960 Filed 6-12-26; 8:45 am]

BILLING CODE 3510-22-P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2023-0004]

Agency Information Collection Activities; Extension of Collection; Comment Request; Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Information Collection; Request for Comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed extension of approval of information collection requirements associated with the Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries. The Office of Management and Budget (OMB) previously approved the collection of information under control number 3041-0195. OMB's most recent extension of approval will expire on October 31, 2026. The Commission will consider all comments received in

response to this notice before requesting an extension of this collection of information from OMB.

DATES: Submit comments on the collection of information by August 14, 2026.

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2023-0004, within 60 days of publication of this notice by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit the following through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. The Commission typically does not accept comments submitted by email, except as described below.

Mail/hand delivery/courier/written submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail/hand delivery/courier to: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504-7479.

Instructions: All submissions received must include the agency name and docket number for this notice. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to cpsc-os@cpsc.gov. *Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, insert docket number CPSC-2023-0004.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504-7791, or by email to: pra@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries.

OMB Number: 3041-0195.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of packages of button cell and coin batteries; and manufacturers and importers of non-children's products that contain or are designed to use button cell or coin batteries.

General Description of Collection: Based on the requirements in Reese's Law, 15 U.S.C. 2056e(a) and (b), the Safety Standard for Button Cell or Coin Batteries and Consumer Products Containing Such Batteries, 16 CFR part 1263, prescribes performance and labeling requirements for child-resistant battery compartments on children's and non-children's consumer products that contain or are designed to use button cell or coin batteries. These performance and labeling requirements are intended to reduce or eliminate injuries and deaths associated with children 6 years old and younger ingesting these batteries. The labeling requirements include warning labels for packaging of consumer products containing button cell or coin batteries and for any literature, such as instructions or user manuals, accompanying these consumer products. The standard also includes warning label requirements for packaging of button cell or coin batteries, including button cell or coin batteries packaged separately with a consumer product.

Estimated Number of Respondents: CPSC estimates that there are 15,363 entities that will respond to the collection annually.

Estimated Time per Response: CPSC estimates that on average each entity will respond three times per year. While the time per response will vary depending on the business and their practices, CPSC estimates 1.25 hours for labeling and 1.25 hours for recordkeeping, on average.

Total Estimated Annual Burden: The total estimated burden of the collection is 115,222.5 hours (2.5 hours $\times$ 3 $\times$ 15,363 = 115,222.5), annually.

Total Estimated Annual Cost to Respondents: The hourly compensation for all private industry workers in goods-producing industries is \$48.97 per hour (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," total compensation for private industry workers in goods producing industries, December 2025: https://www.bls.gov/news.release/archives/ecec_03202026.htm). At this rate, the annualized cost the total estimated annual cost of the collection of information is approximately \$5.6 million annually (115,222.50 hours $\times$ \$48.97 = \$5,642,445.83).

Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- whether the estimated burden of the proposed collection of information is accurate;
- whether the quality, utility and clarity of the information to be collected could be enhanced; and
- whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Brianna J. Bell,

Paralegal Specialist, Consumer Product Safety Commission.

[FR Doc. 2026-11912 Filed 6-12-26; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 25-1N]

Arms Sales Notification*Correction*

In notice document 2026-07235, appearing on pages 19119 through 19122 in the issue of Tuesday, April 14, 2026, make the following corrections:

1. On page 19120 the image of a letter is removed.
2. On page 19121 the image of a letter is removed.

[FR Doc. C1-2026-07235 Filed 6-12-26; 8:45 am]

BILLING CODE 0099-10-D

DEPARTMENT OF DEFENSE**Office of the Secretary**

Renewal of Department of Defense Federal Advisory Committees—Education for Seapower Advisory Board

AGENCY: Department of Defense (DoD).

ACTION: Renewal of Federal advisory committee.

SUMMARY: The Department of War (DoW) is publishing this notice to announce it is renewing the Education

for Seapower Advisory Board (E4SAB) as a discretionary Federal advisory committee.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the DoW, 703-692-5952.

SUPPLEMENTARY INFORMATION: The DoW is renewing the E4SAB in accordance with chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the "Federal Advisory Committee Act" or "FACA") and 41 Code of Federal Regulations (CFR) 102-3.50(d), and DoW policies and procedures. The charter and contact information for the E4SAB's Designated Federal Officer (DFO) are found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

Consistent with 41 CFR 102-3.65(a), the DoW is publishing the E4SAB's Public Interest Determination.

Pursuant to 41 CFR 102-3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat ("the Secretariat") and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102-3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee. Information on the following factors for the E4SAB was provided to the Secretariat to demonstrate that renewing the E4SAB is in the public interest:

1. *Annual Budget:* The DoW estimates annual operating costs to support the E4SAB are \$827,693, which includes personnel travel, meetings, and contract support.

a. *Federal personnel on a full-time equivalent (FTE) basis:* The estimated annual fully burdened personnel cost to the DoW is 3.00 full-time equivalent at \$660,000 which includes basic pay with cost-of-living allowance (COLA).

b. *Other Federal internal costs:* Other administrative costs for the E4SAB are \$9,680.

c. *Proposed payments to members:* Consistent with 10 U.S.C. 173, members of the E4SAB are not compensated for their services, except for travel and per diem reimbursement for official E4SAB related business. Estimated ex-officio

regular government employee (RGE) cost in support of the E4SAB is \$50,000.

d. *Proposed number of members:* As authorized by the Secretary of War (SecWar), the E4SAB will be composed of not more than 15 members.

e. *Reimbursable costs:* The estimated reimbursement costs, to include travel, for E4SAB staff and members are \$108,013.

2. *If applicable, the total dollar value of grants expected to be recommended during the Fiscal Year:* N/A.

3. *Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership:* As described in its proposed charter and membership balance plan, the E4SAB shall be composed of no more than 15 members, who are eminent leaders and authorities in the fields of academia, business, national defense and security, management, leadership, research and analysis. At least eight members must be from academia. Of the 15 members, 2 individuals shall be ex-officio RGE members:

(1) Deputy Chief of Naval Operations for Operations, Plans, Strategy, and Warfighting Development, United States Navy, Department of the Navy ("the DCNO N3N5N7"); and

(2) Executive Deputy, Training and Education Command/Assistant Deputy Commandant for Training and Education, United States Marine Corps, Department of the Navy (DoN) ("the Executive Deputy, TECOM").

In selecting members, the DoW seeks to capitalize on recognized talented, innovative private and public sector leaders to provide the broadest knowledge and expertise based on a balanced E4SAB membership composition. The E4SAB membership is not static, and the SecWar and Deputy Secretary of War ("the DoW Appointing Authority") may change the membership based upon work assigned to the E4SAB by the DoW Appointing Authority or the Secretary of the Navy (SECNAV), as the E4SAB's DoW Sponsor.

4. *List of all other DoW Federal Advisory Committees:* A complete listing of DoW Federal advisory committees can be located at: <https://www.facadatabase.gov/FACA/s/account/001t000000DCAooAAH/departement-of-defense>.

5. *Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source:* The E4SAB provides independent,

multidisciplinary advisory expertise spanning strategic naval, air, space, cyberspace, defense, management, leadership, and academia—a composition no commercial consulting service can replicate at equivalent cost. The E4SAB provides advice and recommendations to the DoN pertaining to the Naval Community College (NCC), the Naval Postgraduate School (NPS), and the Naval War College (NWC) by focusing on matters concerning professional military education as they pertain to the United States Navy and military's clear mission: to protect the American people and the homeland as the world's most lethal and effective fighting force. These matters include, but are not limited to, organizational management, curricula and methods of instruction, facilities, issues of accreditation, and other aspects of the organization and management of these schools.

The SECNAV has established three permanent subcommittees. These subcommittees, when tasked in accordance with DoW policy and procedures, shall provide advice and recommendations to the E4SAB as described below for each respective subcommittee:

The NCC Subcommittee addresses issues and provides advice and recommendations for the E4SAB to consider regarding the NCC's accreditation and achievement of goals. In addition, this subcommittee advises on the NCC's adherence to its institutional mission, attainment of student outcomes, compliance with the Middle States Commission on Higher Education (MSCHE) accreditation standards, and policies (as applicable to and feasible for a government institution), and achievement of institutional effectiveness and institutional sustainability. Individuals appointed to this subcommittee shall be eminent authorities in the fields of academia, management, leadership, business, science and technology, defense, and national security.

The NPS Subcommittee addresses issues and provides advice and recommendations for the E4SAB to consider regarding the NPS's accreditation and achievement of goals. In addition, the subcommittee advises on the NPS's adherence to its institutional mission, compliance with Western Association of Schools and Colleges Senior College and University Commission (WSCUC) accreditation standards and policies (as applicable to and feasible for a government institution), and achievement of educational effectiveness and institutional sustainability. Individuals

appointed to this subcommittee shall be eminent authorities in the fields of academia, science and technology, operations research, strategic planning, defense analysis, national security, and business.

The NWC Subcommittee addresses issues and provides advice and recommendations for the E4SAB to consider regarding the NWC's accreditation and achievement of goals. In addition, the subcommittee advises on the NWC's adherence to its institutional mission, compliance with New England Commission of Higher Education (NECHE) accreditation standards and policies (as applicable to and feasible for a government institution), and achievement of educational effectiveness and institutional sustainability. Individuals appointed to this subcommittee shall be eminent authorities in academia, science and technology, public policy, national security, international relations, political science, and economics.

While ultimate authority over the E4SAB resides within the DoW and DoN chain of command, civilian academic accrediting bodies (such as the MSCHE, WSCUC, and NECHE) require higher education institutions to maintain an independent board. The E4SAB fulfills accreditation governing board requirements under MSCHE, WSCUC, and NECHE standards by acting as an independent advisory body. Without the E4SAB, the NCC, NPS, and NWC risk loss of civilian accreditation, directly threatening force recruiting, retention, and graduate credibility across the DoW.

The E4SAB provides expert advice and recommendations of all new courses, degree plans, and financial management functions, ensuring that the NCC, NPS, and NWC continue to operate rigorous educational programs that are perfectly aligned with the Navy's mission, and as an extension, the DoW's Joint Professional Military Education Program.

6. *If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:* E4SAB 2016–2024 Accomplishments: the E4SAB's advice and recommendations to the DoW and the DoN resulted in the following (Note: Prior to October 1, 2019, the E4SAB was titled the Board of Advisors to the Presidents of the Naval Postgraduate School and the Naval War College (NPS/NWC BoA):

- (2016) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, a change to policy to allow enlisted service members access to postgraduate,

resident education at NPS in the cyber warfare program.

- (2016) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, Navy leadership moved forward to fill vacancies of the NPS/NWC BoA and its subcommittees. Three new members were appointed.

- (2017) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, Navy Office of the Judge Advocate General and Navy Inspector General will work with NWC to provide a timeline for completion, strengthen the submissions, and forward packages for the educational institutions time and attendance and copyright issues packages for legislative approval.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, Senior Navy Leadership took appropriate steps to emphasize the importance of the NPS to the Navy and to the Nation in the wake of the 2012 NAVINSGEN report.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, Navy conferred Flagship Institution status for the NPS and the NWC.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, NPS developed a formal exit interview program for departing faculty members with reason tracking.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, a tenure process at the NWC institute.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, SECNAV agreed that NPS Faculty should put papers forward proposing the work they want to do and he will assist.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, NPS President provided DoN authority to accept gifts from its Foundation up to \$250,000.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, SECNAV formed an 11 member NPS President Search Committee to include several members of the NPS/NWC BoA to put forth a candidate for his consideration and a new NPS President has been appointed.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN,

hiring freeze lifted and NPS able to add faculty to the staff.

- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, Navy placed renewed emphasis on timely vetting of new board members and reapprovals of sitting members.
- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, NWC summarized the space shortages on campus and provided white paper on impacts to students.
- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, Navy reviewed the NPS President's Sailing Directions memo for full implementation. The majority of recommendations approved—some recommendations remain pre-decisional or absorbed into other Navy initiatives.
- (2018) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, the Monterey Cybersecurity Institute initiative is reviewed and considered by Navy.
- (2019) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, many of the authorities restored to NPS leadership and climate at the school improved.
- (2019) An accomplishment based on the NPS/NWC BoA's advice and recommendations provided to the DoN, the DoN established and filled the position of Chief Learning Officer.
- (2019) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, Navy outlined, defined, and granted status to the NPS and the NWC as Flagship Institutions.
- (2019) Based on the E4SAB's advice and recommendations provided to the DoN, the Work Acceptance Process was defined and accepted by the NPS.
- (2019) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, a functioning faculty council group at the NWC was created.
- (2019) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, Navy developed the POA&M for NPS Sailing Directions.
- (2019) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, a review by Navy sponsors and Navy Leadership of Center for Civil Military Relations (CCMR) and NPS relationship was conducted.
- (2019) An accomplishment based on the E4SAB's advice and

recommendations provided to the DoN, NPS formed partnerships with other academic and industry leaders.

- (2019) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, Navy cleared the way to permit the NPS to be aligned with academic and industrial enterprises.
- (2019) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, Navy worked with proper legal authorities to enable the NPS Foundation to help support the Monterey Cybersecurity Institute.
- (2020) The E4SAB was unable to provide any advice or recommendations as all DoD FACA Committee operations were suspended by the Secretary of Defense for a Department of Defense Zero-Based Review (DoD ZBR).
- (2021) The E4SAB was unable to provide any advice or recommendations for FY21 as it did not meet in FY21 due to the DoD ZBR.
- (2022) The E4SAB was unable to provide any advice or recommendations for FY22 as it did not meet in FY22 due to the DoD ZBR.
- (2023) The E4SAB did not provide any advice or recommendations for FY23 as the Navy focused on resuming E4SAB operations and reconstituting its membership following the DoD ZBR.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, recommended that the E4SAB review the DoN Naval Education Strategy in order to provide SECNAV with potential recommendations for the strategy's implementation.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, NPS provided the E4SAB with data on student and graduates receiving cyber related education to inform their recommendations to the SECNAV regarding strategic initiatives to improve naval education.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN, the NCC provided the E4SAB with an end of fiscal year status update to inform their recommendations to the SECNAV regarding strategic initiatives to improve naval education.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was to invite students from each naval education institution during its next meeting to provide members with greater insight regarding the students' experiences and perspectives.

- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was a summary chart detailing the current status of each 2018 Education for Seapower Study recommendation.

- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was that it could better obtain additional Naval Education Enterprise stakeholder's input to inform their recommendations to the SECNAV regarding strategic initiatives to improve naval education.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was to recommend a meeting include two agenda items for discussion: (1) talent management, and (2) its impact on naval education.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was that it receives an overview brief on talent management to better understand its scope and challenges, and the impacts on the continuum of learning.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was it receive information regarding any constraints or concerns regarding the DoN collaborating with external education institutions to increase opportunities for DoN personnel seeking graduate education in critical fields such as cybersecurity and AI.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was the next E4SAB meeting agenda items for discussion include: (1) Explore the potential utilization of the Intergovernmental Personnel Act (IPA) program for faculty and staff at NUS institutions; and (2) Discuss potential recommendations regarding partnership programs between the DoN and external education institutions to increase opportunities for graduate education in domains such as cybersecurity and AI.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was that the DoN establish a Naval Strategic Studies Group as a pilot in FY25.
- (2024) An accomplishment based on the E4SAB's advice and recommendations provided to the DoN was that the Office of the DoD Chief Talent Management Officer provide information regarding the DoD's utilization of the Intergovernmental Personnel Act (IPA) program to form future board recommendations regarding DoN talent management and

opportunities for faculty collaboration across the Navy's education institutions.

E4SAB 2025 Accomplishments:

Following the Secretary of War's 2025 advisory committee stand-down directive, the E4SAB has not convened since March 2025. DoW is actively reconstituting the E4SAB in FY26, establishing updated bylaws and a revised charter that align with current Administration priorities.

7. *Explanation of why the committee/subcommittee is essential to the conduct of agency business:* The E4SAB directly advances the Administration's core national security priorities by providing independent advice and recommendations ensuring the NCC, NPS, and NWC's curricula, doctrine, and research align with the goal of deterring adversaries through strength—not weakness—by producing lethal, operationally ready warriors trained for successful large-scale, high kinetic, combat operations against peer adversaries who are imbued with the essential Warrior Ethos to win decisively. The E4SAB advice and recommendations allow the DoW and DoN to enforce a merit-based framework of academic rigor and joint/civilian accreditation that sustains the Warrior Ethos by demanding excellence at every level of professional military education. Through its focus on lethality-based education, the E4SAB's advice and recommendations to the DoW ensure NCC, NPS, and NWC graduates are warfighters prepared to defend the homeland and project overwhelming decisive force across all domains around the globe to crush their enemies. Additionally, the E4SAB advice and recommendations assist the DoW to fulfill the governing board requirement under MSCHE, WSCUC, and NECHE, maintaining the civilian accreditation that underpins recruiting, retention, and the credibility of every degree and certificate the NCC, NPS, and NWC confers.

The E4SAB advances the DoW's core business of building lethal, merit-based joint airpower warriors across the full spectrum of the force through career-long Professional Military Education. The E4SAB advice and recommendations assist the DoW in ensuring that NCC, NPS, and NWC trains Sailors, Marines, and other military service members to seamlessly leverage multi-domain power in large-scale combat operations. The E4SAB supports NCC, NPS, and NWC's role as premier research institutions, ensuring operationally relevant research reaches sponsors across the joint force in direct support of the 2026 National Defense Strategy and Joint Warfighting Concepts.

The public or interested organizations may submit written statements about the E4SAB's mission and functions. All written statements shall be submitted to the DFO for the E4SAB.

Dated: June 10, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–11925 Filed 6–12–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–2179]

Agency Information Collection Activities; Comment Request; Talent Search (TS) Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a reinstatement without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before August 14, 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–2179. 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 www.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 Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 5B145, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Marie Julienne, 202–987–1054.

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: Talent Search (TS) Annual Performance Report.

OMB Control Number: 1840–0826.

Type of Review: A reinstatement without change of a previously approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 517.

Total Estimated Number of Annual Burden Hours: 9,306.

Abstract: The U.S. Department of Education (Department) is requesting a reinstatement without change of the previously-approved Talent Search Annual Performance Report, which expired on January 31, 2026 (OMB No.: 1840–0826). The report provides the Department with information needed to evaluate a grantee's performance and compliance with program requirements and to award prior experience points in accordance with the program regulations. The data collection is also aggregated to provide national

information on project participants and program outcomes.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–12002 Filed 6–12–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0531]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provision—Subpart E—Verification Student Aid Application Information

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 a reinstatement without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 15, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Zelma Barrett, (202) 245–8012.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate;

(4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provision—Subpart E—Verification Student Aid Application Information.

OMB Control Number: 1845–0041.

Type of Review: Reinstatement without change of a previously approved ICR.

Respondents/Affected Public: Private Sector; Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 2,345,626.

Total Estimated Number of Annual Burden Hours: 371,252.

Abstract: This request is for a reinstatement without change of the information collection supporting the policies and reporting requirements contained in Subpart E of Part 668—Verification and Updating of Student Aid Application Information. Sections 668.53, 668.54, 668.55, 668.56, 668.57, 668.59 and 668.61 contain information collection requirements (OMB control number 1845–0041). This subpart governs the verification and updating of information provided on the Free Application for Federal Student Aid (FAFSA®) which is used to calculate an applicant’s Student Aid Index (SAI) for purposes of determining an applicant’s need for student financial assistance under Title IV of Higher Education Act of 1965, as amended (HEA).

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–12004 Filed 6–12–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Accrediting Agency Currently Undergoing Review for the Purpose of Recognition by the U.S. Secretary of Education

AGENCY: Office of Postsecondary Education, U.S. Department of Education.

ACTION: Call for written third-party comments.

SUMMARY: This notice provides information to members of the public on submitting written comments for an accrediting agency currently undergoing

review for the purpose of recognition by the Secretary of Education.

DATES: July 15, 2026.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Daggett, Director, Accreditation Group, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Fifth floor, Washington, DC 20202, telephone: (202) 453–7615, or email: elizabeth.daggett@ed.gov.

SUPPLEMENTARY INFORMATION: This request for written third-party comments concerning the performance of an accrediting agency under review by the Secretary of Education is required by Section 496(n)(1)(A) of the Higher Education Act of 1965, as amended, 20 U.S.C. 1001, *et seq.* (HEA), and pertains to the second meeting in 2027 of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). The meeting date will be announced in a later **Federal Register** notice and will describe how to register to provide oral comments at the meeting. Written comments submitted in response to this **Federal Register** notice must be submitted to the electronic mail address identified below on or before the comment due date.

Agency Under Review and Evaluation: The Department requests written comments from the public on the following accrediting agency, which is currently undergoing review and evaluation by the Accreditation Group, and which will potentially be reviewed at the second 2027 NACIQI meeting.

The agency has submitted an application for initial recognition. Please note, the agency’s requested scope of recognition is indicated below.

Application for Initial Recognition

1. Postsecondary Commission.
Requested Scope of Recognition: The accreditation of postsecondary institutions, including degree and non-degree-granting institutions offering undergraduate certificates, undergraduate degrees, postgraduate certificates, and graduate degrees (master’s, doctoral, and Ph.D.). This includes the accreditation of programs offered via distance education at those institutions. Jointly with the Commission, this recognition extends to the Appeals Panel for accreditation decisions under appeal. Geographic Area of Accrediting Activities: Throughout the United States.

Submission of Written Comments Regarding a Specific Accrediting Agency Under Review

Written comments in response to this **Federal Register** notice about the

recognition of the accrediting agency listed above must be received on or before the comment due date, in the *ThirdPartyComments@ed.gov* mailbox. Please include in the subject line "Written Comments: (agency name)." The electronic mail (email) must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a PDF, Microsoft Word document, or in a medium compatible with Microsoft Word that is attached to an email or provided in the body of an email message. Comments about an agency that has submitted a petition for initial recognition must relate to the agency's compliance with the Secretary's Criteria for Recognition of accrediting agencies, which are available at: <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602?toc=1>.

Only written materials submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations. Comments about the agency listed in this **Federal Register** notice may also be provided orally at the second 2027 NACIQI meeting, which has not yet been scheduled, but which will be announced in a future **Federal Register** notice.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: <https://www.govinfo.gov/>. At this site, you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1099b; 20 U.S.C. 1011c.

David Barker,
Assistant Secretary for Postsecondary Education.

[FR Doc. 2026-12008 Filed 6-12-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-0596]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Teacher Cancellation Low Income Directory

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 a reinstatement without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 15, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Zelma Barrett, (202) 245-8012.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Teacher Cancellation Low Income Directory.

OMB Control Number: 1845-0077.

Type of Review: Reinstatement without change of a previously approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 57.

Total Estimated Number of Annual Burden Hours: 6,840.

Abstract: The Department of Education (the Department) is requesting OMB approval for a reinstatement without change to 1845-0077 Teacher Cancellation Low Income Directory.

The Higher Education Act of 1965, as amended, (HEA) allows for up to a one hundred percent cancellation of a Federal Perkins Loan and loan forgiveness of a Federal Family Education Loan and Direct Loan program loan if the graduate teaches full-time in an elementary or secondary school serving low-income students.

The data collected for the development of the Teacher Cancellation Low Income Directory provides web-based access to a list of all elementary and secondary schools, and educational service agencies that serve a total enrollment of more than 30 percent low income students (as defined under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended). The Directory allows post-secondary institutions to determine whether or not a teacher, who received a Federal Perkins Loan, Direct Loan, or Federal Family Education Loan at their school, is eligible to receive loan cancellation or forgiveness or that a teacher who received a TEACH Grant is meeting the service obligation. This revision request updates the collection with an optional school type data element.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026-12000 Filed 6-12-26; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**[Docket No.: ED–2026–SCC–0892]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; FY 2026 Child Care Access Means Parents in School Annual Performance Report Package 84.335A****AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).**ACTION:** Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a reinstatement without change of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 15, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Mose Cartier, 202–453–7373.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in

response to this notice will be considered public records.

Title of Collection: FY 2026 Child Care Access Means Parents in School Annual Performance Report Package 84.335A.

OMB Control Number: 1840–0763.

Type of Review: A reinstatement without change of a previously approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 350.

Total Estimated Number of Annual Burden Hours: 9,800.

Abstract: The Child Care Access Means Parents in School (CCAMPIS) annual performance reports are used to collect programmatic data for purposes of annual reporting; budget submissions to OMB; Congressional hearings and testimonials; Congressional inquiries; and responding to inquiries from higher education interest groups and the general public.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–12003 Filed 6–12–26; 8:45 am]

BILLING CODE 4000–01–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: EC26–108–000.

Applicants: 64NB 8me LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of 64NB 8me LLC.

Filed Date: 6/9/26.

Accession Number: 20260609–5178.

Comment Date: 5 p.m. ET 6/30/26.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–255–000.

Applicants: Piedra Solar, LLC.

Description: Piedra Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/9/26.

Accession Number: 20260609–5143.

Comment Date: 5 p.m. ET 6/30/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2511–010.

Applicants: NorthWestern Corporation.

Description: Supplement to 06/30/2025, Triennial Market Power Analysis for Northwest Region of NorthWestern Corporation.

Filed Date: 6/9/26.

Accession Number: 20260609–5180.

Comment Date: 5 p.m. ET 6/30/26.

Docket Numbers: ER26–2309–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of Amended WMPA, SA No. 5856; AF2–379 to be effective 6/27/2026.

Filed Date: 6/10/26.

Accession Number: 20260610–5072.

Comment Date: 5 p.m. ET 7/1/26.

Docket Numbers: ER26–2761–000.

Applicants: Three Rivers Solar Power, LLC.

Description: Filing Withdrawal: Withdraw Application for Market-Based Rate to be effective N/A.

Filed Date: 6/10/26.

Accession Number: 20260610–5142.

Comment Date: 5 p.m. ET 7/1/26.

Docket Numbers: ER26–2769–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing:

eTariff Correction to Sections 15 and 28.5 in PSE’s OATT to be effective 12/10/2025.

Filed Date: 6/9/26.

Accession Number: 20260609–5150.

Comment Date: 5 p.m. ET 6/30/26.

Docket Numbers: ER26–2770–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 5633; Queue No. AC2–088/AD1–136 to be effective 8/10/2026.

Filed Date: 6/10/26.

Accession Number: 20260610–5003.

Comment Date: 5 p.m. ET 7/1/26.

Docket Numbers: ER26–2771–000.

Applicants: Chestnut Run Energy LLC.

Description: Chestnut Run Energy LLC submits a limited, one-time waiver request of the PJM Interconnection, L.L.C. OATT to enable an equipment change to the Facility’s originally planned configuration.

Filed Date: 6/9/26.

Accession Number: 20260609–5177.

Comment Date: 5 p.m. ET 6/18/26.

Docket Numbers: ER26–2772–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) Rate Filing: ITCMW RS 238 Contribution in Aid and Construction Agreement to be effective 6/11/2026.

Filed Date: 6/10/26.

Accession Number: 20260610–5080.

Comment Date: 5 p.m. ET 7/1/26.

Docket Numbers: ER26–2773–000.

Applicants: KPT Energy LLC.
Description: § 205(d) Rate Filing: Application for Market-Based Rate Authority to be effective 8/10/2026.
Filed Date: 6/10/26.
Accession Number: 20260610–5120.
Comment Date: 5 p.m. ET 7/1/26.
Docket Numbers: ER26–2774–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of Partially Executed NUCRA, SA No. 7851, NU No. n9269.0 to be effective 8/9/2026.
Filed Date: 6/10/26.
Accession Number: 20260610–5125.
Comment Date: 5 p.m. ET 7/1/26.
Docket Numbers: ER26–2775–000.
Applicants: Three Rivers Solar Power, LLC.

Description: Initial Rate Filing: Application for Market Based Rate to be effective 6/17/2026.

Filed Date: 6/10/26.
Accession Number: 20260610–5145.
Comment Date: 5 p.m. ET 7/1/26.
Docket Numbers: ER26–2776–000.
Applicants: New England Power Company.

Description: Notice of Cancellation of Interconnection Agreement with South Barre Hydroelectric Company of New England Power Company.

Filed Date: 6/8/26.
Accession Number: 20260608–5197.
Comment Date: 5 p.m. ET 6/29/26.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF26–468–000; QF26–469–000; QF20–413–000.
Applicants: Syncarpha Eagle Nest I, LLC, Syncarpha North Adams LLC, Marie's Way Solar I, LLC.

Description: Refund Report of Marie's Way Solar 1, LLC, et al.

Filed Date: 6/9/26.
Accession Number: 20260609–5183.
Comment Date: 5 p.m. ET 6/30/26.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Dated: June 10, 2026.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026–11964 Filed 6–12–26; 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 and Accounting Request filings:

Filings Instituting Proceedings

Docket Numbers: AC26–83–000.
Applicants: MCT NGL LLC.
Description: MCT NGL LLC submits request for a limited waiver to file a FERC Form No. 6–Q for the first quarter of 2026.

Filed Date: 6/9/26.
Accession Number: 20260609–5058.
Comment Date: 5 p.m. ET 6/24/26.

Docket Numbers: RP26–925–000.
Applicants: Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Compliance Filing—Texas-Louisiana Expansion Project to be effective 7/1/2026.

Filed Date: 6/9/26.
Accession Number: 20260609–5101.
Comment Date: 5 p.m. ET 6/22/26.

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: June 10, 2026.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026–11962 Filed 6–12–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2026–1387; FRL–13202–03–OCSPP]

Certain New Chemicals; Receipt and Status Information for February and March 2026

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of new chemical submissions under the Toxic Substances Control Act (TSCA), including information about the receipt of a Premanufacture Notice (PMN), Significant New Use Notice (SNUN), Microbial Commercial Activity Notice (MCAN), and an amendment to a previously submitted notice; test information; a biotechnology exemption application; an application for a test marketing exemption (TME); and a notice of commencement of manufacture (defined by statute to include import) (NOC) for a new chemical substance. This document also provides a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review. EPA is hereby providing notice of receipt of this information, as required by TSCA, and an opportunity to comment. This document covers new chemical submissions that have passed an initial screening and, for PMNs, SNUNs and MCANs, were determined to be complete during the period from 03/1/2026 to 03/31/2026 regardless of initial submission date.

DATES: Comments must be received on or before July 15, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2026–1387

and the specific case number provided in this document for the chemical substance related to your comment, online 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:

For technical information: Jim Rahai, Office of Chemical Safety and Pollution Prevention (OCSPP-OMCO-RISD), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: rahai.jim@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 is the Agency's authority for taking this action?

EPA is publishing this document in the **Federal Register** as required by sections 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, and corresponding EPA regulations.

Under TSCA, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance, see <https://www.epa.gov/chemicals-under-tsca>. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." See TSCA section 3(2) and (11). For more information about the TSCA Inventory, see <https://www.epa.gov/inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN, or

SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the new chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture a new chemical substance, or manufacture or process a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical substances will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME.

Premanufacture notification procedures for reviewing certain new microbial products of biotechnology are established in 40 CFR part 725. These pertain to MCANs and biotechnology exemptions, including TSCA experimental release applications (TERAs), TMEs for microorganisms, and Tier I and Tier II exemptions.

C. What action is the Agency taking?

This document provides notice of receipt and status reports for the covered period and certain submissions under TSCA section 5 and provides an opportunity to comment on this information. The Agency provides information about the receipt of PMNs, SNUNs, MCANs, and amendments to a previously submitted notice; test information; biotechnology exemption applications under 40 CFR part 725; TME applications; NOCs for new chemical substances; and a periodic status report on chemical substances that are currently under EPA review or have recently concluded review.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703.

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. Background

A. What information is being provided in this document?

The tables in this document provide the following information on the TSCA section 5 submissions received by EPA during this period and determined to be completely consistent with 40 CFR 720.70(a).

- *Case number.* The EPA number assigned to the TSCA section 5 submissions. Please note that a case number may be listed more than once in the table when the submission involves a subsequent amendment.

- *Chemical substance.* Name of the chemical substance, or generic name if the specific name is claimed as CBI.

- *Manufacturer.* Name of the submitting manufacturer, to the extent that such information is not subject to a CBI claim. The term "manufacturer" is defined by statute to include importer.

- *Use(s).* Potential uses identified by the manufacturer.

- *Received.* Date the submission was received by EPA.

- *Commencement.* Date of commencement provided by the submitter in the NOC.

- *Test information.* For test information received, the type of test information submitted to EPA is based on the attachment type and subtype data selected by the submitter.

B. What do the acronyms mean that are used in the tables?

As used in each of the tables, the following explanations apply:

- (S) indicates that the information in the table is the specific information provided by the submitter.

- (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

C. How can I access other information about TSCA section 5 submissions?

EPA provides information on its website about cases reviewed under TSCA section 5, including the PMNs, SNUNs, MCANs, and exemption applications received; the date of receipt; the final EPA determination on the submission; and the effective date of EPA's determination. See <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/pre-manufacture-notices>. In addition, information EPA receives about chemical substances under TSCA, including non-CBI new chemical

submissions, can be accessed in ChemView at <https://chemview.epa.gov/>

III. Receipt Reports

Table 1 provides non-CBI information for the PMNs, SNUNs and MCANs

received by EPA that have passed an initial screening and determined to be completely consistent with 40 CFR 720.70(a) during this period.

TABLE 1—PMN/SNUN/MCANs RECEIVED AND UNDER REVIEW

Case No.	Received date	Manufacturer	Use	Chemical substance
P-24-0083	03/16/2026	CBI	(G) Ingredient for cleaning products	(G) Branched alcohol alkoxylate.
P-24-0179	02/25/2026	CBI	(G) Component in batteries	(G) Aluminum- and metal-doped cobalt metal nickel oxide.
P-24-0180	02/25/2026	CBI	(G) Component in batteries	(G) Aluminum- and metal- and metal-doped cobalt metal nickel oxide.
P-24-0181	02/25/2026	CBI	(G) Component in batteries	(G) Metal- and metal-doped cobalt metal nickel oxide.
P-24-0195	03/17/2026	CBI	(G) Heat transfer fluid, Dielectric testing	(G) Trimers of hexafluoropropene.
P-26-0019	03/02/2026	Power Dream America, Inc	(S) Industrial use coatings: Functional additive/reactive component for UV/thermal-curable acrylate coating formulations (thiol-functionalized acrylate) to improve crosslinking and performance. Industrial use inks: Functional additive/reactive component for UV/thermal-curable acrylate ink formulations (thiol-functionalized acrylate) to improve cure and performance.	(G) Thiol-functionalized acrylate.
P-26-0019	03/09/2026	Power Dream America, Inc	(S) Industrial use coatings: Functional additive/reactive component for UV/thermal-curable acrylate coating formulations (thiol-functionalized acrylate) to improve crosslinking and performance. Industrial use inks: Functional additive/reactive component for UV/thermal-curable acrylate ink formulations (thiol-functionalized acrylate) to improve cure and performance.	(G) Thiol-functionalized acrylate.
P-26-0037	03/13/2026	Nanovere Technologies, LLC	(S) No additional uses are intended beyond those described in this submission.	(S) Oxirane, 2-methyl-, polymer with 1,6-diisocyanatohexane, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-methyloxirane polymer with oxirane ether with 1,2,3-propanetriol (3:1) and oxirane, 3-(trimethoxysilyl)-N- [3-(trimethoxysilyl) propyl]-1-propanamine-blocked.
P-26-0037	03/18/2026	Nanovere Technologies, LLC	(S) No additional uses are intended beyond those described in this submission.	(S) Oxirane, 2-methyl-, polymer with 1,6-diisocyanatohexane, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-methyloxirane polymer with oxirane ether with 1,2,3-propanetriol (3:1) and oxirane, 3-(trimethoxysilyl)-N- [3-(trimethoxysilyl) propyl]-1-propanamine-blocked.
P-26-0041	03/12/2026	CBI	(G) Industrial use in Oilfield	(G) Fatty acids and fatty acid unsatd., reaction products with ethyleneamines and citric acid.
P-26-0056	03/04/2026	Central Glass International	(S) Cleaning agents (metal cleaning, precision cleaning): These substances are used to remove contaminants (such as processing oil) adhering to the surface of metal processed parts and products, as well as fine particles and oils and grease adhering to electronic parts and optical equipment. Solvent: Dissolve the dissolving substance in the substance to prepare a mixed solution. Immerse the item to be coated in the mixed solution and then remove it and allow the substance to volatilize. After the substance volatilizes, the dissolved substance remains on the surface of the object to be coated.	(G) Alkene, halosubstituted-polyhalosubstituted-.
P-26-0059	03/24/2026	Integrated Chemical Technologies, Inc.	(S) CONDITIONER is added to hydrochloric acid to provide corrosion inhibition of steel and other metallurgies. Typical dosage ranges between 5–20 gallons of Conditioner per 1000 gallons of 15wt% HCl.	(S) 2-Propen-1-one, 2-(methoxymethyl)-1-phenyl.

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW—Continued

Case No.	Received date	Manufacturer	Use	Chemical substance
P-26-0061	02/27/2026	Allnex USA, Inc	(S) Industrial protective metal topcoats	(G) Alkanedioic acid, 1,3-diethyl ester, polymer with .alpha.-[2,2-bis(hydroxymethyl)butyl]-.omega.-methoxypoly(oxy-1,2-ethanediyl), dimethyl carbonate, 1,6-hexanediol, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and tricyclodecanedimethanol, acrylic acid-pentaerythritol reaction products- and diethanolamine- and 2,2'-[oxybis(methylene)]bis[2-ethyl-1,3-propanediol] acrylate-blocked.
P-26-0062	02/26/2026	CBI	(S) Acrylic monomer, intended use to be polymerized in conjunction with other (meth)acrylates for coatings, paints, resins, etc.	(S) Fatty acids, soya, epoxidized, Me esters, acrylates.
P-26-0062	03/16/2026	CBI	(S) Acrylic monomer, intended use to be polymerized in conjunction with other (meth)acrylates for coatings, paints, resins, etc.	(S) Fatty acids, soya, epoxidized, Me esters, acrylates.
P-26-0063	02/26/2026	CBI	(G) Heat transfer fluid	(G) Alkene, halo-substituted, oligomer.
P-26-0064	03/04/2026	CBI	(S) Acrylate component for use in additive manufacturing (industrial 3D printing), in industrial UV/EB curable adhesives and composites and industrial UV/EB curable inks and/or coatings.	(G) Reaction product of polyether diol, hydroxy (meth)acrylates, 2-oxepanone, and aliphatic diisocyanates.
P-26-0065	03/20/2026	CBI	(S) Substance used to improve mechanical properties in materials, for weight reduction in materials, in field emission applications, as a heating material, for heat dissipation, and to improve electrical conductivity.	(G) Single-walled carbon nanotubes.
P-26-0066	03/16/2026	Clariant Corporation	(S) Lubricating agent and/or nucleating agent.	(S) Waxes and waxy substances, rice bran, oxidized, sodium salts.
P-26-0066	03/18/2026	Clariant Corporation	(S) Lubricating agent and/or nucleating agent.	(S) Waxes and waxy substances, rice bran, oxidized, sodium salts.
P-26-0067	03/17/2026	CBI	(G) Component used in the manufacture of electronics.	(G) Alkyl alkenoic acid, (trialkoxymetalloid)alkyl ester, hydrolysis products with alumina and polyalkyl substituted amine.
P-26-0068	03/18/2026	CBI	(S) A photo initiator for UV-curable printing ink formulation.	(G) 1-(Carbopolycyclic) substituted alkyl ketone.
P-26-0069	03/19/2026	CBI	(G) Component of printing formulation	(G) Alkyl alkenoic acid, (trialkoxymetalloid)alkyl ester, hydrolysis products with silica and polyalkyl substituted amine.
P-26-0070	03/20/2026	Elicit Plant US, Inc	(G) Component of fertilizer product	(G) Oligosaccharides, plant-based esters.
P-26-0071	03/20/2026	CBI	(S) Non-Mechanical Heat Transfer Fluid in support of Data Centers.	(S) 3-Hexene, 1,1,1,2,2,5,5,6,6,6-decafluoro-, (3E).
P-26-0073	03/23/2026	Integrated Chemical Technologies, Inc.	(S) Manufacture and process for use as and use as a component in oil production, specifically used as a corrosion inhibitor during acidizing of hydrocarbon shale formations.	(S) Quinoxalium, 1,4-bis(phenylmethyl)-, chloride (1:2).
P-26-0073	03/30/2026	Integrated Chemical Technologies, Inc.	(S) Manufacture and process for use as and use as a component in oil production, specifically used as a corrosion inhibitor during acidizing of hydrocarbon shale formations.	(S) Quinoxalium, 1,4-bis(phenylmethyl)-, chloride (1:2).
P-26-0074	03/24/2026	CBI	(G) Photo initiator	(G) Heteropolycyclic functionalized polyalkylene glycol.
P-26-0075	03/24/2026	CBI	(G) Component of coating	(G) Polyalkyl substituted amine, hydrolysis products with silica and (trialkoxymetalloid)alkyl substituted carbomonocycle.
P-26-0076	03/25/2026	Integer VSi Technologies, LLC	(S) Chemical used for coating parts used in high-temperature applications (e.g., circuit boards in equipment used in high-temperature areas) by vapor deposition. Chemicals used for coating mandrels and guidewires by vapor deposition.	(S) Tricyclo [8.2.2.2^ (4,7)] hexadeca-4,6,10,12,13,15-hexaene, 5,6,11,12,13,14,15,16-octafluoro-.
SN-25-0006	03/10/2026	CBI	(S) Substance for use in the manufacture of battery cathodes.	(S) Phosphoric acid, iron (2+) lithium salt (1:1:1).

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW—Continued

Case No.	Received date	Manufacturer	Use	Chemical substance
SN-25-0007	03/19/2026	Essential Industries, Inc	(G) Additive used in commercial and consumer applications.	(S) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with dimethyl carbonate, 1,2-ethanediamine, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,6-hexanediol and 1,1'-methylenebis[4-isocyanatocyclohexane], compd. with N, N-diethylethanamine.

Table 2 provides non-CBI information passed an initial screening during this on the NOCs received by EPA that have period.

TABLE 2—NOCs RECEIVED AND UNDER REVIEW

Case No.	Received date	Commence- ment date	Chemical substance
P-12-0165	03/10/2026	03/02/2026	(G) Alkenylamidoalkylammonium chloride, polymer with ethenamine, hydrochloride (PROVISIONAL).
P-19-0115	03/03/2026	02/04/2026	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle, substituted carbomonocyclic ester.
P-21-0036	03/26/2026	03/24/2026	(S) 5-hexen-2-one, 1-bicyclo [2.2.1] hept-2-yl-.
P-22-0066	03/10/2026	02/05/2026	(G) Polyol allyl ether, polymer with alkylene oxides, terpene ether sulfate, ammonium salt.
P-22-0114	03/20/2026	08/27/2025	(G) Oxidized carbon matrix.
P-23-0064	03/03/2026	12/09/2025	(G) Alkanediol, substituted, polymer with diisocyanate, caprolactam blocked.
P-24-0027	03/13/2026	03/12/2026	(S) Fatty acids, C8-14, 2,3-diesters with rel-(2R,3S)-2,3,4-trihydroxybutyl. beta. -D-mannopyranoside acetate.
P-25-0100	03/13/2026	03/11/2026	(G) Aromatic sulfonium tricyclo salt with alkyl carbomonocycle hetero acid.
P-25-0101	03/17/2026	03/14/2026	(G) Alkanedioic acid, polymer with polyhydroxyalkane, branched alkanate.
P-25-0102	03/13/2026	03/11/2026	(G) Carboheterocyclo aromatic sulfonium salt with dicycloalkyl carbomonocycle hetero acid.
P-25-0111	03/05/2026	03/02/2026	(G) Haloaromatic iodonium dicyclo salt with polyhaloalkyl carbomonocycle hetero acid.
P-25-0112	03/05/2026	03/02/2026	(G) Haloaromatic iodonium dicyclo salt with halogenated hydroxyaryl carboxylic acid.
P-25-0124	03/05/2026	03/02/2026	(G) Alkyl aromatic sulfonium, polycyclic alkyl sulfamate.

Table 3 provides non-CBI information received by EPA that has passed an on the test information that has been initial screening during this period.

TABLE 3—TEST INFORMATION RECEIVED

Case No.	Received date	Type of test information	Chemical substance
P-14-0712	03/03/2026	Polychlorinated Dibenzodioxins and Polychlorinated Dibenzofurans Testing.	(S) Waste plastics, pyrolyzed, C5-55 fraction.
P-14-0712	03/23/2026	Polychlorinated Dibenzodioxins and Polychlorinated Dibenzofurans Testing.	(S) Waste plastics, pyrolyzed, C5-55 fraction.
P-17-0178	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, salt with substituted-alkyl 4-substituted-benzoate.
P-18-0013	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, pheno carbopolycycle, inner salt.
P-18-0014	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, salt with disubstituted-heterocyclic compound (1:1).
P-18-0016	02/20/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Aromatic sulfonium tricyclo fluoroalkyl sulfonic acid salt.
P-18-0037	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, salt with 2,4,5-trisubstituted-benzenesulfonate (1:1).
P-18-0281	03/18/2026	Worker Exposure Monitoring Report	(G) Cyclic sulfate.
P-18-0304	03/02/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle, salt with substituted heteropolycycle dihalo sulfo alkanate (1:1).
P-18-0316	03/02/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Heteropolycycle, alkylaromatic-, salt with dihalo-substituted alkyl carbopolycycle carboxylate.
P-18-0338	03/02/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triaryl-, salt with polyhalo-4-sulfoalkyl polycarbocyclic alkane-1-carboxylate (1:1).
P-19-0076	03/02/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle, salt with dihalo substituted alkyl carbopolycyclic carboxylate (1:1).
P-19-0078	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Substituted heterocyclic onium compound, salt with 2,2,2-trifluoro-1-(sulfomethyl)-1-(trifluoromethyl)ethyl 3-[(2-methyl-1-oxo-2-propen-1-yl)oxy]tricyclo[3.3.1.1 ^{3,7}]decane-1- carboxylate (1:1), polymer with acenaphthylene, 1-ethenyl-4-[[1-(1-ethylcyclopentyl)oxy]benzene and 4-ethenylphenol, di-Me 2,2'-(1,2-diazenediyl)bis[2-methylpropanoate]-initiated.
P-19-0079	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) substituted heterocyclic onium compound, salt with 2,2,2-trifluoro-1-(sulfomethyl)-1-(trifluoromethyl)ethyl 3-[(2-methyl-1-oxo-2-propen-1-yl)oxy]tricyclo[3.3.1.1 ^{3,7}]decane-1- carboxylate (1:1), polymer with acenaphthylene, 1-ethenyl-4-[[1-(1-methylethyl)cyclopentyl]oxy]benzene and 4-ethenylphenol, di-Me 2,2'-(1,2-diazenediyl)bis[2-methylpropanoate]-initiated.
P-19-0111	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Dibenzothiophenium, trifluoro-hydroxy-(triheterosubstitutedalkyl) alkanate (1:1).

TABLE 3—TEST INFORMATION RECEIVED—Continued

Case No.	Received date	Type of test information	Chemical substance
P-19-0112	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Substituted heterocyclic onium compound, salt with 1-(difluorosulfomethyl)-2,2,2-trifluoroethyl 3-[(2-methyl-1-oxo-2-propen-1-yl)oxy]tricyclo[3.3.1.1 ^{3,7}]decane-1-carboxylate (1:1), polymer with 3-ethylphenol, 1-(1-methylethyl)cyclopentyl 2-methyl-2-propenoate and 1-(7-oxabicyclo[2.2.1]hept-2-yl)cyclopentyl 2-methyl-2-propenoate, di-Me 2,2'-(1,2-diazenediyl)bis[2-methylpropanoate]-initiated.
P-19-0114	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, trifluoro-hydroxy-(triheterosubstitutedalkyl) alkanoate (1:1).
P-19-0115	03/02/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle, substituted carbomonocyclic ester.
P-19-0133	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Heterodisubstituted-bile acid, 1-(difluorosulfomethyl)-2,2,2-trifluoroethyl ester, ion (1-), (5)-, triphenylsulfonium (1:1).
P-19-0166	03/10/2026	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316); Partition Coefficient (1-Octanol/Water): Slow-Stirring Method (OECD Test Guideline 123); Hydrolysis as a Function of pH (OECD Test Guideline 111).	(G) Triaryl sulfonium, multicycloalkylalkoxycarbonyloxymono fluoroalkylsulfonate.
P-20-0042	02/20/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, trisaryl-, 7,7-dialkyl-2-heteropolycyclic -1-alkanesulfonate (1:1).
P-20-0120	03/02/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Carbomonocyclic sulfonium, salt with trihalo-sulfoalkyl hydroxycarbopolycyclic carboxylate.
P-20-0122	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Heterocyclic onium compound with fluoro substitutedalkyl 2-methyl-2-propenoate (1:1), polymer with acenaphthylene, 4-ethenyl- α , α -dimethylbenzenemethanol and 4-ethenylphenyl acetate, hydrolyzed.
P-20-0139	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, 1,2-fluoroalkyltricycloalkyl-1-carboxylate (1:1).
P-20-0140	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) N-Substituted-beta-alanine, heterosubstituted-alkyl ester, ion (1-), triphenylsulfonium (1:1).
P-20-0141	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, [4-(1,1-dimethylethyl) phenyl] diphenyl-, salt with heterosubstituted-alkyl tricycloalkane-carboxylate (1:1).
P-20-0142	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Dibenzothiophenium, 5-phenyl-, salt with 2,2-difluoro-2-sulfoethyl substituted-heterotricycloalkane-carboxylate (1:1).
P-20-0145	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Substituted heterocyclic onium compound, salt with fluoropoly substitutedalkyl substitutedtricycloalkane carboxylate (1:1), polymer with disubstituted aromatic compound and 1-methylcyclopentyl 2-methyl-2-propenoate, di-Me 2,2'-(1,2-diazenediyl) bis[2-methylpropanoate]-initiated.
P-20-0147	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Substituted-2H-thiopyrylium, salt with fluoroalkyl tricycloalkane-carboxylate (1:1).
P-20-0152	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, salt with 2,2-difluoro-2-sulfoethyl-2-oxo substituted -heterotricycloalkane-heteropolycyclo-carboxylate (1:1).
P-20-0155	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, salt with 5-alkyl- 2-alkyl- 4-(2,4,6-substituted tri-carbomonocycle, hetero-acid) benzenesulfonate (1:1).
P-20-0159	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Phenoxathiinium, 10-phenyl, 5-alkyl-2-alkyl-4-(2,4,6-substituted tri-carbomonocycle, hetero-acid) benzenesulfonate (1:1).
P-21-0018	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, heterocyclic compound-carboxylate (1:1).
P-22-0055	02/20/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Aromatic sulfonium tricyclo fluoroalkyl sulfonic acid salt.
P-22-0129	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Substituted heterocyclic onium compound, salt with heteropolysubstitutedalkyl substitutedtricycloalkane carboxylate (1:1), polymer with 1-alkenyl-4-[(alkyl cycloalkyl)oxy] carbomonocycle, 5-ethyloctahydro-4,7-methano-1H-inden-5-yl 2-methyl-2-propenoate, hexahydro-5-oxo-2,6-methanofuro[3,2-b]furan-3-yl 2-methyl-2-propenoate and 4-hydroxyphenyl 2-methyl-2-propenoate.
P-23-0037	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Monoaromatic cyclic alkylene sulfonium fluoroalkyl sulfonic acid salt.
P-23-0044	02/20/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Monoaromatic cyclic alkylene sulfonium fluoroalkyl sulfonic acid salt.
P-23-0050	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Substituted heterocyclic onium compound, salt with heteropolysubstitutedalkyl substitutedtricycloalkane carboxylate (1:1), polymer with 3-ethenylphenol and heterosubstitute daromaticalkyl 2-methyl-2-propenoate, di-Me 2,2'-(1,2-diazenediyl) bis[2-methylpropanoate]-initiated.
P-23-0080	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Aromatic sulfonium tricyclo fluoroalkyl sulfonic acid salt.
P-23-0093	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Aromatic Dibenzothiophenium fluoroalkyl carbopolycycle sulfonic acid salt.
P-24-0044	03/09/2026	Freshwater Alga and Cyanobacteria, Growth Inhibition Test (OECD Test Guideline 201).	(G) Oxirane, 2-methyl-, polymer with oxirane, ether with N-[4-[[bis(2-hydroxyethyl) amino] phenyl] (2-substitutedphenyl) methylene]-2,5-cyclohexadien-1-ylidene]-2-hydroxy-N-(2-hydroxy-ethyl) ethanaminium inner salt (4:1).
P-24-0160	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Iodonium, bis (dialkyl carbomonocycle) salt with alkyl carbomonocycle hetero acid.
P-24-0185	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Sulfonium, triphenyl-, salt with fluoro sulfoalkyl-fluoroalkyl substituted-heterotricycloalkane-carboxylate (1:1).

TABLE 3—TEST INFORMATION RECEIVED—Continued

Case No.	Received date	Type of test information	Chemical substance
P-24-0190	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Aromatic sulfonium tricyclo salt with alkyl carbomonocycle hetero acid.
P-25-0016	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Trihaloaromatic iodonium dicyclo salt with polyhaloalkyl carbomonocycle hetero acid.
P-25-0028	03/06/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Heteroonium, tri(substitutedaromatichydrocarbon)-, nitrate (1:1).
P-25-0097	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Aromatic sulfonium tricyclo salt with carbopolycycloalkyl ester polysubstitutedarylhetero-acid.
P-25-0100	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Aromatic sulfonium tricyclo salt with alkyl carbomonocycle hetero acid.
P-25-0102	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Carboheterocycle aromatic sulfonium salt with dicycloalkyl carbomonocycle hetero acid.
P-25-0111	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Haloaromatic iodonium dicyclo salt with polyhaloalkyl carbomonocycle hetero acid.
P-25-0112	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Haloaromatic iodonium dicyclo salt with halogenated hydroxyaryl carboxylic acid.
P-25-0124	03/13/2026	Hydrolysis as a Function of pH (OECD Test Guideline 111)	(G) Alkyl aromatic sulfonium, polycyclic alkyl sulfamate.
P-25-0126	03/17/2026	Dissociation Constants in Water (OECD Test Guideline 112); photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316); Partition Coefficient (n-Octanol/Water), HPLC Method (OECD Test Guideline 117).	(G) Carbomonocyclic substituted heteromonocyclic, salt with carbopolycyclic sulfocarboxylate.
P-25-0127	03/17/2026	Dissociation Constants in Water (OECD Test Guideline 112); photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316); Partition Coefficient (n-Octanol/Water), HPLC Method (OECD Test Guideline 117).	(G) Carbomonocyclic sulfonium, salt with carbopolycyclic sulfocarboxylate.
P-26-0071	03/20/2026	Defined Approaches on Skin Sensitization (OECD Test Guideline 497); Mammalian Erythrocyte Micronucleus Test (OECD Test Guideline 474); Reconstructed Human Cornea-Like Epithelium (RhCE) Test Method for Identifying Chemicals Not Requiring Classification and Labelling for Eye Irritation or Serious Eye Damage (OECD Test Guideline 492); In Vitro Skin Sensitization (OECD Test Guideline 442D); Freshwater Alga and Cyanobacteria, Growth Inhibition Test (OECD Test Guideline 201); Daphnia sp. Acute Immobilisation Test (OECD Test Guideline 202); Fish, Acute Toxicity Test (OECD Test Guideline 203); Ready Biodegradability, Closed Bottle Method (OECD Test Guideline 301D); Inherent Biodegradability (OECD Test Guideline 302); Estimation of the Adsorption Coefficient (K _{oc}) on Soil and on Sewage Sludge using High Performance Liquid Chromatography (HPLC) (OECD Test Guideline 121); Partition Coefficient (1-Octanol/Water): Slow-Stirring Method (OECD Test Guideline 123); Water Solubility (OECD Test Guideline 105); Skin Irritation Testing; Worker Exposure Assessment; General Population Exposure Assessment Case Scenario; PBT Assessment. Bacterial Reverse Mutation Test (OECD Test Guideline 471); Acute Inhalation Toxicity (OECD Test Guideline 403); Subacute Inhalation Toxicity: 28-Day Study (OECD Test Guideline 412); Prenatal Developmental Toxicity Study (OECD Test Guideline 414); Reproduction/Developmental Toxicity Screening Test (OECD Test Guideline 421); Acute Inhalation Toxicity (OECD Test Guideline 403); In Vitro Skin Irritation: Reconstructed Human Epidermis Test Method (OECD Test Guideline 439); In vitro Mammalian Cell Gene Mutation Test (OECD Test Guideline 476).	(S) 3-Hexene, 1,1,1,2,2,5,5,6,6,6-decafluoro-, (3E).

IV. Status Reports

Information about the TSCA section 5 PMNs, SNUNs, MCANs, and exemption applications received, including the date of receipt, the status of EPA's review, the final EPA determination, and the effective date of EPA's determination, is available online at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tatus-pre-manufacture-notice>.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 9, 2026.

Mary Elissa Reaves,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2026-11943 Filed 6-12-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2026-0334; FRL-13199-02-OCSP]

Pesticide Product Registration; Receipt of Applications for New Uses (February 2026)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits comments on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency compiled the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received in 2025 that are currently being evaluated by EPA, along

with information about each application, including when it was received, who submitted the application, and the purpose of the application.

DATES: Comments must be received on or before July 15, 2026.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the *EPA File Symbol* or the *EPA Registration Number* of interest as shown in Unit II. of this document, online 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/>.

FOR FURTHER INFORMATION CONTACT: Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566-1030; email address: RDNotices@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 is the Agency's authority for taking this action?

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on applications to register new pesticide products containing currently registered active ingredients that would entail a change in use pattern. EPA provides a notice of receipt monthly, using the month and year in the title to help distinguish one document from the other. This document identifies the applications that were received since the last notice that was issued and are currently being evaluated by EPA in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Notice of receipt of these applications does not imply a decision by the Agency on these applications.

For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/registration/public-participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, 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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI 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/epa-dockets>.

II. Applications to Register New Uses

This unit provides the following information about each application received: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the docket for the application as identified in this unit.

- *EPA Registration Number:* 68506-2. *Docket ID number:* EPA-HQ-OPP-2025-0270. *Applicant:* Tessara (PTY) Ltd c/o Pyxis Regulatory Consulting, Inc. 535 Dock St., Suite 211 Tacoma, WA 98402. *Active ingredient:* Sulfur dioxide. *Product type:* Fungicide. *Proposed use:* Fig. *Date of Receipt:* March 28, 2025. *Contact:* RD.

- *EPA Registration Number:* 73049-526. *Docket ID number:* EPA-HQ-OPP-2025-3824. *Applicant:* Valent BioSciences, LLC, 1910 Innovation Way, Suite 100, Libertyville, IL 60048. *Active ingredient:* Fenpropathrin *Product type:* Insecticide. *Proposed use:* In or on all food/feed items when fenpropathrin is used in food/feed handling establishments or as a wide-area mosquito adulticide. *Date of receipt:* August 14, 2025. *Contact:* RD.

- *EPA Registration Number:* 73049-526. *Docket ID number:* EPA-HQ-OPP-2025-3824. *Applicant:* Valent BioSciences, LLC, 1910 Innovation Way, Suite 100, Libertyville, IL 60048. *Active ingredient:* Abamectin. *Product type:* Insecticide. *Proposed use:* In or on all food/feed items when abamectin is used in food/feed handling establishments or as a wide-area mosquito adulticide. *Date of receipt:* August 14, 2025. *Contact:* RD.

- *EPA Registration Numbers* 7969-390 (Inscalis Technical Insecticide) and 7969-391 (Sefina Insecticide). *Docket ID Number:* (EPA-HQ-OPP-2025-2565). *Applicant:* BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. *Active Ingredient:* Afidopyropen. *Product type:* Insecticide. *Proposed Use:* Amend (increase) the existing afidopyropen tolerance in or on orange, subgroup 10-10A from 0.15 ppm to 0.30 ppm, and increase the single application rates for orange, subgroup 10-10A & nut, tree, group 14-12. *Date of receipt:* August 1, 2025. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: June 9, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026-11944 Filed 6-12-26; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1248; FR ID 350700]

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 of 1995 (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.

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.

DATES: Written comments should be submitted on or before August 14, 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:

OMB Control Number: 3060-1248.

Title: Transition from TTY to Real-Time Text Technology, CG Docket No. 16-145 and GN Docket No. 15-178.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents and Responses: 608 respondents; 3,040 responses.

Estimated Time per Response: 2 hours to 60 hours.

Frequency of Response: Annual reporting requirements; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefit. The statutory authority can be found at §§ 4(i), 225, 255, 301, 303(r), 316, 403, 715, and 716 of the Communications Act of 1934, as amended, and Section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, 47 U.S.C. 154(i), 225, 255, 301, 303(r), 316, 403, 615c, 616, 617; Public Law No. 111-260, 106, 124 Stat. 2751, 2763 (2010).

Total Annual Burden: 70,528 hours.

Total Annual Cost: No cost.

Needs and Uses: Text telephone (TTY) technology provides a way for people with disabilities to send and receive text communications over the public switched telephone network (PSTN). Changes to communications networks, particularly ongoing

technology transitions from circuit switched to IP-based networks and from copper to wireless and fiber infrastructure, have affected the quality and utility of TTY technology, prompting discussions on transitioning to an alternative advanced communications technology for text communications. Accordingly, on December 16, 2016, the Commission released *Transition from TTY to Real-Time Text Technology*, Report and Order, document FCC 16-169, 82 FR 7699, January 23, 2017, amending its rules that govern the obligations of wireless service providers and manufacturers to support TTY technology to permit such providers and manufacturers to provide support for real-time text (RTT) over wireless IP-based networks to facilitate an effective and seamless transition to RTT in lieu of continuing to support TTY technology.

In document FCC 16-169, the Commission adopted measures requiring the following:

(a) Each wireless provider and manufacturer that voluntarily transitions from TTY technology to RTT over wireless IP-based networks and services is encouraged to develop consumer and education efforts that include (1) the development and dissemination of educational materials that contain information pertinent to the nature, purpose, and timelines of the RTT transition; (2) internet postings, in an accessible format, of information about the TTY to RTT transition on the websites of covered entities; (3) the creation of a telephone hotline and an online interactive and accessible service that can answer consumer questions about RTT; and (4) appropriate training of staff to effectively respond to consumer questions. All consumer outreach and education should be provided in accessible formats including, but not limited to, large print, Braille, videos in American Sign Language and that are captioned and video described, emails to consumers who have opted to receive notices in this manner, and printed materials. Service providers and manufacturers are also encouraged to coordinate with consumer, public safety, and industry stakeholders to develop and distribute education and outreach materials. The information will inform consumers of alternative accessible technology available to replace TTY technology that may no longer be available to the consumer through their provider or on their device.

(b) Each wireless provider that requested or will request and receive a waiver of the requirement to support

TTY technology over wireless IP-based networks and services must apprise its customers, through effective and accessible channels of communication, that (1) until TTY is sunset, TTY technology will not be supported for calls to 911 services over IP-based wireless services, and (2) there are alternative PSTN-based and IP-based accessibility solutions for people with disabilities to reach 911 services. These notices must be developed in coordination with public safety answering points (PSAPs) and national consumer organizations, and include a listing of text-based alternatives to 911, including, but not limited to, TTY capability over the PSTN, various forms of PSTN-based and IP-based TRS, and text-to-911 (where available). The notices will inform consumers on the loss of the use of TTY for completing 911 calls over the provider's network and alert them to alternatives service for which TTY may be used.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026-11961 Filed 6-12-26; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

[Docket No. 26-09]

Global Kings Logistics/Kamordeen, Complainant v. Mediterranean Shipping Company (USA) Inc., Respondent; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (the "Commission") by Global Kings Logistics/Kamordeen A. Ganiu (the "Complainant") against Mediterranean Shipping Company (USA) Inc. (the "Respondent"). Complainant states that the Commission has jurisdiction over the complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 41301, and over Respondent as an "ocean common carrier operating in U.S. foreign commerce."

Complainant is engaged in the business of international logistics and shipping with a business address in Brooklyn, New York.

Complainant identifies Respondent as an ocean common carrier with a business address in New York City, New York.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c) and 46 CFR part 545. Complainant alleges these violations arose from the issuing of invoices that improperly consolidated

charges and lacked necessary information, and other acts or omissions of Respondent.

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/26-09/>. This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by June 10, 2027, and the final decision of the Commission shall be issued by December 27, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c))

Served: June 10, 2026.

David Eng,
Secretary.

[FR Doc. 2026-11932 Filed 6-12-26; 8:45 am]

BILLING CODE 6730-02-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential,

contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than July 15, 2026.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *Fleur Capital Corporation, Simmesport, Louisiana*; to become a bank holding company by acquiring Simmesport State Bank, Simmesport, Louisiana.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,
Associate Secretary of the Board.

[FR Doc. 2026-11979 Filed 6-12-26; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business

information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than June 30, 2026.

A. Federal Reserve Bank of Chicago (Christopher Koopmans, Senior Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414. Comments can be sent electronically to Comments.applications@chi.frb.org:

1. *Bradley C. Hanson, Sioux Falls, South Dakota*; to acquire voting shares of AgCom Holdings, Inc., and thereby indirectly acquire voting shares of Maxwell State Bank, both of Maxwell, Iowa.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,
Associate Secretary of the Board.

[FR Doc. 2026-11978 Filed 6-12-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2026-D-2698]

Forms FDA 3542a and FDA 3542: Questions and Answers; Draft 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 draft guidance for industry titled "Forms FDA 3542a and FDA 3542: Questions and Answers." This draft guidance is intended to answer commonly asked questions regarding Forms FDA 3542a and FDA 3542, and to assist applicants in preparing and submitting these forms to FDA.

DATES: Submit either electronic or written comments on the draft guidance by August 14, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance 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-2026-D-2698 for "Forms FDA 3542a and FDA 3542: Questions and Answers." 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 the draft 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 draft guidance document.

FOR FURTHER INFORMATION CONTACT: Rachel Erdman, Office of Generic Drugs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Rm. 1715, Silver Spring, MD 20993-0002, 301-651-8301.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled "Forms FDA 3542a and FDA 3542: Questions and Answers." This guidance is intended to assist New Drug

Application (NDA) applicants and NDA holders in submitting patent information to their NDA using the appropriate forms, Form FDA 3542a or Form FDA 3542, under 21 CFR 314.53(d). This guidance provides answers to commonly asked questions regarding Forms FDA 3542a and FDA 3542.

Section 505(b)(1)(A)(viii) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(b)(1)(A)(viii)) requires an NDA applicant to submit, as part of its NDA, certain information for "each patent for which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug, and that—(I) claims the drug for which the applicant submitted the application and is a drug substance (active ingredient) patent or a drug product (formulation or composition) patent; or (II) claims a method of using such drug for which approval is sought . . . in the application."

Section 505(c)(2) of the FD&C Act (21 U.S.C. 355(c)(2)) requires an NDA holder to submit, no later than 30 days after the date of approval, certain information for "each patent for which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner of the patent engaged in the manufacture, use, or sale of the drug, and that—(I) claims the drug for which the applicant submitted the application and is a drug substance (active ingredient) patent or a drug product (formulation or composition) patent; or (II) claims a method of using such drug for which approval . . . has been granted in the application."

Section 505(c)(2) further requires that "a patent that is identified as claiming a method of using such drug shall be filed only if the patent claims a method of use approved in the application."

Form FDA 3542a must be used when an NDA applicant submits information on a patent that claims a drug substance (active ingredient), drug product (formulation or composition), or method of using the drug that is the subject of an unapproved original NDA, amendment to an NDA, or supplement to an NDA. Form FDA 3542 must be used when an NDA holder submits information on a patent that claims a drug substance (active ingredient), drug product (formulation or composition), or method of using the drug to that is the subject of an approved NDA or approved supplement to an NDA. (see 21 CFR 314.53(c)).

This draft guidance provides answers to questions that have been received regarding Forms FDA 3542a and FDA

3542. The questions and answers are divided into three topics: (1) Obtaining and Filling out Forms FDA 3542a and FDA 3542, (2) Section 6 of Forms FDA 3542a and FDA 3542 (“Declaration Certification”), and (3) Submitting Patent Information to FDA.

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on “Forms FDA 3542a and FDA 3542: Questions and Answers.” 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.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

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 relating to the submission of NDAs under 21 CFR 314 have been approved under OMB control number 0910–0001. The collections of information from Form FDA 356h have been approved under OMB control number 0910–0001.

III. Electronic Access

Persons with access to the internet may obtain the draft 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. 2026–11966 Filed 6–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA’s role in the Program, contact the Director, Division of Injury Compensation Programs, 5600 Fishers Lane, Room 14W–18, Rockville, Maryland 20857; 1–800–338–2382, or visit our website at: <https://www.hrsa.gov/vaccine-compensation>.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specific vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered vaccine the conditions that may lead to compensation and, for each condition,

the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on April 1, 2026, through April 30, 2026. This list provides the name of the petitioner, city, and state of vaccination (if unknown then the city and state of the person or attorney filing the claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and

2. Any allegation in a petition that the petitioner either:

a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or

b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of

Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 14W-18, Rockville, Maryland 20857. The Court's caption (*Petitioner's Name v. Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of Title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Thomas J. Engels,
Administrator.

List of Petitions Filed

1. Daniel Juanillo, Jr., Centennial, Colorado, Court of Federal Claims No: 26-0501V
2. Angie Loeza, Corona, California, Court of Federal Claims No: 26-0502V
3. Mitchell Powell, Clyde, North Carolina, Court of Federal Claims No: 26-0503V
4. Michael Russo, Swampscott, Massachusetts, Court of Federal Claims No: 26-0504V
5. Adriana Ramirez, Vancouver, Washington, Court of Federal Claims No: 26-0508V
6. Virginia Coleman, Los Angeles, California, Court of Federal Claims No: 26-0511V
7. Vicente Sotelo, Jr., Chicago, Illinois, Court of Federal Claims No: 26-0512V
8. Isidore Johnson, Fairfax, Virginia, Court of Federal Claims No: 26-0513V
9. Robert Pieper, Denton, Texas, Court of Federal Claims No: 26-0514V
10. Jeanne Schmidt, Annandale, Minnesota, Court of Federal Claims No: 26-0515V
11. Wayne Gabaree, Cambridge, Massachusetts, Court of Federal Claims No: 26-0516V
12. Lucellis Wellins, Randolph, New Jersey, Court of Federal Claims No: 26-0520V
13. Anita Lantz, Greeneville, Tennessee, Court of Federal Claims No: 26-0521V
14. Crystal Bullock, Phoenix, Arizona, Court of Federal Claims No: 26-0522V
15. Christine Fleming, St. Louis, Missouri, Court of Federal Claims No: 26-0524V
16. Taylor Johnson, Douglassville, Georgia, Court of Federal Claims No: 26-0525V
17. Jennifer Willett, Reno, Nevada, Court of Federal Claims No: 26-0526V
18. Nahid Sadeghnia, Washington, DC, Court of Federal Claims No: 26-0527V
19. Renee Marie Sloane Alas, Los Angeles, California, Court of Federal Claims No: 26-0529V
20. Christopher Rossi, Encinitas, California, Court of Federal Claims No: 26-0530V
21. Diane Akyelken, Levittown, New York, Court of Federal Claims No: 26-0531V
22. Christian Castaneda, Fort Worth, Texas, Court of Federal Claims No: 26-0533V
23. Parker Smith on behalf of E.S., Champaign, Illinois, Court of Federal Claims No: 26-0536V
24. Lauren Gilmore, Los Angeles, California, Court of Federal Claims No: 26-0540V
25. Karen Gutierrez, Tulare, California, Court of Federal Claims No: 26-0543V
26. Joy Wolf, Iva, South Carolina, Court of Federal Claims No: 26-0544V
27. Catherine Wainwright-Aravosis, Greensboro, North Carolina, Court of Federal Claims No: 26-0545V
28. Ronald Yandell, Lock Haven, Pennsylvania, Court of Federal Claims No: 26-0546V
29. James Walker, Tyler, Minnesota, Court of Federal Claims No: 26-0548V
30. Paolo Thompson, Katy, Texas, Court of Federal Claims No: 26-0549V
31. Rasha Mohamed, Woodridge, Illinois, Court of Federal Claims No: 26-0551V
32. Christina Foster, Houston, Texas, Court of Federal Claims No: 26-0552V
33. Jennifer Petersen, San Bernadino, California, Court of Federal Claims No: 26-0553V
34. Bridget DeBreto, Morris, Illinois, Court of Federal Claims No: 26-0554V
35. Donna Emison, Las Vegas, Nevada, Court of Federal Claims No: 26-0555V
36. Karen Barnes, Elyria, Ohio, Court of Federal Claims No: 26-0556V
37. Mattie Johnson, Elkhorn, Nebraska, Court of Federal Claims No: 26-0558V
38. Michael Rose, St. Louis, Missouri, Court of Federal Claims No: 26-0559V
39. Stacey Bagaglio, Northbridge, Massachusetts, Court of Federal Claims No: 26-0560V
40. Deborah Jindra, Hennepin, Minnesota, Court of Federal Claims No: 26-0563V
41. Keisha L. Stephens, Richardson, Texas, Court of Federal Claims No: 26-0566V
42. Diane Starling, Colorado Springs, Colorado, Court of Federal Claims No: 26-0571V
43. Miguel Pagan, Providence, Rhode Island, Court of Federal Claims No: 26-0572V
44. Leycester Zissler, Black River Falls, Wisconsin, Court of Federal Claims No: 26-0573V
45. Helen Belete, Beverly Hills, California, Court of Federal Claims No: 26-0574V
46. Timothy Becker, Philadelphia, Pennsylvania, Court of Federal Claims No: 26-0575V
47. Kelly Pfeilsticker, Los Angeles, California, Court of Federal Claims No: 26-0577V
48. Dawn Howard, Wauwatosa, Wisconsin, Court of Federal Claims No: 26-0579V
49. Helen Hickey, Kansas City, Missouri, Court of Federal Claims No: 26-0580V
50. Dominique Yamada, Santa Monica, California, Court of Federal Claims No: 26-0581V
51. Dana Price, New York, New York, Court of Federal Claims No: 26-0583V
52. Alyssa Kieschnick on behalf of E.K., Houston, Texas, Court of Federal Claims No: 26-0584V
53. Enrique Triana, Richmond, Virginia, Court of Federal Claims No: 26-0585V
54. Latondra Davis, Woodridge, Illinois, Court of Federal Claims No: 26-0586V
55. Markyahnee Boyd, Chicago, Illinois, Court of Federal Claims No: 26-0588V
56. Carol Rathfelder, New York, New York, Court of Federal Claims No: 26-0592V
57. Marilyn Teague, Phoenix, Arizona, Court of Federal Claims No: 26-0593V
58. Angela Shelton, Scottsdale, Arizona, Court of Federal Claims No: 26-0596V
59. Kaley Beavers on behalf of O.B., Indianapolis, Indiana, Court of Federal Claims No: 26-0598V
60. Maria Polsinelli-Dean, Albany, New York, Court of Federal Claims No: 26-0600V
61. Christina Dorsett, Woodridge, Illinois, Court of Federal Claims No: 26-0603V
62. Katrina Sickler, Wauwatosa, Wisconsin, Court of Federal Claims No: 26-0604V
63. Jennifer Grant, Katy, Texas, Court of Federal Claims No: 26-0605V
64. Mark Newman, Philadelphia, Pennsylvania, Court of Federal Claims No: 26-0607V
65. Jeannette Urena, Dresher, Pennsylvania, Court of Federal Claims No: 26-0608V

66. Emily Dworkin, Seattle, Washington, Court of Federal Claims No: 26–0609V
67. Paula Taylor, Washington, DC, Court of Federal Claims No: 26–0610V
68. Dariane Walker, Dresher, Pennsylvania, Court of Federal Claims No: 26–0612V
69. Jenny Gentry, Moscow, Idaho, Court of Federal Claims No: 26–0615V
70. Robert Deal, Phoenix, Arizona, Court of Federal Claims No: 26–0617V
71. Tom Thomas, Beverly Hills, Florida, Court of Federal Claims No: 26–0618V
72. James Hoy, Cottonwood, Arizona, Court of Federal Claims No: 26–0620V
73. Jody Anzalone, Las Vegas, Nevada, Court of Federal Claims No: 26–0625V
74. Eric Margolin, Washington, DC, Court of Federal Claims No: 26–0626V
75. Adam Rolnick, Chicago, Illinois, Court of Federal Claims No: 26–0627V
76. Neta-Li Almagor-Friedlander, Charlotte, North Carolina, Court of Federal Claims No: 26–0628V
77. Parvin Farahani, Beverly Hills, California, Court of Federal Claims No: 26–0629V
78. Sharon Dennard, Woodridge, Illinois, Court of Federal Claims No: 26–0631V
79. Christopher Wright, Chicago, Illinois, Court of Federal Claims No: 26–0633V
80. Marylex Lopez-Sarraff, Washington, DC, Court of Federal Claims No: 26–0634V
81. Alethea Harris, Dresher, Pennsylvania, Court of Federal Claims No: 26–0635V
82. Steven Klobucarich, Milwaukee, Wisconsin, Court of Federal Claims No: 26–0636V

[FR Doc. 2026–11972 Filed 6–12–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: 340B Rebate Model Pilot Program Application, Implementation, and Evaluation, OMB Number 0906–NEW

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than July 15, 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 Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at paperwork@hrsa.gov or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:
Information Collection Request Title: 340B Rebate Model Pilot Program Application, Implementation, and Evaluation, OMB No. 0906–NEW.

Abstract: HRSA's Office of Pharmacy Affairs (OPA) intends to introduce a revised 340B Rebate Model Pilot Program (Pilot) as a mechanism for qualifying drug manufacturers, who wish to participate, to effectuate the 340B ceiling price on a limited set of drugs sold to covered entities using rebates. OPA plans to publish a **Federal Register** Notice to notify 340B stakeholders of criteria and standards for implementation of the Pilot. This ICR includes the collection of Pilot plans from drug manufacturers, the collection of purchase data reports from drug manufacturers for OPA's monitoring of the Pilot and for overall 340B Program surveillance and program integrity monitoring, and the collection of data submitted by covered entities to manufacturers to request rebates.

A 60-day notice was published in the **Federal Register** for this ICR on February 26, 2026, vol. 91, No. 2026–03833, pp. 9632–9633. There were 180 timely public comments. Commenters included hospitals, health systems, community health centers, pharmacies, manufacturers, vendors, and national associations. HRSA accepted comments

on the following topics: (1) burden on drug manufacturers to submit 340B Rebate Pilot Plans to OPA; (2) burden on drug manufacturers to submit reports to OPA; and (3) burden on covered entities to submit data to manufacturers. HRSA also received comments including general opposition to implementing a rebate model and requests to maintain the current upfront discount structure; concerns about financial impacts such as cash flow constraints, increased drug acquisition costs, and loss of 340B savings; potential downstream effects on patient care, including reduced access to medications and elimination of services supported by 340B savings; legal and statutory arguments regarding HRSA's authority to implement a rebate model; and recommendations for alternative program designs, such as use of a centralized clearinghouse or other approaches to address duplicate discount concerns. While HRSA acknowledges these concerns, they do not directly address the necessity, practical utility, or burden of the information collection under the PRA and therefore were not considered in revising burden estimates or data collection requirements. Other out of scope comments were related to manufacturer contract pharmacy policies, third-party platforms, and broader program integrity issues. The concerns raised that are not directly related to burden as outlined in this ICR will be addressed in a separate **Federal Register** notice.

HRSA received a few comments related to the burden on manufacturers to submit Pilot plans to OPA. These commenters generally focused on administrative considerations associated with OPA's collection and review of such plans rather than on actual burden on drug manufacturers. HRSA did not receive any comments on the burden associated with drug manufacturers submitting reports to OPA. While some commenters provided input on reporting structure and data processes, these comments did not address the estimated burden hours for manufacturer reporting.

A significant number of commenters raised concerns about the burden on covered entities to submit data to manufacturers. Commenters consistently indicated that the proposed data submission requirements would impose substantial administrative, operational, and systems-related burdens. Specifically, commenters noted that compliance would require additional staffing, new or modified information technology systems, increased data tracking and reconciliation efforts, and ongoing

auditing and reporting activities. Several commenters also raised concerns about the complexity of claims-level data submission, potential for errors, and the need to manage denials and disputes, all of which would increase burden. In addition, some commenters highlighted privacy and data-sharing concerns associated with transmitting patient-level information to manufacturers.

Some commenters, including hospital associations, provided substantially higher burden estimates, including estimates requiring dedicated staff resources or full-time equivalent employees to manage reporting, reconciliation, and compliance activities. Commenters provided a wide range of estimates, from modest incremental burden where automated systems are used, to substantially higher burden reflecting manual processes, system integration challenges, and ongoing reconciliation activities.

Many commenters stated that HRSA underestimated the burden hours associated with these activities and recommended that the estimated hours be increased to better reflect the operational realities faced by covered entities. Commenters frequently cited that processing and managing rebate-related data could take significantly more time per claim than estimated and would require dedicated staff resources. HRSA also notes that other commenters indicated that required data elements are already being collected by covered entities and that automation may reduce burden for certain entities.

After careful consideration of the comments, HRSA acknowledges that commenters identified potential administrative, operational, and systems-related burdens associated with covered entities submitting data to manufacturers. Commenters described multiple activities involved in the reporting process, including claims identification, extraction, validation, formatting, submission, reconciliation, denial management, and ongoing auditing. Several commenters also indicated that these activities may require additional staffing, system modifications, or coordination across departments.

At the same time, other commenters asserted that the cost estimates by covered entities are overstated or unsupported and noted that many of the required data elements are already collected and maintained by covered entities as part of routine billing, compliance, and audit processes, and that existing systems and third-party administrators may be leveraged to support data submission and reporting.

In their view, the data sharing requirements contemplated with rebates are materially similar to existing obligations imposed by Medicare, Medicaid, and commercial payers. These commenters indicated that, particularly after initial implementation, ongoing reporting activities may be automated or integrated into existing workflows, thereby reducing incremental burden on covered entities.

To estimate burden, HRSA applied a task-based methodology that considers the discrete activities required to complete a reporting cycle, including: (1) identifying and extracting eligible claims data; (2) formatting and validating data to meet manufacturer specifications; (3) submitting the data; (4) reconciling submissions and tracking rebate status; and (5) addressing errors, denials, or follow-up requests. HRSA evaluated the range of estimates provided by commenters, including higher-end estimates reflecting total operational workload and lower-end estimates reflecting use of existing systems and automation, and normalized these inputs into a per-response estimate consistent with PRA requirements.

HRSA considered higher estimates provided by some commenters, including those based on full-time equivalent staffing or total weekly workload, but determined that these estimates reflect overall operational impacts rather than the incremental time required to complete individual reporting responses under the PRA framework. HRSA also considered that the Pilot will implement a rebate approach for a limited set of drugs and is designed to utilize a targeted and limited set of claims-level data elements necessary to administer rebate eligibility and prevent duplicate discounts and diversion. These standardized data elements are commonly available and already generated, maintained, and transmitted by covered entities or their vendors.

HRSA recognizes that covered entities vary in size, patient volume, staffing capacity, and technical infrastructure. As a result, the time required to submit data to manufacturers will differ across entities, with some smaller or less complex entities initially experiencing lower burden and larger or more complex entities initially experiencing higher burden. Alternatively, the more complex entities may have a more sophisticated operations infrastructure that will lower the burden of adopting reporting requirements. The estimate of 5 hours per response reflects a reasonable median burden across this range of entities and is consistent with

PRA guidance to estimate typical respondent effort.

Taken together, the comments demonstrate that the reporting process involves multiple steps beyond a simple transmission of data. However, based on the task-based methodology, the limited scope of the Pilot, and the ability of many covered entities to leverage existing systems and processes, HRSA has determined that maintaining the estimated burden of 5 hours per week to respond provides a reasonable and appropriate estimate of the time required for covered entities to comply with the data submission requirements.

Need and Proposed Use of the Information: The scope of the anticipated Pilot will be limited to manufacturers with current Medicare Drug Price Negotiation Program Agreements with the Centers for Medicare & Medicaid Services for the initial price applicability years (IPAY) 2026 and 2027.¹ This ICR includes the collection of proposed rebate model plans from qualifying drug manufacturers, the ongoing collection of sales data from drug manufacturers to allow OPA to monitor implementation of the Pilot and enhance 340B program integrity and compliance monitoring, and the collection of data submitted by covered entities to manufacturers to request a rebate under a potential Pilot.

Collection of Drug Manufacturer Applications: OPA will review, evaluate and approve manufacturer plans for participation in the Pilot based on requirements to be published in the **Federal Register** at a future date.

Collection of Reporting Data from Manufacturers: Under the Pilot, approved manufacturers will be required to submit data to the 340B Prime Vendor on a monthly basis to monitor Pilot implementation and to provide greater transparency into 340B claims transactions. Monthly data submissions will enhance overall 340B Program compliance monitoring and reduce lag time in assessing 340B Program metrics. The monthly data will also support the ongoing monitoring of the Pilot.

Collection of Data Submitted by Covered Entities to Manufacturers: Under a Pilot, covered entities will be required to provide specific data to participating manufacturers in order for the manufacturers to provide rebates to

¹ The Fact Sheets for Negotiated Prices for Applicability Years 2026 and 2027 includes the list of Primary Manufacturers with selected drugs, available at <https://www.cms.gov/files/document/fact-sheet-negotiated-prices-initial-price-applicability-year-2026.pdf> and <https://www.cms.gov/files/document/fact-sheet-negotiated-prices-ipay-2027.pdf> respectively.

effectuate the 340B price on the covered entities' eligible covered outpatient drug purchases. Specific requirements detailing the type and frequency of such submittals will be defined in a **Federal Register** notice, to include claims level data elements for 340B-eligible dispenses. The data submitted by covered entities to manufacturers is comparable to data already being collected and maintained by covered entities through existing third-party vendor relationships.

Likely Respondents: Drug manufacturers and covered entities.

Burden Statement: Burden in the context of this information collection means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems, if necessary, for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review

the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below and were analyzed based on implementation of a potential Pilot compared to current data collection practices in the market.

The total annual burden hours estimated for this ICR reflect the number of respondents once an anticipated Pilot is implemented. This includes 11 manufacturers of IPAY 2026 and IPAY 2027 drugs.

Total Estimated Annualized Burden Hours:

TABLE 1

Form name	Number of respondents *	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
340B Program Rebate Model Pilot Program Plan Submission	11	1	11	8	88
Monthly purchase reports	11	12	132	2	264
Covered Entities reporting claims data to third party platform	** 15,249	52	792,948	5	3,964,740
Total	15,260	.....	793,080	.....	3,965,092

The 11 manufacturers will submit Plans and Monthly Purchase Reports (first two rows, above), while the 15,249 Covered Entities will submit Claims Data (third row, above). Therefore, the total number of respondents is 15,260

** As of April 1, 2026.

Amy P. McNulty,

Deputy Director, Executive Secretariat.

[FR Doc. 2026-11989 Filed 6-12-26; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council, July 01, 2026, 01:00 p.m. to July 01, 2026, 03:00 p.m., National Institutes of Health, Democracy II, National Institutes of Diabetes and Digestive and, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** published on March 19, 2026, FR Doc. 91 FR 13316.

This notice is being amended to add a one-hour open session from 1 p.m. to 2 p.m. The meeting is partially closed to the public.

Dated: June 10, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-11936 Filed 6-12-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, June 29, 2026, 10:00 a.m. to June 30, 2026, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on June 01, 2026, 91 FR 32404, FR Doc No. 2026-10931.

The meeting is being amended to change the SRO/contact person from Konrad J. Krzewski to John Laity. The meeting is closed to the public.

Dated: June 11, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026-11999 Filed 6-12-26; 8:45 am]

BILLING CODE 4167-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government Owned Inventions Available for License: Fluorophthalimides as Anti-Inflammatory Agents for Systemic and Neurodegenerative Disorders

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute on Aging (NIA) seeks research co-development partners and/or licensees for the pre-clinical and clinical development of the compounds as anti-inflammatory therapeutics for systemic and neurodegenerative disorders.

FOR FURTHER INFORMATION CONTACT:

Inquiries related to this license opportunity should be directed to: Nikki Guyton, Ph.D., Unit Supervisor, NCI, Technology Transfer Center, Email:

guytonn@nih.gov or Phone: 240–276–5493.

SUPPLEMENTARY INFORMATION: Numerous systemic, as well as neurological disorders, have a hallmark inflammatory element that can drive disease progression. However, the use of currently available anti-inflammatory agents have failed to demonstrate efficacy as potential treatment for systemic and neurological disorders in clinical trials.

The immunomodulatory imide drug (IMiD) thalidomide exerts anti-inflammatory effects through inhibition of tumor necrosis factor- α (TNF- α), which is a master regulator of the inflammatory response. Researchers at the National Institute on Aging (NIA) have synthesized novel thalidomide analogs possessing potent anti-inflammatory actions but, importantly, hinder the cereblon binding that associated with the adverse teratogenic actions of classic IMiDs. This invention has potential to be developed as therapeutics for a variety of systemic and neurological disorders including inflammatory disorders, autoimm.

“This Notice is in accordance with 37 CFR 404.4 Authority to grant licenses.”

NIH Reference Number: E–151–2022.

Related Technologies: E–045–2012–0; E–208–2015–0.

Product Type: Therapeutic.

Therapeutic Area(s): Oncology | Neurology.

Development Stage: Pre-clinical (*in vivo* validation).

Patent Information: US

Nonprovisional Patent Application, US 19/102,830, filed on February 2, 2025. Status: Pending.

Publication: Lecca D, et al. Novel, thalidomide-like, non-cereblon binding drug etrafluorobornylphthalimide mitigates inflammation and brain injury. (PMID 36872339).

Potential Commercial Applications:

- Neurodegenerative diseases.
- Inflammatory disorders.
- Autoimmune disorders.
- Viral infections.
- Cancer.

Competitive Advantages:

- More potent anti-inflammatory properties.
- Potentially clinically safer than classic IMiDs by lower risk of fetal malformations.

- Potential to treat a wide range of significant unmet medical needs.

Dated: June 10, 2026.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2026–11926 Filed 6–12–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government Owned Inventions Available for License: 4-Amino-2-(Piperidin-3-yl)isoindoline-1,3-Diones as Anti-Inflammatory Agents for Systemic Degenerative and Neurodegenerative Disorders

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute on Aging (NIA) seeks research co-development partners and/or licensees for the pre-clinical and clinical development of the compounds as anti-inflammatory therapeutics for systemic degenerative and neurodegenerative disorders.

FOR FURTHER INFORMATION CONTACT:

Inquiries related to this license opportunity should be directed to: Nathan Whitman, Ph.D., Technology Transfer Manager, NCI, Technology Transfer Center, Email: nathan.whitman@nih.gov or Phone: 240–276–6294.

SUPPLEMENTARY INFORMATION: The immunomodulatory imide drugs (IMiDs) thalidomide and its close analogs (lenalidomide and pomalidomide) are widely used to treat a variety of diseases—such as inflammatory disorders, neurodegenerative diseases, multiple myeloma and other cancers. However, thalidomide is poorly soluble in water and unstable—complicating its delivery, bioavailability and subsequent evaluations. Additionally, thalidomide is plagued by teratogenic adverse effects in current human use. Therefore, there is intense interest in developing analogs that exhibit suitable properties of solubility and stability while retaining desirable biological activity safe for clinical use.

Researchers at the National Institute on Aging (NIA) have synthesized a promising new family of IMiD compounds with improved chemical stability, enhanced water solubility, and potent anti-inflammatory properties. In cell-based studies, these compounds significantly reduced key inflammation markers, including nitrate and IL–6. Along with the ability to maintain high levels of cell viability, these improvements position them as promising therapeutic candidates. Unlike traditional IMiD drugs, these compounds do not bind to the cereblon protein, eliminating concerns of teratogenicity. The compounds also

demonstrated a high binding affinity to the sigma and serotonin receptors, both linked to cellular inflammation, which further enhances their potential for treating neurodegenerative disorders, traumatic brain injury, inflammatory disorders, viral infections and cancer.

“This Notice is in accordance with 37 CFR 404.4 Authority to grant licenses.”

NIH Reference Number: E–183–2024.

Related Technologies: E–045–2012–0, E–208–2015–0, E–151–2022–0.

Product Type: Therapeutic.

Therapeutic Area(s): Neurology | Geriatrics.

Development Stage: Pre-clinical (*in vivo* validation).

Publications: Scerba MT, et al. 2-(Piperidin-3-yl)phthalimides reduce classical markers of cellular inflammation in LPS-challenged RAW 264.7 cells and also demonstrate potentially relevant sigma and serotonin receptor affinity in membrane preparations. (PMID 38996940).

Patents: PCT/US2025/034951, filed June 6, 2025.

Potential Commercial Applications:

- Neurodegenerative diseases.
- Inflammatory disorders.
- Autoimmune disorders.
- Viral infections.
- Cancer.

Competitive Advantages:

- Enhanced chemical stability and solubility.
- Greater anti-inflammatory activity.
- Potentially clinically safer than classic IMiDs by lower risk of fetal malformations.

Collaboration Opportunity:

Researchers at the NIA seek licensing and/or co-development research collaborations for the pre-clinical and clinical development of the compounds as anti-inflammatory therapeutics for systemic degenerative and neurodegenerative disorders.

Dated: June 10, 2026.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2026–11996 Filed 6–12–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, Circuit Disorders, Plasticity and Neuronal Injury June 22, 2026, 09:30 a.m. to June

23, 2026, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on May 19, 2026, 91 FR 29149, Doc No. 2026–09947.

This meeting is being amended to change the meeting end date to June 22, 2026. The meeting is closed to the public.

Dated: June 10, 2026.

Bruce A. George,
Program Analyst, Office of Federal Advisory
Committee Policy.

[FR Doc. 2026–11935 Filed 6–12–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–NWRs–2026–2575;
FXRS1261090000–267–FF09R20000]

Wilderness Administration and Resource Stewardship; Request for Information

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice; request for public
comment.

SUMMARY: The U.S. Fish and Wildlife Service (Service) seeks public comment on potential improvements to Part 610 of the Service Manual (Wilderness Stewardship), which provides policy direction for the review, planning, stewardship, and administration of wilderness areas managed by the Service. The Service is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing wilderness stewardship policy may be appropriate. We invite comments from the public, and local, State, Tribal, U.S. Territories, and Federal agencies.

DATES: We must receive your written comments on or before August 14, 2026.

ADDRESSES: *Comment submission:* All submissions must include the docket number FWS–HQ–NWRs–2026–2575 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–HQ–NWRs–2026–2575, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on “Comment.” Please ensure that you have found the

correct document before submitting your comments.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–NWRs–2026–2575, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Public Comments for more information.

FOR FURTHER INFORMATION CONTACT: Nick Kaczor, National Wilderness Coordinator, Branch of Wildlife Resources, nick_kaczor@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

The Service seeks public comment on potential improvements to Part 610 of the U.S. Fish and Wildlife Service Manual (Wilderness Stewardship), which provides policy direction for the review, planning, stewardship, and administration of wilderness areas managed by the Service. The Service is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing wilderness stewardship policy may be appropriate. The Part 610 Wilderness Stewardship Service Manual is non-binding, does not establish legally binding rules, and is internal Service policy intended only to improve the internal management of the Service.

Part 610 consists of the following five chapters:

- *610 FW 1:* General Overview of Wilderness Stewardship Policy,

provides an overview and foundation for implementing the Wilderness Act and the National Wildlife Refuge System Administration Act of 1966, as amended;

- *610 FW 2:* Wilderness Administration and Resource Stewardship, provides specific direction and guidance on administration of refuge wilderness, including stewardship of natural and cultural resources, public uses, and fire;

- *610 FW 3:* Wilderness Stewardship Planning, describes how to develop wilderness stewardship plans;

- *610 FW 4:* Wilderness Review and Evaluation, establishes policy for conducting wilderness reviews and managing wilderness study areas, recommended wilderness, and proposed wilderness; and

- *610 FW 5:* Special Provisions for Alaska Wilderness, describes the special provisions of the Alaska National Interest Lands Conservation Act (Public Law 96–487) that we must consider together with the policy in 610 FW 1–4 in administering National Wildlife Refuge System wilderness areas in Alaska.

To view the current Manual chapters, visit <https://www.fws.gov/policy-library/manuals/land-use-and-management-series/natural-and-cultural-resources-management-0>.

Public Comments

We invite comments from the public, and local, State, Tribal, U.S. Territories, and Federal agencies on the Service Manual chapters. All comments must be received by the date specified above. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

This request for public comment is entirely separate from the opportunity to provide comments on Wilderness Administration and Resource Stewardship; Managing Climbing Activities in Wilderness that also published in this issue of the **Federal**

Register. If you wish to submit comments on the draft rock-climbing guidance, please comment on Docket No. FWS-HQ-NWRS-2026-1618 at <https://www.regulations.gov>.

Cynthia Martinez,

Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service.

[FR Doc. 2026-11956 Filed 6-12-26; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-NWRS-2026-1618; FXRS12610900000-267-FF09R20000]

Wilderness Administration and Resource Stewardship; Managing Climbing Activities in Wilderness

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comment.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of a draft national guidance memorandum and proposed revisions for two Service Manual chapters to fulfill the direction in Section 122 of the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act governing the management of climbing activities in wilderness areas in the National Wildlife Refuge System (NWRS) and, where applicable, the National Fish Hatchery System (NFHS). The draft guidance memorandum and Service Manual chapter amendments clarify our wilderness policy by adding explicit policy elements related to climbing routes and equipment. We invite comments from the public, and local, State, Tribal, U.S. Territories, and Federal agencies.

DATES: We must receive your written comments on or before August 14, 2026.

ADDRESSES: *Obtaining Documents:* You may obtain copies of the documents this notice announces, along with any comments and other materials that we receive, online in Docket No. FWS-HQ-NWRS-2026-1618 at <https://www.regulations.gov>.

Comment submission: All submissions must include the docket number FWS-HQ-NWRS-2026-1618 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-HQ-NWRS-2026-1618, which is the docket number for this

action. Then click the Search button. On the resulting page, you may submit a comment by clicking on "Comment." Please ensure that you have found the correct document before submitting your comments.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-NWRS-2026-1618, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at <https://www.regulations.gov>. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Public Comments for more information.

FOR FURTHER INFORMATION CONTACT: Nick Kaczor, National Wilderness Coordinator, Branch of Wildlife Resources, nick_kaczor@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

In 2025, the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act was signed into law (Public Law 118-234). EXPLORE Act Section 122, Protecting America's Rock Climbing (PARC), addresses recreational climbing and is codified at 16 U.S.C. 8422. PARC requires the Secretary of the Interior to issue guidance for recreational climbing activities on covered Federal land. PARC further directs that the guidance shall recognize that recreational climbing (including the use, placement, and maintenance of fixed anchors) is an appropriate use within a component of the National Wilderness Preservation System if undertaken in accordance with the

Wilderness Act and other applicable laws (including regulations) and subject to appropriate terms and conditions to be determined by the Secretary.

Accordingly, the Service has prepared a draft guidance memorandum and amendments to Service Manual chapter 610 FW 1, General Overview of Wilderness Stewardship Policy, and 610 FW 2, Wilderness Administration and Resource Stewardship. To view the current manual chapters, visit <https://www.fws.gov/policy-library/610fw1> and <https://www.fws.gov/policy-library/610fw2>. The draft guidance memorandum and proposed amendments maintain compliance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee) and the Wilderness Act of 1964 (16 U.S.C. 1131-1136).

Draft National Guidance on Recreational Rock Climbing on National Wildlife Refuge System and National Fish Hatchery Lands as Directed by the EXPLORE Act

The draft memorandum provides national guidance for the Service regarding the consideration and management of recreational rock climbing on lands administered by the NWRS and, where applicable, the NFHS. This guidance, in tandem with associated policy amendments, discussed below, fulfills the direction in Section 122 of EXPLORE Act. It clarifies how the Service will evaluate, authorize, and manage climbing activities, consistent with existing statutory authorities, Service policy, and purposes of the lands administered by the Service. Rock climbing is not known to occur on any NFHS lands, however, this guidance establishes a framework for considering such proposals if they arise.

The draft memorandum is available for public review online in Docket No. FWS-HQ-NWRS-2026-1618 at <https://www.regulations.gov>.

Proposed Amendments to Service Manual Chapter 610 FW 1

In Service Manual chapter 610 FW 1, General Overview of Wilderness Stewardship Policy, we propose to add the following definitions to section 1.5:

- *Fixed Anchor.* Climbing equipment such as a bolt or piton that is left permanently in place to facilitate ascent, descent, or traverse of technical terrain.
- *Installation.* Anything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.

Proposed Amendments to Service Manual Chapter 610 FW 2

In Service Manual chapter 610 FW 2, Wilderness Administration and Resource Stewardship, we propose to revise section 2.5A and add a new section 2.5D(6). These changes are described below.

Revised section 2.5A to read:

A.If a structure or installation existed before wilderness designation, we may retain it if we determine it is the minimum requirement to administer the area as wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. Existing climbing routes established prior to January 4, 2025 (including fixed anchors along the routes) must be allowed to be used and maintained. We will remove or allow natural deterioration of all structures and installations that do not meet these criteria.

New section 2.5D(6) to read:

(6) Fixed Anchors. Fixed anchors for recreational rock climbing that are necessary for the ascent or descent of a technical rock, ice, or mountain climb will not be considered installations, and therefore not subject to an MRA. The occasional placement and maintenance of a fixed anchor for belay, rappel, or protection purposes will be allowed in wilderness, and does not violate the Wilderness Act or necessarily impair the future enjoyment of wilderness. Fixed anchors should be used as a last resort when temporary anchors and equipment, which can be placed and removed without altering the environment (clean climbing), is not viable.

Public Comments

We invite comments from the public, and local, State, Tribal, U.S. Territories, and Federal agencies on the draft guidance memorandum and proposed Service Manual chapter amendments. All comments must be received by the date specified above. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as

representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

This request for public comment is entirely separate from the opportunity to provide comments on Wilderness Administration and Resource Stewardship; Request for Information that also published in today's **Federal Register**. If you wish to submit comments on the broader policy framework, please comment on Docket No. FWS-HQ-NWRS-2026-2575 at <https://www.regulations.gov>.

Cynthia Martinez,

Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service.

[FR Doc. 2026-11970 Filed 6-12-26; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407-014-004-065516; #O2509-014-004-125222]

Policy Review: BLM Manual 6340, Management of Designated Wilderness Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of policy and procedural guidance.

SUMMARY: The Bureau of Land Management (BLM) is seeking public comment on potential updates to BLM Manual 6340—Management of Designated Wilderness Areas and is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing Manual 6340 may be appropriate.

DATES: Send your comments on Manual 6340 on or before August 14, 2026. The BLM is not obligated to consider comments received after this date.

ADDRESSES: You may submit comments by any of the following methods. Please include the words “Management of Designated Wilderness Areas” as an identifier in your message.

To submit comments electronically, go to <https://www.regulations.gov>. In the Search-box, enter Docket number “BLM-2026-0067” and click the “Search” button. Click the “Comment Now!” button. Comments can also be mailed or hand delivered to: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention:

Management of Designated Wilderness Areas.

FOR FURTHER INFORMATION CONTACT:

Sean MacDougall, BLM Division of National Conservation Lands, email BLM_HQ_410_Wilderness@BLM.GOV, telephone: (970) 256-4934 for additional information.

Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. MacDougall. 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 BLM is seeking public comment on potential updates to BLM Manual 6340—Management of Designated Wilderness Areas. The manual provides policy and guidance for managing BLM lands that have been designated by Congress as part of the National Wilderness Preservation System. The manual describes BLM's responsibilities for managing and protecting designated wilderness areas to preserve wilderness character, including administering public purposes of recreational, scenic, scientific, educational, conservation, and historical use in accordance with the Wilderness Act. Additionally, the manual provides management direction for permitted uses under section 4(c) to preserve wilderness character, and requirements under section 4(d) of the Wilderness Act. The BLM is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing Manual 6340 may be appropriate.

If you wish to comment separately on the BLM's proposed recreational climbing guidance per section 122 of the Expanding Public Lands Outdoor Recreation Experiences Act (16 U.S.C. 8422), please go to [regulations.gov](https://www.regulations.gov), and search for Docket number “BLM-2026-0034.”

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 16 U.S.C. 1131 *et seq.*)

Carla M. Bock,

Acting Assistant Director, National Conservation Lands and Community Partnerships.

[FR Doc. 2026–11949 Filed 6–12–26; 8:45 am]

BILLING CODE 4331–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2509–014–004–125222]

Policy Review: BLM Manual 6320, Considering Lands With Wilderness Characteristics in the BLM Land Use Planning Process

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of policy and procedural guidance.

SUMMARY: The Bureau of Land Management (BLM) is seeking public comment on potential updates to BLM Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process and is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing Manual 6320 may be appropriate.

DATES: Send your comments on Manual 6320 on or before August 14, 2026. The BLM is not obligated to consider comments received after this date.

ADDRESSES: You may submit comments by any of the following methods. Please include the words “Considering Lands with Wilderness Characteristics” as an identifier in your message.

To submit comments electronically, go to <https://www.regulations.gov>. In the Search-box, enter “BLM–2026–0068” and click the “Search” button. Click the “Comment Now!” button. Comments can also be mailed or hand delivered to: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington DC 20240, Attention: Considering Lands with Wilderness Characteristics.

FOR FURTHER INFORMATION CONTACT: Sean MacDougall, BLM Division of National Conservation Lands, email: BLM_HQ_410_Wilderness@BLM.GOV, telephone: (970) 256–4934 for additional information.

Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. MacDougall. 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 BLM is seeking public comment on potential updates to BLM Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process. The manual provides policy and guidance for evaluating and considering lands with wilderness characteristics during land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) and other applicable laws. Consistent with FLPMA and other applicable authorities, the BLM considers management of public lands identified as having wilderness characteristics in land use plans, amendments, or revisions. Lands with wilderness characteristics share similar conditions as designated wilderness or existing wilderness study areas; however, their management is derived from land use planning or project-level management decisions. The BLM is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing Manual 6320 may be appropriate.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. 1701 *et seq.*)

Carla M. Bock,

Acting Assistant Director, National Conservation Lands and Community Partnerships.

[FR Doc. 2026–11951 Filed 6–12–26; 8:45 am]

BILLING CODE 4331–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2509–014–004–125222]

Draft Policy and Guidance for Managing Recreational Climbing in BLM-Managed Units of the National Wilderness Preservation System

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of policy and procedural guidance.

SUMMARY: The Bureau of Land Management (BLM) is issuing this Draft Statement of Policy to announce updated policy and procedural guidance for managing recreational climbing in BLM-managed units of the National Wilderness Preservation System (NWPS). This draft guidance, proposed as an update to BLM Manual 6340—Management of Designated Wilderness Areas, incorporates Congressional direction from the Protecting America’s Rock Climbing (PARC) Act, as included in section 122 of the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act. The BLM is seeking public comment to inform the final guidance for inclusion in Manual 6340.

DATES: Send your comments on the draft policy and guidance on or before August 14, 2026. The BLM is not obligated to consider comments received after this date.

ADDRESSES: You may submit comments by any of the following methods. Please include the words “Draft Recreational Climbing in Wilderness Guidance” as an identifier in your message. See also discussion of Public Availability of Comments below.

To view a copy of the draft guidance and to submit comments electronically, go to <https://www.regulations.gov>. In the Search-box, enter the Docket number “BLM–2026–0034” and click the “Search” button. Click the “Comment Now!” button. Comments can also be mailed or hand delivered to: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: Draft Recreational Climbing in Wilderness Policy Guidance.

FOR FURTHER INFORMATION CONTACT: Sean MacDougall, BLM Division of National Conservation Lands, email BLM_HQ_410_Wilderness@BLM.GOV, telephone: (970) 256–4934 for additional information.

Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. MacDougall. 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 BLM has released updated policy and procedural guidance for managing recreational climbing in BLM-managed

units of the NWPS. This draft guidance, proposed as an update to BLM Manual 6340—Management of Designated Wilderness Areas, incorporates Congressional direction from the PARC Act, as included in section 122 of the EXPLORE Act (16 U.S.C. 8422). It recognizes recreational climbing—including the use, placement, and maintenance of fixed anchors—as an appropriate wilderness use when conducted in accordance with the Wilderness Act and other applicable laws; clarifies criteria for casual use; and outlines processes for authorizing activities that exceed casual-use thresholds, managing legacy routes and anchors, and addressing emergencies, fixed equipment, and commercial services. In accordance with 16 U.S.C. 8422(f), the BLM is seeking public comment to inform the final guidance for inclusion in Manual 6340.

Substantive edits to Manual 6340 related to section 122 of the EXPLORE Act include:

- Section 1.6.B.2.j, installations;
- Section 1.6.C.13.c.ix. Primitive recreation;
- Section 1.6.C.13.f. Recreational climbing activities in wilderness;
- Section 1.6.D.5.a. Wilderness Management Plans; Climbing Management Plans; and
- Glossary revisions for “anchor, permanent fixed,” “anchor temporary,” “clean climbing,” “fixed equipment,” and “installation”.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 16 U.S.C. 8422)

Carla M. Bock,

Acting Assistant Director, National Conservation Lands and Community Partnerships.

[FR Doc. 2026–11950 Filed 6–12–26; 8:45 am]

BILLING CODE 4331–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2509–014–004–125222]

Policy Review: BLM Manual 6330, Management of BLM Wilderness Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of policy and procedural guidance.

SUMMARY: The Bureau of Land Management (BLM) is seeking public comment on potential updates to BLM Manual 6330—Management of Wilderness Study Areas and is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing Manual 6330 may be appropriate.

DATES: Send your comments on Manual 6330 on or before August 14, 2026. The BLM is not obligated to consider comments received after this date.

ADDRESSES: You may submit comments by any of the following methods. Please include the words “Management of Wilderness Study Areas” as an identifier in your message.

To submit comments electronically, go to <https://www.regulations.gov>. In the Search-box, enter “BLM–2026–0069” and click the “Search” button. Click the “Comment Now!” button. Comments can also be mailed or hand delivered to: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: Management of Wilderness Study Areas.

FOR FURTHER INFORMATION CONTACT:

Sean MacDougall, BLM Division of National Conservation Lands, email BLM_HQ_410_Wilderness@BLM.GOV, telephone: (970) 256–4934 for additional information.

Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. MacDougall. 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 BLM is seeking public comment on potential updates to BLM Manual 6330—Management of Wilderness Study Areas. The manual provides policy and guidance for managing wilderness study

areas (WSAs) to maintain their suitability for potential congressional designation as wilderness, until Congress makes a final determination. It defines the non-impairment standard for WSAs and outlines requirements for BLM managers to manage the resources on these lands in a manner that maintains each WSA’s suitability for preservation as wilderness. The WSA policy applies to: (1) WSAs identified by the wilderness review required by section 603 of the Federal Land Policy and Management Act (FLPMA); (2) Legislative WSAs established by Congress; and (3) WSAs that were identified and submitted to Congress in Wilderness Study Reports under the authority of section 202 of FLPMA. With respect to certain section 202 WSAs that were identified after the Wilderness Study Reports were submitted to Congress, this policy applies until the designation is changed through BLM’s land use planning process. The BLM is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing Manual 6330 may be appropriate.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. 1701 *et seq.*)

Carla M. Bock,

Acting Assistant Director, National Conservation Lands and Community Partnerships.

[FR Doc. 2026–11952 Filed 6–12–26; 8:45 am]

BILLING CODE 4331–30–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–VRP–WS–NPS41952; Docket No. NPS–2026–0101; PPWOVPADW0, PPMRLE1Y.Y00000, 266P103601]

EXPLORE Act Mandated Wilderness Climbing Guidance for National Park Service

AGENCY: National Park Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: The National Park Service (NPS) announces the availability of draft

guidance governing the management of climbing activities in wilderness areas in the National Park System, as mandated by the EXPLORE Act Section 122 (Protecting America's Rock Climbing). Comments are now being accepted from the public, and local, State, Tribal, and Federal agencies.

DATES: Comments must be received or postmarked on or before 11:59 p.m. ET on August 14, 2026.

ADDRESSES: The documents this notice announces are available for public inspection at <https://www.regulations.gov> in Docket No. NPS–2026–0101. Interested persons should submit comments via the Federal eRulemaking Portal: <https://www.regulations.gov>. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Instructions: Comments will not be accepted by fax, email, or in any way other than specified. Comments delivered on external electronic storage devices (flash drives, compact discs, etc.) will not be accepted. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

FOR FURTHER INFORMATION CONTACT: Michael Michener, Deputy Associate Director, National Park Service, (202) 513–7080.

SUPPLEMENTARY INFORMATION:

Background

The National Park Service (NPS) has long recognized that climbing is an important and historically relevant recreational activity in many NPS wilderness areas. Wilderness is a unique resource that has overriding implications for all recreation uses, including climbing. Climbing is among those recreational uses that are traditionally associated with wilderness and identified by Congress in the legislative record for the development of the Wilderness Act (Pub. L. 88–577). As with any human activity, however, climbing will have impacts on wilderness resources and values. Climbing, including climbing in wilderness, continues to grow in popularity, which has prompted both the public and park managers to express the need to establish standard climbing management procedures that recognize the NPS statutory responsibility to preserve wilderness character while also providing appropriate opportunities for recreational climbing in wilderness.

In 2025, the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act was signed into law

(Pub. L. 118–234). EXPLORE Act Section 122, Protecting America's Rock Climbing (PARC), addresses recreational climbing and is codified at 16 U.S.C. 8422. It contains a requirement for bureau issuance of guidance for recreational climbing activities on covered federal lands, including wilderness.

The NPS requests public comments on the draft revisions of two related documents for wilderness climbing management in the NPS: (1) Director's Order 41: Wilderness Stewardship, Section 7.2 (draft) and (2) Reference Manual 41: Wilderness Stewardship, Section 7.1 (draft). Together, this guidance clarifies NPS policy on managing recreational climbing activities in wilderness in accordance with the Wilderness Act and consistent with the requirements of PARC with respect to the NPS. This request for public comment is entirely separate from the opportunity to provide comments on Director's Order #41: Wilderness Stewardship that also published in today's **Federal Register**. If you wish to submit comments on the broader policy framework, please comment on that docket.

Michael P. Michener,
Deputy Associate Director, Visitor and Resource Protection, National Park Service.

[FR Doc. 2026–11959 Filed 6–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–VRP–WS; Docket No. NPS–2026–0100; PPWOVPADW0, PPMPLRLE1Y.Y00000, 266P103601]

National Park Service Level 2 Wilderness Stewardship Policy Review: Director's Order #41

AGENCY: National Park Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: The National Park Service (NPS) seeks public comment on Director's Order #41: Wilderness Stewardship, which provides policy direction for the identification, planning, stewardship, and administration of wilderness managed by the NPS. Comments are now being accepted from the public, and local, State, Tribal, and Federal agencies.

DATES: Comments must be received or postmarked on or before 11:59 p.m. ET on August 14, 2026.

ADDRESSES: The document this notice announces is available for public

inspection at <https://www.regulations.gov> in Docket No. NPS–2026–0100. Interested persons should submit comments via the Federal eRulemaking Portal: <https://www.regulations.gov>. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Instructions: Comments will not be accepted by fax, email, or in any way other than specified. Comments delivered on external electronic storage devices (flash drives, compact discs, etc.) will not be accepted. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

FOR FURTHER INFORMATION CONTACT: Michael Michener, Deputy Associate Director, National Park Service, (202) 513–7080.

SUPPLEMENTARY INFORMATION:

Background

The NPS is interested in receiving information and recommendations regarding whether updates, clarifications, or other revisions to existing wilderness stewardship policy may be appropriate. Director's Order #41 is intended only to improve the internal management of the NPS and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable as law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

This request for public comment concerns the service wide policy framework that guides how the NPS, plans for, stewards, and administers wilderness across the National Park System. This request for public comment is entirely separate from the opportunity to provide comments on draft NPS wilderness climbing guidance mandated by the EXPLORE Act that also published in today's **Federal Register**. If you wish to submit comments specifically on the draft NPS wilderness climbing guidance, please comment in that docket.

Michael P. Michener,
Deputy Associate Director, Visitor and Resource Protection, National Park Service.

[FR Doc. 2026–11958 Filed 6–12–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION**[Investigation No. 337–TA–1506]****Certain NAND and DRAM Memory Chips and Products Containing the Same; Notice of Institution of Investigation****AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 11, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of MonolithIC 3D Inc. of Allen, Texas. Supplements to the complaint were filed on May 28, 2026 and June 1, 2026. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain NAND and DRAM memory chips and products containing the same by reason of the infringement of certain claims of U.S. Patent No. 12,250,830 (“the ‘830 patent”); U.S. Patent No. 12,362,330 (“the ‘330 patent”); U.S. Patent No. 12,400,961 (“the ‘961 patent”); U.S. Patent No. 12,464,734 (“the ‘734 patent”); and U.S. Patent No. 12,564,006 (“the ‘006 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S.

International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 10, 2026, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 2, 4, 13, and 14 of the ‘830 patent; claims 1, 2, 4–9, and 12–14 of the ‘330 patent; claims 1–20 of the ‘961 patent; claims 1–3, 6, 7, and 15–20 of the ‘734 patent; and claims 1, 2, 4, 5, and 7 of the ‘006 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “3D NAND memory chips, HBM DRAM memory chips, and memory products containing the same such as NAND flash and NAND storage products, SSD products, and DRAM products”;

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) *The complainant is:* MonolithIC 3D Inc., 825 Watter’s Creek Blvd., Building M, Suite 250, Allen, TX 75013.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: KIOXIA Holdings Corporation, 3–1–21, Shibaura, Minato-ku, Tokyo 108–0023, Japan
KIOXIA Corporation, 3–1–21, Shibaura, Minato-ku, Tokyo 108–0023, Japan
KIOXIA America, Inc., 2160 Gold Street, San Jose, CA 95002
KIOXIA Engineering Corporation, Nagoya Fushimi K Square Building, 6th Floor, 14–19 Nishiki 2-chome, Naka-ku, Nagoya 460–0003, Japan
KIOXIA Iwate Corporation, 5–29 Kita Kogyo-Danchi, Kitakami-shi, Iwate, Japan
KIOXIA Systems Co., Ltd., STE Building, 2–5–1 Kasama, Sakae-ku, Yokohama, Kanagawa Prefecture, 247–8585, Japan
KIOXIA Semiconductor Taiwan Corporation, 3 F–5, No. 168, Sec. 3, Nanjing Rd., Zhongshan District, Taipei City 104105, Taiwan
SK hynix Inc. 2091 Gyeongchung-daero, Bupal-eup, Icheon, Gyeonggi-do, Korea
SK hynix America Inc., 3101 N 1st St., San Jose, CA 95134
SK hynix Memory Solutions America Inc., 3103 North First St., San Jose, CA 95134

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to

the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 10, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–11934 Filed 6–12–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–201–075 (Evaluation)]

Crystalline Silicon Photovoltaic Cells Whether or Not Partially or Fully Assembled Into Other Products: Evaluation of the Effectiveness of Import Relief; Cancellation of Hearing for Evaluation of the Effectiveness of Import Relief

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: June 10, 2026.

FOR FURTHER INFORMATION CONTACT:

Celia Feldpausch (202–205–2387), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: On February 6, 2026, the Commission established a schedule for investigation No. TA–201–075 (Evaluation), Crystalline Silicon Photovoltaic (“CSPV”) Cells (Whether or Not Partially or Fully Assembled Into Other Products) (“CSPV products”), for the purpose of evaluating the effectiveness of the relief action imposed by the President on imports of CSPV products under section 203 of the Trade Act of 1974, which terminated on February 6, 2026 (91 FR 12814, March 17, 2026). On

June 5, 2026, counsel for the Alliance for American Solar Manufacturing and Trade (“the Alliance”) ¹ and Hanwha Q Cells USA, Inc. (“Hanwha”) filed requests to appear at the hearing. No other parties submitted a request to appear at the hearing. On June 8, 2026, counsel for the Alliance and Hanwha withdrew their requests to appear at the hearing and filed a request that the Commission cancel the scheduled hearing for this proceeding. Consequently, the public hearing in connection with this proceeding, scheduled to begin at 9:30 a.m. on June 12, 2026, is cancelled. Parties to this proceeding should respond to any written questions posed by the Commission in their posthearing briefs, which are due to be filed on June 22, 2026.

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 through E (19 CFR part 201), and part 206, subparts A and F (19 CFR part 206).

Authority: This proceeding is being conducted under authority of section 204(d) of the Tariff Act of 1974; this notice is published pursuant to § 206.3 of the Commission's rules.

By order of the Commission.

Issued: June 10, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–11937 Filed 6–12–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1494]

Certain TOPCon Solar Cells, Modules, Panels, Components Thereof, and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Granting Tesla, Inc.'s Motion To Intervene

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 10) of the presiding administrative law judge (“ALJ”) granting a motion to intervene filed by non-party Tesla, Inc. (“Tesla”).

¹ The Alliance is comprised of Hanwha Q CELLS USA, Inc., First Solar, Inc., and Mission Solar Energy LLC.

FOR FURTHER INFORMATION CONTACT:

Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3316. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 30, 2026, based on a complaint, as supplemented, filed by First Solar, Inc. (“First Solar”) of Phoenix, Arizona. 91 FR 15632–34 (Mar. 30, 2026). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States and the sale of certain TOPCon solar cells, modules, panels, components thereof, and products containing same by reason of the infringement of certain claims of U.S. Patent No. 9,130,074. *Id.* at 15632. The complaint, as supplemented, further alleged that an industry in the United States exists or is in the process of being established. *Id.* The Commission's notice of investigation named as respondents AXITEC, LLC of Radnor, Pennsylvania; AXITEC Energy GmbH & Co. KG of Böblingen, Germany; AXITEC SOLAR, LLC of Newark, Delaware; Canadian Solar Inc. of Ontario, Canada; CSI Solar Co., Ltd. of Suzhou, China; Canadian Solar (USA) Inc. of Walnut Creek, California; Canadian Solar Manufacturing (Thailand) Co., Ltd. of Bo Win, Thailand; Canadian Solar US Module Manufacturing Corporation of Mesquite, Texas; Canadian Solar International Ltd. of Kowloon, Hong Kong; JA Solar Technology Co., Ltd. of Beijing, China; JA Solar USA, Inc. of San Jose, California; JA Solar AZ, LLC of Phoenix, Arizona; JA Solar International, Ltd. of Kowloon, Hong Kong; JA Solar Vietnam Co., Ltd. of Bac Giang, Vietnam; JinkoSolar Holding Co., Ltd. of Jiangxi Province, China; Jinko Solar Co., Ltd. of Jiangxi Province, China; Jinko Solar (Vietnam) Industries Co. Ltd. of Quang Ninh, Vietnam; Jinko Solar Technology Sdn. Bhd. Of Pulau Pinang, Malaysia; Zhejiang Jinko Solar

Co., Ltd. of Zhejiang Province, China; JinkoSolar (U.S.) Inc. of Campbell, California; JinkoSolar (U.S.) Manufacturing Inc. of Dover, Delaware; JinkoSolar (U.S.) Industries Inc. of Jacksonville, Florida; Mundra Solar PV Limited of Gujarat, India; Mundra Solar Energy Ltd. of Gujarat, India; Adani Green Energy Ltd. of Gujarat, India; Philadelphia Solar LLC of Amman, Jordan; Philadelphia Solar USA Inc. of San Mateo, California; Hanwha Q CELLS USA Inc. of Dalton, Georgia; Hanwha Q CELLS America Inc. of Irvine, California; Hanwha Q CELLS USA Corp. of Irvine, California; Hanwha Solutions Corporation of Seoul, Korea; Jiangsu Runergy New Energy Technology Co., Ltd. of Jiangsu Province, China; Runergy USA Inc. of Pleasanton, California; Runergy Alabama Inc. of Huntsville, Alabama; Runergy USA Trading LLC of Dover, Delaware; Runergy PV Technology (Thailand) Co., Ltd. of Rayong, Thailand; Trina Solar Co., Ltd. of Jiangsu Province, China; Trina Solar (U.S.), Inc. of Fremont, California; Trina Solar Energy Development Co., Ltd. of Thai Nguyen Province, Vietnam; Changzhou Trina Solar Energy Co., Ltd. of Zhejiang, China; Trina Solar Yiwu Technology Co., Ltd. of Zhejiang, China; TI Energy, Inc. of Austin, Texas; TI Gl Dallas Solar Module LLC of Wilmer, Texas; Vietnam Sunergy Joint Stock Company of Bac Giang Province, Vietnam; VSUN Solar USA Inc. of Fremont, California; Toyo Co., Ltd. of Tokyo, Japan; and Toyo Solar Texas, LLC of Humble, Texas. *Id.* at 15633. The Office of Unfair Import Investigations (“OUII”) is also a party in this investigation. *Id.*

On May 27, 2026, BYD America LLC was added as a respondent pursuant to its motion to intervene. Order No. 7 (Apr. 27, 2026), *unreviewed by Comm’n* Notice (May 27, 2026), 91 FR 32434–35 (June 1, 2026).

On April 28, 2026, Tesla filed a motion to intervene as a respondent pursuant to Commission Rule 210.19, 19 CFR 210.19. On May 6, 2026, First Solar filed a statement of non-opposition. On May 8, 2026, OUII filed a response in support of the motion.

On May 11, 2026, the ALJ issued the subject ID (Order No. 10) granting Tesla’s motion to intervene. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on June 10, 2026.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as

amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 10, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–11907 Filed 6–12–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–459 and 731–TA–1155 (Third Review)]

Commodity Matchbooks From India; Determinations

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping and countervailing duty orders on commodity matchbooks from India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on October 1, 2025 (90 FR 47330) and determined on March 16, 2026, that it would conduct expedited reviews (91 FR 20502, April 16, 2026).²

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on June 11, 2026. The views of the Commission are contained in USITC Publication 5750 (June 2026), entitled *Commodity Matchbooks from India: Investigation Nos. 701–TA–459 and 731–TA–1155 (Third Review)*.

By order of the Commission.

Issued: June 11, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–11963 Filed 6–12–26; 8:45 am]

BILLING CODE 7020–02–P

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² 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 a subsequent notice published in the **Federal Register** on January 9, 2026 (91 FR 1002).

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Evidence Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Evidence Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Evidence Rules will hold an in-person meeting in hybrid format with remote attendance options on October 15, 2026 in Boston, MA. The meeting is open to the public for observation but not participation. Please see the **SUPPLEMENTARY INFORMATION** section in this notice for instructions on observing the meeting.

DATES: October 15, 2026 (meeting date) and October 8, 2026 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

FOR FURTHER INFORMATION CONTACT:

Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov*.

SUPPLEMENTARY INFORMATION: To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on October 8, 2026. After this deadline, only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: June 11, 2026.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2026–11982 Filed 6–12–26; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Bankruptcy Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Bankruptcy Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Bankruptcy Rules will hold an in-person meeting in hybrid format with remote attendance options on September 23, 2026 in Washington, DC. The meeting is open to the public for observation but not participation. Please see the Supplementary Information section in this notice for instructions on observing the meeting.

DATES: September 23, 2026 (meeting date) and September 16, 2026 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on September 16, 2026. After this deadline, only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: June 11, 2026.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2026-11983 Filed 6-12-26; 8:45 am]

BILLING CODE 2210-55-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Civil Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Civil Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Civil Rules will hold an in-person meeting in hybrid format with remote attendance options on October 21, 2026 in Washington, DC. The meeting is open to the public for observation but not participation. Please see the Supplementary Information section in this notice for instructions on observing the meeting.

DATES: October 21, 2026 (meeting date) and October 14, 2026 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on October 14, 2026. After this deadline, only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: June 11, 2026.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2026-11984 Filed 6-12-26; 8:45 am]

BILLING CODE 2210-55-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Criminal Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Criminal Rules will hold an in-person meeting in hybrid format with remote attendance options on October 14, 2026 in Boston, MA. The meeting is open to the public for observation but not participation. Please see the **SUPPLEMENTARY INFORMATION** section in this notice for instructions on observing the meeting.

DATES: October 14, 2026 (meeting date) and October 7, 2026 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office

of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on October 7, 2026. After this deadline, only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: June 11, 2026.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2026-11981 Filed 6-12-26; 8:45 am]

BILLING CODE 2210-55-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Appellate Rules will hold an in-person meeting in hybrid format with remote attendance options on October 6, 2026 in Washington, DC. The meeting is open to the public for observation but not participation. Please see the **SUPPLEMENTARY INFORMATION** section in this notice for instructions on observing the meeting.

DATES: October 6, 2026 (meeting date) and September 29, 2026 (registration deadline for in-person observation).

ADDRESSES: An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <https://www.uscourts.gov/forms-rules/records-rules-committees/agenda-books>.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-300, Washington, DC 20544, Phone (202) 502-1820, RulesCommittee_Secretary@ao.uscourts.gov.

SUPPLEMENTARY INFORMATION: To observe the meeting in person, individuals must contact the office listed above by 5 p.m. (eastern time) on September 29, 2026. After this deadline,

only remote observation is permitted. Remote registration is available until the meeting date, provided it is completed before the projected end time.

(Authority: 28 U.S.C. 2073.)

Dated: June 11, 2026.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2026-11985 Filed 6-12-26; 8:45 am]

BILLING CODE 2210-55-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1727]

Importer of Controlled Substances Application: Cerilliant Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cerilliant Corporation has applied to be registered as an importer of basic class(es) of controlled

substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on, or objections to the issuance of the proposed registration on or before July 15, 2026. Such persons may also file a written request for a hearing on the application on or before July 15, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public

view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 8, 2026, Cerilliant Corporation, 811 Paloma Drive, Round Rock, Texas 78665-2402, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I.
Cathinone	1235	I.
Methcathinone	1237	I.
4-Fluoro-N-methylcathinone (4-FMC)	1238	I.
Pentedrone (α -methylaminovalerophenone)	1246	I.
Mephedrone (4-Methyl-N-methylcathinone)	1248	I.
4-Methyl-N-ethylcathinone (4-MEC)	1249	I.
Naphyrone	1258	I.
N-Ethylamphetamine	1475	I.
N,N-Dimethylamphetamine	1480	I.
Fenethylamine	1503	I.
Methaqualone	2565	I.
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I.
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I.
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I.
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I.
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I.
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I.
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I.
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I.
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I.
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	7048	I.
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I.
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I.
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I.
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I.
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I.
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I.
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I.
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I.
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I.
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I.
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I.
Alpha-ethyltryptamine	7249	I.
Ibogaine	7260	I.
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol]	7297	I.
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol]	7298	I.
Lysergic acid diethylamide	7315	I.
2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I.
Marihuana	7360	I.
Parahexyl	7374	I.
Mescaline	7381	I.
2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I.

Controlled substance	Drug code	Schedule
3,4,5-Trimethoxyamphetamine	7390	I.
4-Bromo-2,5-dimethoxyamphetamine	7391	I.
4-Bromo-2,5-dimethoxyphenethylamine	7392	I.
4-Methyl-2,5-dimethoxyamphetamine	7395	I.
2,5-Dimethoxyamphetamine	7396	I.
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I.
3,4-Methylenedioxyamphetamine	7400	I.
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I.
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I.
3,4-Methylenedioxy-N-ethylamphetamine	7404	I.
3,4-Methylenedioxymethamphetamine	7405	I.
4-Methoxyamphetamine	7411	I.
5-Methoxy-N,N-dimethyltryptamine	7431	I.
Alpha-methyltryptamine	7432	I.
Bufotenine	7433	I.
Diethyltryptamine	7434	I.
Dimethyltryptamine	7435	I.
Psilocybin	7437	I.
Psilocyn	7438	I.
5-Methoxy-N,N-diisopropyltryptamine	7439	I.
N-Ethyl-1-phenylcyclohexylamine	7455	I.
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I.
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I.
N-Benzylpiperazine	7493	I.
4-MePPP (4-Methyl-alpha-pyrrolidinopropiophenone)	7498	I.
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I.
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I.
2C-H 2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I.
2C-I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I.
2C-C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I.
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I.
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I.
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I.
MDPV (3,4-Methylenedioxypropylvalerone)	7535	I.
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I.
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I.
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I.
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I.
Butylone	7541	I.
Pentylone	7542	I.
alpha-pyrrolidinopentiophenone (α -PVP)	7545	I.
alpha-pyrrolidinobutiophenone (α -PBP)	7546	I.
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I.
Desomorphine	9055	I.
Etorphine (except HCl)	9056	I.
Codeine methylbromide	9070	I.
Heroin	9200	I.
Morphine-N-oxide	9307	I.
Normorphine	9313	I.
Pholcodine	9314	I.
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I.
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I.
Acetylmethadol	9601	I.
Allylprodine	9602	I.
Alphacetylmethadol except levo-alphacetylmethadol	9603	I.
Alphameprodine	9604	I.
Alphamethadol	9605	I.
Betacetylmethadol	9607	I.
Betameprodine	9608	I.
Betamethadol	9609	I.
Betaprodine	9611	I.
Dextromoramide	9613	I.
Dipipanone	9622	I.
Hydroxypethidine	9627	I.
Noracymethadol	9633	I.
Norlevorphanol	9634	I.
Normethadone	9635	I.
Racemoramide	9645	I.
Trimeperidine	9646	I.
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I.
Tilidine	9750	I.
Para-Fluorofentanyl	9812	I.
3-Methylfentanyl	9813	I.
Alpha-methylfentanyl	9814	I.

Controlled substance	Drug code	Schedule
Acetyl-alpha-methylfentanyl	9815	I.
Beta-hydroxyfentanyl	9830	I.
Beta-hydroxy-3-methylfentanyl	9831	I.
Alpha-methylthiofentanyl	9832	I.
3-Methylthiofentanyl	9833	I.
Thiofentanyl	9835	I.
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I.
Methamphetamine	1105	II.
Methylphenidate	1724	II.
Amobarbital	2125	II.
Pentobarbital	2270	II.
Secobarbital	2315	II.
Glutethimide	2550	II.
Nabilone	7379	II.
1-Phenylcyclohexylamine	7460	II.
Phencyclidine	7471	II.
Phenylacetone	8501	II.
1-Piperidinocyclohexanecarbonitrile	8603	II.
Alphaprodine	9010	II.
Dihydrocodeine	9120	II.
Ecgonine	9180	II.
Ethylmorphine	9190	II.
Levomethorphan	9210	II.
Levorphanol	9220	II.
Meperidine	9230	II.
Dextropropoxyphene, bulk (non-dosage forms)	9273	II.
Levo-alphaacetylmethadol	9648	II.
Noroxymorphone	9668	II.
Racemethorphan	9732	II.
Alfentanil	9737	II.
Remifentanil	9739	II.
Sufentanil	9740	II.
Carfentanil	9743	II.
Tapentadol	9780	II.

The company plans to import the listed controlled substances as bulk Active Pharmaceutical Ingredients to support the manufacturing of analytical reference standards and distribution to their research and forensic customers. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,
Deputy Assistant Administrator.

[FR Doc. 2026-11909 Filed 6-12-26; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1729]

Importer of Controlled Substances Application: VHG Labs DBA LGC Standards

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: VHG Labs DBA LGC Standards has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before July 15, 2026. Such persons may also file a written request for a hearing on the application on or before July 15, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short

comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on April 7, 2026, VHG Labs DBA LGC Standards, 3 Perimeter Road, Manchester, New Hampshire

03103–3341, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Amineptine (7-[(10,11-dihydro-5Hdibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid)	1219	I
Mesocarb (N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate)	1227	I
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC) 1238 I N	1238	I
4-Methyl-N-ethylcathinone (4-MEC)	1239	I
Para-Methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine	1245	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
3-Methylmethcathinone (2-(methylamino)-1-(3-methylphenyl)propan-1-one)	1259	I
N-Ethylamphetamine	1475	I
4-Fluoroamphetamine (4-FA, 1-(4-fluorophenyl)propan-2-amine, para-fluoroamphetamine)	1476	I
Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine) 1478 I N	1478	I
N,N-Dimethylamphetamine	1480	I
Fenethylamine	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-1595 I N methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine)	1595	I
Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate)	1727	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
Bromazolam (8-bromo-1-methyl-6-phenyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]	2778	I
Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine	2780	I
Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)	2785	I
Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine	2786	I
Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine	2788	I
Diclazepam (7-chloro-5-(2-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one	2789	I
Cannabimimetic agents	7000	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
1-(4-Fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7014	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboximide)	7025	I
ADB-BUTINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide)	7027	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamid	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB, 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7042	I
4F-MDMB-BINACA (4F-MDMB-BUTINACA or methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7043	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7044	I
N-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide	7047	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
1-(5-Fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carbox	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUMYL-BUTINACA (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide)	7089	I
MDMB-4en-PINACA (methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate)	7090	I
4F-MDMB-BUTICA (methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate)	7091	I
ADB-4en-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide)	7092	I
CUMYL-PEGACLONE (5-pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one)	7093	I
MMB-FUBICA (methyl 2-(1-(4-fluorobenzyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7095	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)metanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole)	7201	I

Controlled substance	Drug code	Schedule
NM2201; CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)- 1 H-indole-3-carboxylate)	7221	|
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	|
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	|
4-methyl-alpha-ethylaminopentiophenone (4-MEAP)	7245	|
N-ethylhexedrone	7246	|
Alpha-ethyltryptamine	7249	|
Ibogaine	7260	|
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine)	7286	|
Lysergic acid diethylamide	7315	|
2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine)	7348	|
Marihuana Extract	7350	|
Marihuana	7360	|
Tetrahydrocannabinols	7370	|
Paraheyl	7374	|
Mescaline	7381	|
2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	|
3,4,5-Trimethoxyamphetamine	7390	|
4-Bromo-2,5-dimethoxyamphetamine	7391	|
4-Bromo-2,5-dimethoxyphenethylamine	7392	|
4-Methyl-2,5-dimethoxyamphetamine	7395	|
2,5-Dimethoxyamphetamine	7396	|
2,5-Dimethoxy-4-ethylamphetamine	7399	|
3,4-Methylenedioxyamphetamine	7400	|
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	7401	|
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	|
3,4-Methylenedioxy-N-ethylamphetamine	7404	|
3,4-Methylenedioxymethamphetamine	7405	|
4-Methoxyamphetamine	7411	|
5-Methoxy-N,N-dimethyltryptamine	7431	|
Alpha-methyltryptamine	7432	|
Bufotenine	7433	|
Diethyltryptamine	7434	|
Dimethyltryptamine	7435	|
Psilocybin	7437	|
Psilocyn	7438	|
5-Methoxy-N,N-diisopropyltryptamine	7439	|
4'-chloro-alpha-pyrrolidinovalerophenone (4-chloro- α -PVP)	7443	|
4'-Methyl-alpha-pyrrolidinohexiophenone (MPHP)	7446	|
N-Ethyl-1-phenylcyclohexylamine	7455	|
3-Methoxyphenacyclidine	7457	|
1-(1-Phenylcyclohexyl)pyrrolidine	7458	|
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	|
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	|
N-Ethyl-3-piperidyl benzilate	7482	|
N-Methyl-3-piperidyl benzilate	7484	|
N-Benzylpiperazine	7493	|
4-Methyl-alpha-pyrrolidinopropiophenone (4-MePPP)	7498	|
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	|
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	|
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517	|
2C-I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	|
2C-C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	|
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	|
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	|
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	|
MDPV (3,4-Methylenedioxypropylvalerone)	7535	|
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	|
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	|
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	|
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	|
Butylone	7541	|
Pentylone	7542	|
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	|
alpha-pyrrolidinohexanophenone (α -PHP)	7544	|
alpha-pyrrolidinopentiophenone (α -PVP)	7545	|
alpha-pyrrolidinobutiophenone (α -PBP)	7546	|
Ethylone	7547	|
alpha-Pyrrolidinoheptaphenone (PV8)	7548	|
Eutylone	7549	|
α -PiHP (4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one)	7551	|
1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino) pentan-1-one	7552	|
Acetyl dihydrocodeine	9051	|
Benzylmorphine	9052	|
Codeine-N-oxide	9053	|

Controlled substance	Drug code	Schedule
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)- 1,3-dihydro-2H-benzo[d]imidazol-2-one)	9098	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphenol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Isotonotazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)	9614	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxidine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I
Levophenacymorphan	9631	I
Morpheridine	9632	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Properidine	9644	I
Racemoramide	9645	I
Trimeperidine	9646	I
Phenomorphane	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1 -yl) piperazin-1-yl)butan-1-one)	9664	I
Tilidine	9750	I
Butonitazene	9751	I
Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)	9756	I

Controlled substance	Drug code	Schedule
Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)	9757	I
N-Pyrrolidino etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole)	9758	I
N-Piperidinyl etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole)	9761	I
2-(4-Methoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-pyrrolidino metonitazene)	9762	I
Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)	9759	I
N-Desethyl isotonitazene (N-ethyl-2-(2-(4-isopropoxylbenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)	9760	I
5-Nitro-2-(4-propoxybenzyl)-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-pyrrolidino protonitazene)	9763	I
Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)	9764	I
Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine)	9765	I
2-(2-(Benzodioxol-5-ylmethyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine	9766	I
2-(2-(4-Ethoxybenzyl)-5-methyl-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine	9767	I
2-(2-(4-Ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N-ethylethan-1-amine	9768	I
Ethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine	9769	I
2-(2-((2,3-Dihydrobenzofuran-5-yl)methyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine	9770	I
2-(2-(4-Ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-dimethylethan-1-amine	9771	I
2-(4-Isopropoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole	9772	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
para-Methylfentanyl	9817	I
4'-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide)	9819	I
ortho-Methyl methoxyacetyl fentanyl	9820	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetam	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
ortho-Chlorofentanyl (N-(2-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide)	9828	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Thiofuranyl fentanyl	9839	I
Valeryl fentanyl	9840	I
Phenyl fentanyl	9841	I
beta'-Phenyl fentanyl	9842	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide)	9844	I
Cyclopropyl Fentanyl	9845	I
ortho-Fluorobutyryl fentanyl	9846	I
Cyclopentyl fentanyl	9847	I
ortho-Methyl acetyl fentanyl	9848	I
Fentanyl related-substances as defined in 21 CFR 1308.11(h)	9850	I
Fentanyl carbamate	9851	I
ortho-Fluoroacryl fentanyl	9852	I
ortho-Fluoroisobutyryl fentanyl	9853	I
para-Fluoro furanyl fentanyl	9854	I
2'-Fluoro ortho-fluorofentanyl	9855	I
beta-Methyl fentanyl	9856	I
meta-Fluorofentanyl	9857	I
para-Methoxyfuranyl fentanyl	9859	I
3-Furanyl fentanyl	9860	I
2',5'-Dimethoxyfentanyl	9861	I
Isovaleryl fentanyl	9862	I
ortho-Fluorofuranyl fentanyl	9863	I
alpha'-Methyl butyryl fentanyl	9864	I
para-Methylcyclopropylfentanyl	9865	I
beta-Methylacetyl fentanyl	9868	I
Zipeprol	9873	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II

Controlled substance	Drug code	Schedule
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Dronabinol in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration	7365	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Norfentanyl (N-phenyl-N-(piperidin-4-yl)propionamide)	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Oliceridine	9245	II
Methadone	9250	II
Methadone intermediate (4-cyano-2-dimethylamino-4,4- diphenylbutane)	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Dihydroetorphine	9334	II
Levo-alphaacetylmehtadol	9648	II
Poppy Straw	9650	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Phenazocine	9715	II
Thiafentanil	9729	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to import the listed controlled substances for distribution for analytical testing purposes. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the

import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026-11911 Filed 6-12-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1722]

Bulk Manufacturer of Controlled Substances Application: Veranova, L.P.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Veranova, L.P., has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on, or objections to the issuance of the proposed registration on or before August 14, 2026. Such persons may also file a written request for a hearing on the application on or before August 14, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on May 14, 2026, Veranova, L.P., 2003 Nolte Drive, West Deptford New Jersey 08066-1727, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled Substance

Gamma Hydroxybutyric Acid
Marihuana
Tetrahydrocannabinols
3,4-Methylenedioxymethamphetamine
Psilocybin
Dihydromorphine
Difenoxin
Fentanyl-Related Substance
Amphetamine
Methamphetamine
Lisdexamfetamine
Methylphenidate
Nabilone
4-Anilino-N-phenethyl-4-piperidine (ANPP)
Norfentanyl
Cocaine
Codeine
Dihydrocodeine
Oxycodone
Hydromorphone

Diphenoxylate
Ecgonine
Hydrocodone
Levorphanol
Meperidine
Methadone
Methadone intermediate
Morphine
Thebaine
Opium tincture
Oxymorphone
Noroxymorphone
Alfentanil
Remifentanyl
Sufentanyl
Tapentadol
Fentanyl

The company plans to bulk manufacture the listed controlled substances for use as internal intermediates and for sale to its customers. No other activities for these drug codes are authorized for this registration.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026-11910 Filed 6-12-26; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE**Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act**

On June 2, 2026, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Georgia in the lawsuit entitled *United States of America and the State of Georgia Department of Natural Resources v. Gold Creek Foods, LLC*, Civil Action No. 2:26-cv-00177-RWS.

The lawsuit was initiated by a complaint filed by the United States and the State of Georgia, through its Department of Natural Resources (the "Trustees") in their capacity as the legally designated trustees for natural resources in Georgia. The complaint alleged, inter alia, that the Defendant was liable for damages for injury to, destruction of, or loss of natural resources resulting from the release of hazardous substances from Defendant's food processing facility in Dawsonville, Georgia, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

The Consent Decree resolves the claims of the Trustees against the Defendant for a total payment of \$356,773. Of this amount, \$96,274.96

will be paid to the U.S. Department of the Interior to reimburse its costs assessing the injury to natural resources, \$10,497.59 will be paid to the Georgia Department of Natural Resources to reimburse its costs assessing the injury to natural resources, \$137,831 will be paid to the Natural Resource Damages Assessment and Restoration Fund managed by the U.S. Department of the Interior, which will be used for the implementation of restoration projects in Flat Creek, and the remaining \$112,169 will be paid to the Natural Resource Damages Assessment and Restoration Fund managed by the U.S. Department of the Interior, which will reimburse the Department's natural resource damages assessment activities and fund projects aimed at restoring the injured natural resources resulting from the release. In addition, the Defendant will implement a restoration project in Flat Creek to allow fish to pass upstream and repopulate the upper reaches of Flat Creek. In return for these payments and restoration activities, the United States and the State will confer on the Defendant covenants not to sue for natural resource damages related to the release of hazardous substances as of the date of lodging of the Consent Decree.

In accordance with CERCLA, the Trustees have also written a draft Restoration Plan that described proposed alternatives for restoring the natural resources and natural resource services injured by the release of hazardous substances from Defendant's facility. The restoration alternatives evaluated in the Restoration Plan are (1) No Action/Natural Recovery; (2) Defendant-led Fish Passage Improvement Project; (3) Adaptive Management of Defendant-led Fish Passage Improvement Project in Flat Creek; (4) Off-site Aquatic Habitat Restoration; and (5) Mitigation Banking Credit.

The publication of this notice opens a period for public comment on the proposed Consent Decree and the draft Restoration Plan.

Comments on the proposed Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and the State of Georgia Department of Natural Resources v. Gold Creek Foods, LLC*, D.J. Ref. No. 90-11-3-12350. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Comments on the draft Restoration Plan may be submitted to the Trustees either by email or by mail:

To submit comments:	Send them to:
By email	david_rouse@fws.gov .
By mail	U.S. Fish and Wildlife Service, Southeast Region, 1875 Century Blvd. NE, Suite 200, Atlanta, GA 30345, Attn: Draft Restoration Plan Flat Creek NRDAR.

All comments must be submitted no later than thirty (30) days after the publication date of this notice. If emailing, please include “Draft Restoration Plan Flat Creek NRDAR” in the subject line. During the public comment period, a copy of the draft Restoration Plan will be available electronically at: https://www.cerc.usgs.gov/orda_docs/CaseDetails?ID=1394.

Scott D. Bauer,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2026-11938 Filed 6-12-26; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Material Modification of Consent Decree Under the Clean Water Act

On March 30, 2026, the Department of Justice lodged a proposed material modification to a Consent Decree (“Decree”) with the United States District Court for the District of South Carolina in the lawsuit entitled *United States and State of South Carolina v. the City of Columbia, South Carolina*, Civil Action No. 3:13-cv-2429-MGL.

Thereafter, notice of the proposed consent decree modification was published in the **Federal Register**, 91 FR 16745 (Apr. 2, 2026), and public comments were solicited for a period of 30 days. The **Federal Register** notice incorrectly stated that the deadline for the City of Columbia to complete four additional projects to increase sewer capacity was January 1, 2029. Two of the projects have the deadline of January 1, 2029, and two projects have the deadline of July 1, 2029.

In light of the incorrect original notice, the publication of this notice re-opens a period for public comment on the proposed modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of South Carolina v. the City of Columbia, South Carolina*, D.J. Ref. No. 90-5-1-1-09954. All comments must be submitted no later than fifteen (15) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed modification, along with the previously entered Consent Decree, may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed modification, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Scott D. Bauer,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2026-11933 Filed 6-12-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Wage and Hour Division

[Docket No. WHD-2026-0034]

Agency Information Collection Activities; Comment Request; Information Collections: Requests To Approve Conformed Wage Classifications and Unconventional Fringe Benefit Plans Under the Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled “Requests to Approve Conformed Wage Classifications and Unconventional Fringe Benefit Plans Under the Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act.” This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA). The Department proposes to extend the approval of this existing information collection without change to the existing requirements. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 14, 2026.

ADDRESSES: You may submit comments identified by Control Number 1235-0023, by either one of the following methods:

- **Electronic Comments:** Submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the instructions for submitting comments;
- **Email:** WHDPRAComments@dol.gov;
- **Mail, Hand Delivery, Courier:** Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Daniel Navarrete, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693-0406 (this is not a toll-free number). Alternative formats are available upon request by calling 1-866-487-9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

The Wage and Hour Division (WHD) of the Department of Labor (Department) administers the Davis-Bacon Act (DBA) and Davis-Bacon Related Acts (DBRA), 40 U.S.C. 3141 *et seq.*, and the Contract Work Hours and Safety Standards Act (CWHSSA), 40 U.S.C. 3701 *et seq.* Regulations at 29 CFR part 5 prescribe labor standards for federally financed and federally assisted construction contracts subject to DBA, DBRA, and labor standards for all contracts subject to CWHSSA. The DBA and DBRA require payment of locally prevailing wages and fringe benefits, as determined by the Department, to laborers and mechanics on most federally financed or assisted construction projects. CWHSSA requires the payment of one and one-half times the basic rate of pay for hours worked over 40 in a week on most federal contracts involving the employment of laborers or mechanics. The requirements of this information collection consist of (1) reports of conformed classifications and wage rates, and (2) requests for approval of unfunded fringe benefit plans.

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 under the PRA 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 Control Number. See 5 CFR 1320.5(a) and 1320.6. The Department obtains OMB approval for this information collection under Control Number 1235-0023.

OMB authorization for an ICR cannot be for more than 3 years without renewal, and the current approval for this collection will expire on September 30, 2026. The Department seeks to extend PRA authorization for this information collection for 3 more years, without any change to existing requirements.

Interested parties are encouraged to send comments to the Department at the address shown in the **ADDRESSES** section within 60 days of publication of this notice in the **Federal Register**. To help ensure appropriate consideration, comments should mention OMB Control Number 1235-0023.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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;
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for an extension of this information collection to ensure effective administration of the DBA, DBRA, and CWHSSA.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Requests to Approve Conformed Wage Classifications and Unconventional Fringe Benefit Plans Under the Davis-Bacon and Related Acts and Contract Work Hours and Safety Standards Act.

OMB Control Number: 1235-0023.

Affected Public: Private Sector: Businesses or other for-profits; not-for-profit institutions.

Total Respondents:

Conformance Reports—8,738.

Unfunded Fringe Benefit Plans—120.

Total Annual Responses:

Conformance Reports—8,738.

Unfunded Fringe Benefit Plans—120.

Estimated Total Burden Hours:

Conformance Reports—2,185.

Unfunded Fringe Benefit Plans—120.

Estimated Time per Response: Varies with type of request.

Frequency: On occasion.

Total Burden Costs (Respondents):

\$150,148.

Total Burden Costs (Operations/Maintenance): \$71.28.

Daniel Navarrete,

Director, Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2026-11995 Filed 6-12-26; 8:45 am]

BILLING CODE 4510-27-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-26-0298; NARA-2026-023]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on [regulations.gov](https://www.regulations.gov) for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by July 30, 2026.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: <https://www.regulations.gov/docket/NARA-26-0298/document>.

This is a direct link to the schedules posted in the docket for this notice on [regulations.gov](https://www.regulations.gov). You may submit comments by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for

comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on regulations.gov and on submitting comments, see their FAQs at <https://www.regulations.gov/faq>.

If you are unable to comment via [regulations.gov](https://www.regulations.gov), you may email us at request.schedule@nara.gov for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT:

Richard Green, Records Management Operations, by email at richard.green@nara.gov or at 301-395-7825. For information about records schedules, contact Records Management Operations by email at request.schedule@nara.gov or by phone at 301-395-7825.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the [regulations.gov](https://www.regulations.gov) docket for this notice as "other" documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the [regulations.gov](https://www.regulations.gov) portal, you may contact

request.schedule@nara.gov for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on [regulations.gov](https://www.regulations.gov) a "Consolidated Reply" summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at [regulations.gov](https://www.regulations.gov) to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records'

administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of State, Consolidated Schedule: Records of the Bureau of Intelligence and Research (DAA-0059-2024-0001).

2. Bureau of the Fiscal Service, Payment Management Print Operations (DAA-0425-2026-0001).

3. Congressional Budget Office, Records of the Congressional Budget Office (DAA-0520-2025-0001).

4. United States Capitol Police, Office of Logistical Services Records (DAA-0603-2024-0014).

5. Veterans Health Administration, Office of the Medical Inspector (DAA-0015-2025-0020).

6. Veterans Health Administration, Veterans Health Administration Benefits Claims and Appeals (DAA-0015-2025-0049).

William P. Fischer,

Acting Chief Records Officer for the U.S. Government.

[FR Doc. 2026-11955 Filed 6-12-26; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: The National Endowment for the Humanities (NEH) will hold ten meetings, by video conference, of the Humanities Panel, a federal advisory committee, during July 2026. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 1:00 p.m. and will adjourn by 5:00 p.m. on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW,

Room 4060, Washington, DC 20506; (202) 606–8322; evoyatzis@neh.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 1009(a)(2) of the Federal Advisory Committee Act, as amended (5 U.S.C. 1001, *et seq.*), notice is hereby given of the following meetings:

1. *Date:* July 8, 2026.

This video meeting will discuss applications on the topics of World Studies, Languages and Literature, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

2. *Date:* July 9, 2026.

This video meeting will discuss applications on the topics of Political and Military History, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

3. *Date:* July 10, 2026.

This video meeting will discuss applications on the topic of Art History II, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

4. *Date:* July 14, 2026.

This video meeting will discuss applications on the topic of U.S. History II, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

5. *Date:* July 15, 2026.

This video meeting will discuss applications on the topics of Anthropology and Archaeology, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

6. *Date:* July 16, 2026.

This video meeting will discuss applications on the topic of Art History I, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

7. *Date:* July 21, 2026.

This video meeting will discuss applications on the topic of U.S. History I, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

8. *Date:* July 22, 2026.

This video meeting will discuss applications on the topics of Music, Film and Media Studies, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

9. *Date:* July 23, 2026.

This video meeting will discuss applications on the topics of History of Science, Technology and Industry, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

10. *Date:* July 28, 2026.

This video meeting will discuss applications on the topic of U.S. History

III, for the Collections Stewardship grant program, submitted to the Division of Collections and Infrastructure.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chair's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: June 11, 2026.

Kimberly Hylan,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2026–12007 Filed 6–12–26; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 050–616 and 050–617; NRC–2026–0265]

Palisades SMR, LLC; Pioneer Units 1 and 2; Phased Construction Permit Application; Limited Work Authorization; Notice of Intent To Conduct Scoping Process and Prepare an Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; request for comment.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, the U.S. Nuclear Regulatory Commission (NRC) announces its intent to prepare an environmental impact statement (EIS) to evaluate the potential environmental impacts associated with a phased construction permit (CP) application, including a request for a limited work authorization submitted by SMR, LLC on behalf of Palisades SMR, LLC (Palisades SMR), for a dual-unit SMR–300 plant, Pioneer Units 1 and 2, at the Palisades Energy Center in Covert, Michigan. The NRC is initiating a 30-day public scoping period to gather input on the scope of the EIS and invites public comments to identify potential alternatives, environmental concerns, relevant information and analysis, and specific issues to be addressed in the EIS. The U.S. Army Corps of Engineers is a cooperating agency, while the NRC will be the lead Federal agency.

DATES: The public may submit comments on the scope of the EIS by July 15, 2026. Comments received after this date will be considered if it is practical to do so, but the NRC is able

to ensure consideration only for comments received on or before this date. Further information regarding the proposed project can be found in Section V of this document, “Virtual Project Information and Engagement.”

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- Federal rulemaking website: Go to <https://regulations.gov> and search for Docket ID NRC–2026–0265. Address questions about Docket IDs in [Regulations.gov](https://regulations.gov) to Bridget Curran; telephone: 301–415–1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the “For Further Information Contact” section of this document.

- Email comments to:

PioneerEnvironmental@nrc.gov.

- Mail comments to: Office of Administration, Mail Stop: TWFN–05–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:

Robert Hoffman, Office of Nuclear Material Safety and Safeguards at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1107; email: Robert.Hoffman@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–0265 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://regulations.gov> and search for Docket ID NRC–2026–0265.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin ADAMS Public Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to

PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

- *Public Library*: A copy of Part 1 of the phased CP application, including the environmental report, is available for public review at the following public library locations: South Haven Memorial Library, 314 Broadway Street, South Haven, MI 49090 and St. Joseph/Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085.

- *NRC Public Project Website*: Information regarding the project is available at <https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/applicant-projects/pioneer>. For information related to the environmental review and engagement opportunities for scoping, click on the "Environmental Impact Statement" link.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2026-0265 in your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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

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

II. Background

On December 31, 2025, SMR, LLC submitted the first part (Part 1) of a phased construction permit (CP) application under section 2.101(a)(9) of title 10 of the *Code Federal Regulations* (CFR) for a dual-unit SMR-300 plant, Pioneer Units 1 and 2, which will be co-located with the Palisades Nuclear Plant at the Palisades Energy Center in Covert, MI (ADAMS Package Accession No. ML25365A983). Part 1 of the phased CP application was submitted by SMR, LLC on behalf of Palisades SMR, LLC (Palisades SMR or applicant). Palisades SMR will be the owner of the proposed Pioneer Units 1 and 2, and Palisades Energy, LLC is expected to operate these units. Palisades SMR and Palisades Energy, LLC are both wholly-owned, indirect subsidiaries of Holtec International. Each unit is an SMR-300, which is an advanced pressurized light water reactor designed by SMR, LLC.

The phased CP application is for a utilization facility pursuant to Section 103 of the Atomic Energy Act and 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities." Part 1 of the phased CP application includes a limited work authorization (LWA) request pursuant to 10 CFR 50.10(d), "Request for limited work authorization;" exemption requests, and a comprehensive environmental report (ER). The applicant stated that the comprehensive ER meets the requirements of 10 CFR 51.49(f) and 10 CFR 51.50(a), and addresses the impacts associated with LWA activities, the remainder of construction to complete the plant, and plant operations. Additionally, the applicant stated that Part 2 of the phased CP application will be filed no later than 18 months after the Part 1 submittal.

The NRC acknowledged receipt of the application in a **Federal Register** notice published on January 22, 2026 (91 FR 2803). The NRC determined that Part 1 of the phased CP application was acceptable for docketing on February 13, 2026 (ADAMS Accession No. ML26041A223) and published a notice of acceptance for docketing, opportunity to request hearing a petition for leave to intervene, and request for comment on February 27, 2026 (91 FR 9892).

In accordance with 10 CFR 51.76(b) and 51.76(f), the NRC staff will prepare a single comprehensive environmental impact statement (EIS) that analyzes the environmental impacts from construction, operation and decommissioning of Pioneer Units 1 and 2.

III. Discussion

Proposed Action

The proposed Federal action, for the purpose of the EIS development, is the NRC's decision on whether to issue an LWA and CP to the applicant for the proposed dual-unit SMR-300 plant, Pioneer Units 1 and 2. The proposed Federal action would authorize, in sequence, specific phases of the plant's construction. Issuance of an LWA under 10 CFR 50.10(d) would allow limited NRC authorized construction activities to begin prior to the issuance of the CP, including soil improvement within the excavation and installation of certain foundations. Issuance of the CP would authorize full construction of the two SMR-300 units. The proposed action represents the first step in a two-step licensing process for new nuclear power plants, with a potential subsequent application for an operating license to follow.

Purpose and Need for the Proposed Action

As discussed in the ER, the purpose and need of the proposed two-unit SMR-300 facility would be to provide baseload energy generation to be supplied to the regional power grid. Together the two units are expected to produce approximately 680 megawatts electric net of baseload generation capacity. The purpose and need include: (1) providing electricity to meet growing electricity demand; (2) providing a baseload generating source; and (3) providing new electrical power generation consistent with Michigan's and the nation's energy goals.

Preliminary Alternatives

The draft EIS will evaluate a range of reasonable alternatives that are technically and economically feasible and that meet the purpose and need of the proposed action. The NRC staff is currently evaluating potential alternatives for Pioneer Units 1 and 2 to determine which alternatives will be carried forward for detailed evaluation. At a minimum, the No-Action Alternative will be carried forward for full analysis. Under the No-Action Alternative, the NRC would not issue the LWA and CP for the construction of Pioneer Units 1 and 2.

Summary of Expected Impacts

The draft EIS will identify, describe and analyze the potential environmental effects of the proposed action and a range of reasonable alternatives. Environmental resources that are determined to be potentially affected will be carried forward for full analysis.

Potential impacts on resources include reasonably foreseeable environmental effects (whether beneficial or adverse; short term or long term) on air quality; geology; water resources, including surface and groundwater; ecological resources, including terrestrial and aquatic; land use; socioeconomics; radiological and nonradiological health and waste; uranium fuel cycle; decommissioning; cultural resources; and transportation of fuel.

Once the NRC completes its review of the applicant's comprehensive ER, it will publish the draft EIS in a future **Federal Register** notice for governmental agency and public review and comment. Persons who provide their email contact information when submitting comments during the scoping process will receive a copy of the draft EIS. In addition, copies of the draft EIS will be available for public inspection on the NRC's website and at the PDR as mentioned in the "Obtaining Information and Submitting Comments" section of this document. Others who would like to receive a copy when the EIS is issued should notify the NRC per the **FOR FURTHER INFORMATION CONTACT** section of this document.

NEPA Lead and Cooperating Agency Roles

The NRC is the lead Federal agency preparing the EIS in accordance with National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*). The U.S. Army Corps of Engineers has agreed to be a cooperating agency supporting development on the EIS. The NRC may also invite other Federal agencies, or State, Tribal, or local agencies of similar qualifications to become cooperating agencies in the preparation of the EIS for the proposed action. For purposes of NEPA, a cooperating agency means any Federal agency (and a State, Tribal, or local agency with agreement of the lead agency) that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal or a reasonable alternative.

Anticipated Permits, Authorizations, and Consultations

Federal permits, authorizations, or consultations may be required for the proposed actions, including consultation or review under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*; National Historic Preservation Act (NHPA), 54 U.S.C. 300101 *et seq.*; Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments); consistency review under the Coastal Zone Management

Act, 16 U.S.C. 1451 *et seq.*; and possibly reviews under other laws and regulations determined to be applicable to the proposed action. To the extent possible, the draft EIS will concurrently integrate analyses required by other Federal environmental review requirements. The draft EIS will list all Federal permits, licenses, and other authorizations that must be obtained in implementing the proposed action.

Specific to NHPA, the regulations in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," allow agencies to use the NEPA process to fulfill the requirements of Section 106 of the NHPA, as amended (54 U.S.C. 300101, *et seq.*). Therefore, pursuant to 36 CFR 800.8(c), the NRC intends to use its NEPA process and documentation required for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

IV. Request for Comment

This notice informs the public of the NRC's intention, as the lead Federal agency, to conduct environmental scoping and prepare an EIS related to the phased CP application for Pioneer Units 1 and 2 and provides the public with an opportunity to participate in the environmental scoping process. The NRC considers stakeholder engagement and transparency in its activities to be cornerstones for effective regulation.

The NRC intends to gather the information necessary to prepare an EIS related to the phased CP application for Pioneer Units 1 and 2. This notice is being published in accordance with NEPA and the NRC's regulations in 10 CFR part 51.

As part of its environmental review, the NRC will first conduct a scoping process for the EIS and, as soon as practicable thereafter, will publish a draft EIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the draft EIS will be used to accomplish the following:

- a. Define the proposed action that is to be the subject of the EIS;
- b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth;
- c. Identify and eliminate from detailed study those issues that are peripheral or are not significant or that have been covered by prior environmental review;
- d. Identify any other environmental assessments and EISs that have been, are being, or will be prepared that are

related to, but are not part of, the scope of the proposed action;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Identify parties consulting with the NRC under the NHPA, as set forth in 36 CFR 800.8(c)(1)(i);

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies; and

h. Describe how the EIS will be prepared, including applicant and contractor participation.

In accordance with 10 CFR 51.28, "Scoping—participants," the NRC invites the following entities to participate in scoping:

- a. The applicant, Palisades SMR, LLC;
- b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;
- c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;
- d. Any affected Native American Indian Tribe;
- e. Any person who requests or has requested an opportunity to participate in the scoping process; and
- f. Any person who has petitioned or intends to petition for leave to intervene under 10 CFR 2.309.

The scoping process allows the public and interested parties to shape the EIS impact analysis, focusing on the areas of greatest importance and identifying areas requiring less attention. Comments may be broad in nature or focused on specific areas of concern, but should be directly relevant to the proposed Federal action, the NEPA process, or expected resource impacts. Comments should discuss potential cause and effect relationships with the proposed Federal action and assist in defining the scope of analyses. Particularly, it would be helpful for comments to provide the specific aspect of the action that may have an effect and the specific aspect of the resource that may be affected.

V. Virtual Project Information and Engagement

The NRC is announcing that it will maintain project information for the environmental review and engagement opportunities for the Pioneer Units 1 and 2 project on the NRC public website by clicking on the "Environmental Impact Statement" link located on the project homepage at <https://www.nrc.gov/reactors/new-reactors/>

advanced/who-were-working-with/applicant-projects/pioneer. Project and engagement information will include: (1) information including an overview by the NRC of the environmental review process, the proposed scope of the environmental review, and the proposed schedule; and (2) information regarding the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on environmental issues or the proposed scope of the EIS.

Participation in the scoping process for the Pioneer Units 1 and 2 EIS does not entitle participants to become parties to the proceeding to which the EIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed as part of the EIS process.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: June 10, 2026.

For the Nuclear Regulatory Commission.

Daniel Barnhurst,

Chief, Environmental Project Management Branch 3, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2026-11915 Filed 6-12-26; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2026-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 15, 22, 29, and July 6, 13, 20, 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 15, 2026

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.

Week of July 13, 2026—Tentative

There are no meetings scheduled for the week of July 13, 2026.

Week of July 20, 2026—Tentative

Tuesday, July 21, 2026

9:00 a.m.—Advanced Reactor Landscape: Current Status and Moving Forward (Public Meeting) (Contact: Wesley Held: 301-287-3591)

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/>.

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: June 11, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026-11977 Filed 6-11-26; 11:15 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026-270 and K2026-268]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning

a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT:

David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment

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).

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)*: MC2026–270 and K2026–268; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1011, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 10, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,
Legal Assistant.

[FR Doc. 2026–11953 Filed 6–12–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105648; File No. SR–FINRA–2026–009]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend the FINRA Rule 6700 Series (Trade Reporting and Compliance Engine) (TRACE) To Expand the Scope of the Non-Member Affiliate—Principal Transaction Indicator to Also Include Member Affiliates

June 10, 2026.

On April 22, 2026, the Financial Industry Regulatory Authority, Inc. (“FINRA”) 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 amend the FINRA Rule 6700 Series to expand the scope of the non-member affiliate—principal transaction indicator to also include member affiliates. The proposed rule change was published for comment in the **Federal Register** on May 6, 2026.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 20, 2026. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates August 4, 2026 as the date by

which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–FINRA–2026–009).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2026–11923 Filed 6–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105654; File No. SR–TXSE–2026–006]

Self-Regulatory Organizations; Texas Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Certain Parts of Its Opening and Closing Auctions

June 10, 2026.

On April 17, 2026, Texas Stock Exchange LLC (the “Exchange” or “TXSE”) filed with the Securities and Exchange Commission (“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 amend certain parts of its Opening and Closing Auctions. The proposed rule change was published for comment on April 29, 2026.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 13, 2026. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ *See* Securities Exchange Act Release No. 105352 (May 1, 2026), 91 FR 24625 (“Notice”). Comments received on the proposed rule change are available at: <https://www.sec.gov/rules-regulations/public-comments/sr-finra-2026-009>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ *See* Securities Exchange Act Release No. 105309 (Apr. 24, 2026), 91 FR 23128.

⁴ 15 U.S.C. 78s(b)(2).

to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates July 28, 2026, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–TXSE–2026–006).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026–11920 Filed 6–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105653; File No. SR–CboeEDGX–2026–044]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule by Removing the Note Appended to the RPI Add Tier

June 10, 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 June 1, 2026, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) proposes to amend its Fee Schedule by removing the note appended to the RPI Add Tier. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission’s website (<https://www.sec.gov/rules/sro.shtml>), the Exchange’s website (https://www.cboe.com/us/equities/regulation/rule_filings/edgx/), 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (“EDGX Equities”) by removing the note appended to the RPI Add Tier. The Exchange proposes to implement these changes effective June 1, 2026.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 17 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the “Act”), to which market participants may direct their order flow. Based on publicly available information,³ no single registered equities exchange has more than 15% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a “maker-taker” model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity.

The Exchange’s Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above \$1.00, the Exchange provides a standard rebate of \$0.00160

per share for orders that add liquidity and assesses a fee of \$0.0030 per share for orders that remove liquidity.⁴ For orders in securities priced below \$1.00, the Exchange provides a standard rebate of 0.00003 per share for orders that add liquidity and assesses a fee of 0.30% of the dollar value for orders that remove liquidity.⁵ The Exchange offers various fee codes applicable to orders that add or remove liquidity on EDGX.

On March 19, 2026, the Commission approved the Exchange’s proposed adoption of the EDGX RPI Program.⁶ The EDGX RPI Program launched on the Exchange on April 10, 2026. The EDGX RPI Program seeks to enable Members to offer price improvement to eligible Retail Orders through use of Retail Price Improvement Orders (“RPI Orders”)⁷ in securities priced at or above \$1.00. In anticipation of the EDGX RPI Program’s launch, the Exchange introduced fee code ZP to its Fee Schedule on April 1, 2026.⁸ Rather than providing the standard rebate, fee code ZP assesses a fee of \$0.0002 to RPI Orders in securities priced at or above \$1.00 that add liquidity to the Exchange.⁹

Under footnote 6 of the Fee Schedule, the Exchange offers RPI Add Tier 1. Specifically, this tier provides a reduced fee for qualifying orders (e.g., orders appended with fee code ZP¹⁰) that satisfy the RPI Add ADV criteria.

⁴ See EDGX Equities Fee Schedule, Standard Rates.

⁵ *Id.*

⁶ See Securities Exchange Act Release No. 105052 (March 19, 2026), 91 FR 14052 (March 24, 2026) (SR–CboeEDGX–2025–072).

⁷ See Rule 11.21(a)(3). A “Retail Price Improvement Order” or “RPI Order” consists of nondisplayed interest on the Exchange that is eligible to interact with incoming Retail Orders and that is identified by the Retail Liquidity Identifier described in Rule 11.21(e). To be executable, an RPI Order for a security priced at or above \$1.00 must be priced at least \$0.001 better than the Protected NBB or Protected NBO and may be priced in \$0.001 increments (e.g., \$10.001). An RPI Order may not be entered in securities priced below \$1.00. An RPI Order is ineligible to execute at prices equal to or inferior to the Protected NBB (for buy orders) or Protected NBO (for sell orders). An RPI Order that is ineligible to execute because it is priced equal to or inferior to the Protected NBB or Protected NBO will not be canceled and will become eligible to execute against incoming Retail Orders should the RPI Order become priced better than the Protected NBB (for buy orders) or Protected NBO (for sell orders) at a later time. An incoming RPI Order will not be eligible to interact with a resting Retail Order on the EDGX Book and upon entry will post to the EDGX Book to execute against later-arriving Retail Orders.

⁸ See Securities Exchange Act Release No. 105321 (April 28, 2026), SR–CboeEDGX–2026–026.

⁹ See Rule 11.21(a)(3). Securities with executions priced below \$1.00 are not eligible to be appended with fee code ZP, as an RPI Order may not be entered in securities priced below \$1.00.

¹⁰ Fee code ZP is appended to Retail Price Improving Orders that add liquidity to the EDGX Book.

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (May 26, 2026), available at <https://www.cboe.com/us/equities/statistics/>.

Additionally, RPI Add Tier 1 contains a note, which provided that for May 2026, RPI Add Tier 1 is only available for qualification and shall utilize quoting and trading activity from May 2026 for its volume calculations. Payment for this tier shall not begin until June 2026 for those Members that satisfy the criteria during May 2026. The Exchange now proposes to remove the note appended to RPI Add Tier 1 as the tier will utilize the prior month's quoting and trading activity to derive volume figures, in accordance with the General Notes section of the Fee Schedule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹¹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹² requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹³ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)¹⁴ as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes removing the text accompanying RPI Add Tier 1 promotes just and equitable principles of trade, provides for the equitable allocation of reasonable dues, fees and other charges, and is not unfairly discriminatory because it applies to all Members equally, in that any Member seeking to achieve the criteria of RPI Add Tier 1 will be utilizing quoting and trading activity from the prior month, in accordance with the General Notes section of the Fee Schedule. No Member shall be permitted to use quoting and

trading activity from the current month when seeking to achieve the criteria of RPI Add Tier 1. Providing this additional clarity on the Exchange's Fee Schedule ensures that all market participants have information regarding the quoting and trading activity being utilized to determine qualification for RPI Add Tier 1, which provides for the equitable allocation of reasonable fees among the Exchange's Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed changes will encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed removal of the note associated with RPI Add Tier 1 is not being made for competitive reasons, but rather to appropriately define the applicable time period for which the Exchange will utilize quoting and trading activity for the tier's volume calculations.

Next, the Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 15% of the market share.¹⁵ Therefore, no exchange possesses significant pricing power in the

execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁶ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."¹⁷ Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁸ and paragraph (f) of Rule 19b-4¹⁹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

¹⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁷ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

¹⁸ 15 U.S.C. 78s(b)(3)(A).

¹⁹ 17 CFR 240.19b-4(f).

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ *Id.*

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ *Supra* note 4.

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2026-044 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2026-044. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2026-044 and should be submitted on or before July 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-11924 Filed 6-12-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105656]

Order Granting Temporary Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 and Rules 610(f) and 612(d) of Regulation NMS, from Compliance With Rule 600(b)(89)(i)(F), Rule 610(c) and Rule 612 of Regulation NMS, as Amended

June 11, 2026.

I. Introduction

On September 18, 2024, the Securities and Exchange Commission ("SEC" or "Commission") adopted Regulation NMS: Minimum Pricing Increments, Access Fees and Transparency of Better Priced Orders,¹ which among other things: (1) amended Rule 612 of Regulation NMS to establish a minimum pricing increment of \$0.005 for bids, offers, orders and indications of interest that are priced equal to or greater than \$1.00 per share in certain NMS stocks;² (2) reduced the level of the access fee caps under Rule 610(c) of Regulation NMS to \$0.001 per share for protected quotations and other best bids and offers in NMS stocks priced at \$1.00 or more per share and 0.1 percent of the quotation price for protected quotations and other best bids and offers in NMS stocks priced less than \$1.00 per share,³ and adopted Rule 610(d) of Regulation NMS⁴ to require all exchange fees and rebates to be determinable at the time of execution; and (3) accelerated the implementation of the round lot⁵ and odd-lot information⁶ definitions in Rule 600(b) of Regulation NMS and added information about the best odd-lot order to the definition of odd-lot information.⁷

After the Commission issued the Adopting Release, between September 18, 2024, and October 30, 2024, petitions seeking review of certain of the amended rules were filed in the U.S. Court of Appeals for the District of Columbia Circuit ("D.C. Circuit").⁸ In

¹ Securities Exchange Act Release No. 101070 (Sept. 18, 2024), 89 FR 81620 (Oct. 8, 2024) ("Adopting Release"). The Commission adopted compliance dates for the amendments and set forth the dates upon which the rules must be implemented. See *id.* at 81679-81681.

² 17 CFR 242.612.

³ 17 CFR 242.610(c).

⁴ 17 CFR 242.610(d).

⁵ 17 CFR 242.600(b)(93).

⁶ 17 CFR 242.600(b)(69).

⁷ 17 CFR 242.600(b)(69)(iii).

⁸ *We the Investors et al., v. SEC*, No. 24-1302 (D.C. Cir. Filed Sept. 18, 2024); *We the Investors et al., v. SEC*, No. 24-1303; (D.C. Cir. Filed Sept. 18, 2024); *We the Investors et al., v. SEC*, 24-1319 (D.C. Cir. Filed Oct. 8, 2024); *Cboe Global Markets, et al.,*

addition, certain petitioners filed a motion with the Commission to stay the effect of the amendments to Rules 610 and 612 of Regulation NMS pending resolution of their petition for review to the D.C. Circuit. On December 12, 2024, the Commission issued an order granting a partial stay of the effect of the amendments to Rules 600(b)(89)(i)(F), 610(c) and 612 pending the completion of judicial review.⁹ On October 14, 2025, the D.C. Circuit issued an opinion denying the petition for review.¹⁰

In light of the denial of the petition for review, and in anticipation of an end to the partial stay upon the completion of judicial review as well as concerns about the ability of market participants to comply with certain amendments by the dates set forth in the Adopting Release,¹¹ on October 31, 2025, the Commission, among other things, granted temporary exemptive relief from the compliance dates for Rules 600(b)(89)(i)(F), 610(c) and 612, as amended in the Adopting Release, until the first business day of November 2026 to allow affected entities additional time to come into compliance with the amendments.¹²

On February 26, 2026, MEMX LLC ("MEMX") filed with the Commission an application to obtain temporary exemptive relief¹³ pursuant to section 36(a)(1) of the Securities Exchange Act of 1934 ("Exchange Act")¹⁴ and Rule 610(f) of Regulation NMS¹⁵ to temporarily delay implementation of certain amendments to Rule 610(c) of Regulation NMS that the Commission adopted in the Adopting Release.¹⁶ On

v. SEC, No. 24-1350 (D.C. Cir., filed Oct. 30, 2024). These actions were consolidated. See *Cboe Global Markets, Inc., et al v. SEC*, No. 24-1350 (D.C. Cir.) Doc. Nos. 2084891, 2086101.

⁹ See Securities Exchange Act Release No. 101899 (Dec. 12, 2024) (Order Granting Partial Stay). The Commission did not stay amendments to Rule 610(d), Rule 603(b), and the definitions of round lot and odd-lot information in Rule 600(b).

¹⁰ *Cboe Global Markets, Inc., et al v. SEC*, No. 24-1350 (D.C. Cir. Oct. 14, 2025).

¹¹ See *supra* note 1.

¹² See Securities Exchange Act Release No. 104172, 90 FR 51418 (Nov. 17, 2025) ("Exemptive Relief Order").

¹³ See Letter from Adrian Griffiths, Head of Market Structure, MEMX LLC, dated Feb. 26, 2026 ("MEMX Application"). The MEMX Application may be found at <https://www.sec.gov/rules-regulations/exchange-act-exemptive-notices-orders>. This Order Granting Temporary Exemptive Relief takes no position on the MEMX Application at this time. In issuing this Order, the Commission was informed, in part, by comments submitted in connection with the Notice of MEMX Application.

¹⁴ 15 U.S.C. 78mm(a)(1).

¹⁵ 17 CFR 242.610(f).

¹⁶ Specifically, the temporary exemptive relief requested by MEMX, which would apply to all trading centers subject to Rule 610(c), would delay implementation of the amendments to Rule 610(c) to: (a) protected quotations and other best bids and

²⁰ 17 CFR 200.30-3(a)(12).

March 20, 2026, the Commission published notice of the MEMX Application and requested public comment on, among other things, whether such relief should be granted and what the potential benefits and drawbacks may be of granting the relief as requested.¹⁷ In connection with the Notice of MEMX Application, the Commission also requested comment more broadly on whether another temporary exemption from the amended compliance dates for Rules 600(b)(89)(i)(F), 610(c), and 612 of Regulation NMS, as amended, is warranted. The Commission received comment letters in response to the Notice of MEMX Application.¹⁸

While several commenters stated that the MEMX Application should not be granted,¹⁹ other commenters stated that a broader exemption delaying compliance with Rules 610(c) and 612 should be granted.²⁰ Several commenters expressed concerns about the ability of market participants to comply with the dates set forth in the Exemptive Relief Order given the scope of, and existing implementation schedule for, certain other regulatory initiatives scheduled for 2026.²¹ One

offers in those NMS stocks that would continue to be subject to a \$0.01 minimum pricing increment pursuant to Rule 612(b)(2)(i), and (b) protected quotations and other best bids and offers in NMS stocks that are priced below \$1.00. In addition, MEMX requested temporary exemptive relief to allow exchanges to charge an access fee of up to \$0.0015, by modifying the \$0.0010 access fee cap as adopted for those NMS stocks that would be subject to the new minimum pricing increment of \$0.005 pursuant to Rule 612(b)(2)(ii).

¹⁷ See Securities Exchange Act Release No. 105058, 91 FR 14602 (Mar. 20, 2026) (“Notice of MEMX Application”).

¹⁸ The comment letters submitted in connection with the MEMX Application may be found at <https://www.sec.gov/rules-regulations/public-comments/s7-2026-10>.

¹⁹ See, e.g., Letters from Jeremy Betts, dated Mar. 20, 2026; Kenny Andrews, dated Mar. 20, 2026; Joseph Saluzzi, Partner, Themis Trading LLC, dated Apr. 7, 2026; R.T. Leuchtkafer, dated Apr. 24, 2026; Benjamin L. Schiffrin, Director of Securities Policy, Better Markets, Inc., dated Apr. 24, 2026; and Tyler Gellashch, President and CEO, Healthy Markets Association, May 11, 2026.

²⁰ See, e.g., Letters from Katie Kolchin, CFA, Managing Director, Head of Equity & Options Market Structure, Securities Industry and Financial Markets Association (“SIFMA”) and Gerald O’Hara, Vice President & Assistant General Counsel, SIFMA, dated Mar. 31, 2026 and May 4, 2026 (“SIFMA Letter”); John A. Zecca, Executive Vice, Global Chief Legal, Risk & Regulatory Officer, Nasdaq, dated Apr. 17, 2026; Joanna Mallers, Secretary, PTG, dated Apr. 24, 2026 (“PTG Letter”); Jaime Klima, General Counsel, New York Stock Exchange, dated Apr. 27, 2026 (“NYSE Letter”); and Patrick Sexton, EVP, General Counsel, and Corporate Secretary, Cboe Global Markets, Inc., dated Apr. 29, 2026.

²¹ See, e.g., SIFMA Letter, *supra* note 21, at 4–5 (detailing other industry-wide regulatory and market-structure initiatives and stating “overlapping deadlines require exchanges, brokers,

commenter stated that “market participants need to begin systems work now given all of the other regulatorily mandated requirements that require systems and technology changes,” and not delaying the implementation deadline for Rules 610 and 612 could add “to the potential stresses on the system.”²²

For the reasons discussed below, the Commission finds that it is appropriate in the public interest and consistent with the protection of investors to further extend the temporary exemptive relief that was granted in the Exemptive Relief Order beyond the first business day of November 2026 for Rules 600(b)(89)(i)(F), 610(c), and 612 to allow for an orderly implementation of these Rules in light of other regulatory initiatives scheduled for the balance of 2026. The temporary exemptive relief from the compliance date will be as follows:

- Rules 600(b)(89)(i)(F) and 612 implementing the amended minimum pricing increment: Until the first business day of November 2027.
- Rule 610(c) implementing the amended access fee caps: Until the first business day of November 2027.

II. Discussion and Temporary Exemptive Relief

Section 36(a)(1) of the Exchange Act authorizes the Commission, by rule, regulation, or order, to exempt, conditionally or unconditionally, any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Exchange Act, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.²³ Rule 610(f) of Regulation NMS authorizes the Commission, by order, to exempt from the provisions of the rule, either unconditionally or on specified terms and conditions, any person, security, quotations, orders, or fees, or any class or classes of persons, securities, quotations, orders, or fees, if the Commission determines that such exemption is necessary or appropriate in the public interest, and is consistent

vendors, and clearing firms to simultaneously update matching engines, routing logic, market-data infrastructure, billing systems, and regulatory-reporting pipelines, often on the same codebases and with the same constrained operations teams.”); NYSE Letter, *supra* note 21, at 2 (referencing launch of 23/5 trading and addition of certain odd-lot quotes to the consolidated tapes); and PTG Letter, *supra* note 21, at 2 (referencing launch of 23/5 trading and Rule 605 compliance).

²² SIFMA Letter, *supra* note 21 at 5.

²³ 15 U.S.C. 78mm(a)(1).

with the protection of investors.²⁴ Rule 612(d) of Regulation NMS authorizes the Commission, by order, to exempt from the provisions of the rule, either unconditionally or on specified terms and conditions, any person, security, quotation, or order, or any class or classes of persons, securities, quotations, or orders, if the Commission determines that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.²⁵

Because of the competing demands and breadth of other industry-wide market-structure implementation deadlines slated for the balance of 2026, the Commission finds it appropriate in the public interest and consistent with the protection of investors to provide temporary exemptive relief pursuant to section 36(a)(1) of the Exchange Act²⁶ and Rules 610(f)²⁷ and 612(d)²⁸ of Regulation NMS to provide additional time to allow affected entities to come into compliance with Rules 600(b)(89)(i)(F), 610(c) and 612, as amended. Specifically, the Commission is providing temporary exemptive relief until the first business day of November 2027: (1) pursuant to section 36(a)(1) of the Exchange Act and Rule 610(f) of Regulation NMS, trading centers²⁹ from complying with Rule 610(c), as amended in the Adopting Release; (2) pursuant to section 36(a)(1) of the Exchange Act and Rule 612(d) of Regulation NMS, national securities exchanges, national securities associations, alternative trading systems, brokers and dealers, from complying with Rule 612, as amended in the Adopting Release; and (3) pursuant to section 36(a)(1) of the Exchange Act, primary listing exchanges and applicable plan processors from complying with Rule 600(b)(89)(i)(F) of Regulation NMS, as adopted in the Adopting Release.

In response to the request for comment on the Notice of MEMX Application, market participants stated that implementation of Rules 600(b)(89)(i)(F), 610(c) and 612 will require “changes to pricing and quoting logic, order-handling systems, fee/commission engines, market-data consumption, and supervisory and compliance controls” and such changes “cascade across entire market-structure stack,” affecting every type of market

²⁴ 17 CFR 242.610(f).

²⁵ 17 CFR 242.612(d).

²⁶ 15 U.S.C. 78mm(a)(1).

²⁷ 17 CFR 242.610(f).

²⁸ 17 CFR 242.612(d).

²⁹ 17 CFR 242.600(b)(106).

participant.³⁰ One commenter stated “the current schedule requires market participants to focus on the impending changes to Rules 610(c) and 612 at the same time that they are absorbing other major changes to equity market structure” and stated “[t]he regulatory burden of [such] serial implementations is a heavy one.”³¹ Another commenter stated “[t]he compression of ‘go-lives’ into a single calendar year increases the probability of implementation errors, data-quality issues, routing instability, and unanticipated cross-venue feedback loops.”³² In determining whether to grant additional temporary exemptive relief from the compliance date and the appropriate duration for such relief, the Commission has not only considered the systems changes necessary to implement the new minimum pricing increment, including the minimum pricing increment indicator, and the rule filing requirements under section 19(b) of the Exchange Act and Rule 19b–4 thereunder for implementing the amended access fee caps, but also the cumulative impact on the national market system of requiring implementation of Rules 610(c) and 612 simultaneously with other industry-regulatory and market-structure initiatives scheduled for 2026.

In light of the number of implementation deadlines for other significant market structure initiatives (e.g., launching 23/5 trading and Rule 605 compliance)³³ and responses to the request for comment in the Notice of MEMX Application on whether the Commission should grant another temporary exemption from the compliance dates for Rules 610 and 612, some market participants may not be able to complete the necessary systems changes to implement Rules 600(b)(89)(i)(F), 610(c) and 612. Accordingly, temporary exemptive relief from the compliance date for these rules is appropriate to provide relevant market participants with additional time to make the required systems changes.³⁴

and comply with regulatory requirements. The exemption until the first business day of November 2027 is appropriate in the public interest, and consistent with the protection of investors because it will provide sufficient time to facilitate an orderly transition to the new and amended rules.

III. Conclusion

Accordingly, *it is hereby ordered*, pursuant to section 36(a)(1) of the Exchange Act and Rules 610(f) and 612(d) of Regulation NMS, that the Commission grants exemptive relief, as set forth in this order, from compliance with Rules 600(b)(89)(i)(F), 610(c), and 612, as amended in the Adopting Release until the first business day of November 2027.

By the Commission.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–11997 Filed 6–12–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105650; File No. SR–GIX–2026–02]

Self-Regulatory Organizations; Green Impact Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.240 (Trade Reporting and Dissemination of Quotations) To Conform With Amendments to Rules 600 and 603 of Regulation NMS Approved by the Commission That Concern the Reporting and Dissemination of Odd-Lot Information, and an Additional Ministerial Change to Rule 11.220 To Correct a Typographical Error

June 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on May 28, 2026, Green Impact Exchange, LLC (“GIX” or “Exchange”) filed with the Securities and Exchange Commission (“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

to reflect the lower access fee caps. *See id.* The Commission considered these factors in determining to provide a one year extension from the compliance date.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

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 Exchange Rule 11.240, Trade Reporting and Dissemination of Quotations, to conform with amendments to Rules 600 and Rule 603 of Regulation NMS to concerning the reporting and dissemination of odd-lot information.³ The Exchange is also proposing a non-substantive, ministerial amendment to Rule 11.220, paragraph (b), Dissemination, to correct a typographical error in the rule text.

The text of the proposed rule change is available at the Exchange’s website at <https://tradegix.com/> and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement on 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 self-regulatory organization 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 Exchange Rule 11.240, Trade Reporting and Dissemination of Quotations, to conform with amendments to Rules 600 and 603 of Regulation NMS approved by the Commission that concern the reporting and dissemination of odd lot information.⁴ Specifically, the Exchange proposes to adopt paragraph (e) under Exchange Rule 11.240 to address the Exchange’s odd-lot reporting obligations under Rules 600 and 603 of Regulation NMS. The Exchange is also proposing a non-substantive, ministerial change to Rule 11.220, Priority of Orders,

³ See Regulation NMS: Minimum Pricing Increments, Access Fees and Transparency of Better Priced Orders, Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024)(S7–30–22).

⁴ *See id.*

³⁰ See SIFMA Letter, *supra* note 21, at 3.

³¹ See NYSE Letter, *supra* note 21, at 2.

³² See SIFMA Letter, *supra* note 21, at 5.

³³ See, e.g., SIFMA Letter, NYSE Letter and PTG Letter, *supra* note 21.

³⁴ In the Adopting Release, the Commission considered the systems changes necessary to implement the amendments to Rules 600(b)(89)(i)(F) and 612 and considered the date by which the Time Weighted Average Quoted Spread can be calculated during an Evaluation Period. *See* Adopting Release, *supra* note 1, at 81680. In addition, the Commission adopted a compliance date for the amendments to Rule 610 to coincide with the compliance date for Rules 600(b)(89)(i)(F) and 612. The Commission also stated that the exchanges will have to file proposed rule changes pursuant to section 19(b) of the Exchange Act and Rule 19b–4 thereunder to amend their fee schedules

paragraph (b), Dissemination, to correct a typographical error in the rule text.

On September 18, 2024, the Commission adopted Regulation NMS: Minimum Pricing Increments, Access Fees and Transparency of Better Priced Orders,⁵ which among other things, accelerated the implementation of the odd-lot information definition in Rule 600(b)(69) of Regulation NMS⁶ and added information about the best odd-lot order to the definition of odd-lot information.⁷ The Commission adopted a compliance date for implementing odd-lot information as the first business day of May 2026.⁸

In the Adopting Release, the Commission adopted amendments to Rules 600(b)(69)⁹ and 603(b)(3)¹⁰ of Regulation NMS. Rule 600(b)(69) of Regulation NMS defines odd-lot information.¹¹ Rule 600(b)(69)(ii) of Regulation NMS includes “odd-lots at a price greater than or equal to the national best bid and less than or equal to the national best offer, aggregated at each price level at each national securities exchange and national securities association.”¹² Rule 600(b)(69)(iii) of Regulation NMS includes the highest priced odd-lot order to buy that is priced higher than the national best bid, and the lowest priced odd-lot order to sell that is priced lower than the national best offer (*i.e.*, the “BOLO”).¹³ Rule 603(b)(3) of Regulation NMS, among other things, requires the national securities exchanges and national securities associations to make available to the exclusive Securities Information Processor (“SIPs”) all data necessary to generate odd-lot information, and require the exclusive SIPs to collect, consolidate and disseminate odd-lot information.¹⁴

The Commission issued an Exemptive Order in January 2026 allowing the

exclusive SIPs to defer implementation of the odd-lot information as defined in Rule 600(b)(69)(ii) for two years until May 2028.¹⁵ In May 2026, the exclusive SIPs will begin disseminating the BOLO and the best odd-lot bid and offer priced at or better than the NBBO from each exchange and FINRA.¹⁶ The exclusive SIPs will begin to disseminate odd-lot quotations priced at each exchange’s and FINRA’s best odd-lot bid or offer and the NBBO for each NMS stock in May 2028.¹⁷

The Exchange now proposes to amend Exchange Rule 11.240, Trade Reporting and Dissemination of Quotations, to adopt paragraph (e) to address the Exchange’s odd-lot reporting obligations under Rules 600 and 603 of Regulation NMS. As proposed, paragraph (e) of Exchange Rule 11.240 would provide that “[p]ursuant to Rule 603 of Regulation NMS under the Exchange Act and the January 15, 2026 Exemptive Order issued by the Commission, GIX will transmit for display to the appropriate network processor the data necessary to generate odd-lot information, as defined in Rule 600 of Regulation NMS under the Exchange Act, for each NMS Stock.”

In addition, the Exchange is proposing a non-substantive, ministerial amendment to Exchange Rule 11.220(b), Dissemination. The rule currently states that “[t]he best-ranked order(s) are disseminated pursuant to GIX Rule 11.240(c)(1).” The reference to Rule 11.240(c)(1) contains a typographical error and the correct reference is to GIX Rule 11.240(c).

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,¹⁸ in general, and furthers the objectives of Section 6(b)(1)¹⁹ in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the

purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5)²⁰ of the Act in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange proposes to amend Exchange Rule 11.240, Trade Reporting and Dissemination of Quotations, to adopt paragraph (e) to address the Exchange’s odd-lot reporting obligations under Rules 600 and 603 of Regulation NMS.²¹ These changes are being proposed solely to codify in the Exchange’s Rules its obligations under Rule 603(b)(3) of Regulation NMS, which requires it to report to the exclusive SIPs all data necessary to generate odd-lot information.²² The Exchange further believes the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange’s rules properly reflect the requirements of Rule 603(b)(3), which will operate to the benefit of market participants and the investing public by providing consistency and clarity with respect to the Exchange’s rules and its obligations as a participant in the national market system. Thus, the proposed rule change would be consistent with the public interest and the protection of investors because investors will not be harmed and in fact will benefit from the increased transparency and clarity in the Exchange’s rules, thereby reducing potential confusion.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed change will not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

⁵ See *id.*

⁶ 17 CFR 242.600(b)(69).

⁷ 17 CFR 242.600(b)(69)(iii).

⁸ See Adopting Release, *supra* note 3, at 81679–81681.

⁹ 17 CFR 242.600(b)(69).

¹⁰ 17 CFR 242.600[*sic*](b)(3).

¹¹ 17 CFR 242.600(b)(69) requires odd-lot transaction data to be provided as part of odd-lot information. The exclusive SIPs already collect, consolidate, and disseminate odd-lot transaction information. See Securities Exchange Act Release Nos. 70793 (October 31, 2013) 78 FR 66788 (November 6, 2013) (order approving Amendment No. 30 to the UTP Plan to require odd-lot transactions to be reported to the consolidated tape); 70794 (October 31, 2013) 78 FR 66788 [*sic*] (November 6, 2013) (order approving the Eighteenth Substantive Amendment to the Second Restatement of the CTA Plan to require odd-lot transactions to be reported to the consolidated tape).

¹² 17 CFR 262[*sic*].600(b)(69)(ii).

¹³ 17 CFR 242.600(b)(69)(iii).

¹⁴ 17 CFR 242.600[*sic*](b)(3).

¹⁵ See Securities Exchange Act Release No. 104612 (January 15, 2026), 91 FR 2577 (January 21, 2026) (Order Granting Temporary Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 from Compliance with Rule 600(b)(69)(ii) of Regulation NMS).

¹⁶ See Press Release, *SEC Grants Request for Exemption Related to Dissemination of Odd-Lot Depth of Book*, dated January 22, 2026, available at <https://www.prnewswire.com/news-releases/sec-grants-request-for-exemption-related-to-dissemination-of-odd-lot-depth-of-book-302668045.html>.

¹⁷ The Exchange notes that, as of the date of this proposed rule amendment, it has not yet commenced trading operations and therefore will not have odd lot data available to transmit to the SIPs in May 2026. When operational, GIX will transmit odd-lot data to the SIPs as required.

¹⁸ 15 U.S.C. 78f(b).

¹⁹ 15 U.S.C. 78f(b)(1).

²⁰ 15 U.S.C. 78f(b)(5).

²¹ See Adopting Release, *supra* note 3.

²² 17 CFR 242.600[*sic*](b)(3).

The proposed rule change is not intended to address competitive issues but rather is concerned solely with amending the Exchange's rules to address the Exchange's odd-lot reporting obligations under Rules 600 and 603 of Regulation NMS. Similarly, the proposed change to correct a typographical error in Rule 11.220(b) has no competitive impact as it is concerned solely with the accuracy of the Exchange's rules.

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 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 Act²³ and Rule 19b-4(f)(6) thereunder.²⁴ Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date it was filed, or such shorter time as the Commission may designate if consistent with the public interest and the protection of investors, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²⁵ and Rule 19b-4(f)(6) thereunder.²⁶

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 under Section 19(b)(2)(B)²⁷ of the Act 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-GIX-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-GIX-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-GIX-2026-02 and should be submitted on or before July 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026-11922 Filed 6-12-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105649; File No. SR-MEMX-2026-16]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule Concerning Equities Transaction Pricing

June 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that, on May 29, 2026, MEMX LLC ("MEMX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members³ (the "Fee Schedule") pursuant to Exchange Rules 15.1(a) and (c). As is further described below, the Exchange proposes to: (i) reduce the base rebate for executions of orders subject to the Exchange's Display-Price Sliding⁴ that add liquidity to the Exchange and receive price improvement when executed (such orders, "Added Price Improved Volume"); (ii) reduce the base rebate for executions of orders that add non-displayed liquidity to the Exchange (such orders, "Added Non-Midpoint Non-Displayed Volume"); (iii) reduce the base rebate provided for executions of Midpoint Peg orders that add non-displayed liquidity to the Exchange (such orders, "Added Midpoint Non-Displayed Volume"); (iv) modify the Non-Display Add Tiers by adopting a new Non-Display Add Tier 2 and eliminating Added Price Improved Volume from the set of execution categories eligible to receive an enhanced rebate under the Non-Display Add Tiers; (v) eliminate the Display-Price Sliding Tier 1; (vi) reduce the additive rebate provided under the Tape A Quoting Tier; and (vii) reduce the

²³ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁴ 17 CFR 240.19b-4(f)(6).

²⁵ 15 U.S.C. 78s(b)(3)(A).

²⁶ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) 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.

²⁷ 15 U.S.C. 78s(b)(2)(B).

²⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Exchange Rule 1.5(p).

⁴ See Exchange Rule 11.6(j)(1)(A).

additive rebate provided under the Tape C Quoting Tier. The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on June 1, 2026. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to: (i) reduce the base rebate for executions of orders subject to the Exchange's Display-Price Sliding⁵ that add liquidity to the Exchange and receive price improvement when executed (such orders, "Added Price Improved Volume"); (ii) reduce the base rebate for executions of orders that add non-displayed liquidity to the Exchange (such orders, "Added Non-Midpoint Non-Displayed Volume"); (iii) reduce the base rebate provided for executions of Midpoint Peg orders that add non-displayed liquidity to the Exchange (such orders, "Added Midpoint Non-Displayed Volume"); (iv) modify the Non-Display Add Tiers by adopting a new Non-Display Add Tier 2 and eliminating Added Price Improved Volume from the set of execution categories eligible to receive an enhanced rebate under the Non-Display Add Tiers; (v) eliminate the Display-Price Sliding Tier 1; (vi) reduce the additive rebate provided under the Tape A Quoting Tier; and (vii) reduce the additive rebate provided under the Tape C Quoting Tier, each as further described below.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or

incentives to be insufficient. More specifically, the Exchange is only one of 18 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 14% of the total market share of executed volume of equities trading.⁶ Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange currently represents approximately 2% of the overall market share.⁷ The Exchange in particular operates a "Maker-Taker" model whereby it provides rebates to Members that add liquidity to the Exchange and charges fees to Members that remove liquidity from the Exchange. The Fee Schedule sets forth the standard rebates and fees applied per share for orders that add and remove liquidity, respectively. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing, which provides Members with opportunities to qualify for higher rebates or lower fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Reduce Base Rebate for Added Price Improved Volume

The Exchange currently provides a base rebate of \$0.0025 per share for executions of Added Price Improved Volume⁸ in securities priced above at or above \$1.00 per share. The Exchange now proposes to reduce the base rebate for executions of Added Price Improved Volume to \$0.0010 per share. The purpose of reducing the base rebate for executions of Added Price Improved [sic] is for business and competitive reasons, as the Exchange believes that reducing such rebate as proposed would decrease the Exchange's expenditures with respect to its transaction pricing in

a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity to the Exchange. The Exchange is not proposing to change the base rebate for executions of Added Price Improved Volume in securities priced below \$1.00 per share.

Reduce Base Rebate for Added Non-Midpoint Non-Displayed Volume

The Exchange currently provides a base rebate of \$0.0025 per share for executions of Added Non-Midpoint Non-Displayed Volume in securities priced at or above \$1.00 per share.⁹ The Exchange now proposes to reduce the base rebate for executions of Added Non-Midpoint Non-Displayed Volume to \$0.0020 per share. The purpose of reducing the base rebate for executions of Added Non-Midpoint Non-Displayed Volume is for business and competitive reasons, as the Exchange believes that reducing such rebate as proposed would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity to the Exchange. The Exchange is not proposing to change the base rebate for executions of Added Non-Midpoint Non-Displayed Volume in securities priced below \$1.00 per share.

Reduce Base Rebate for Added Midpoint Non-Displayed Volume

Similarly, the Exchange currently provides a base rebate of \$0.0025 per share for executions of Added Midpoint Non-Displayed Volume in securities priced at or above \$1.00 per share.¹⁰ The Exchange now proposes to reduce the base rebate for executions of Added Midpoint Non-Displayed Volume to \$0.0020 per share. The purpose of reducing the base rebate for executions of Added Midpoint Non-Displayed Volume is for business and competitive reasons, as the Exchange believes that reducing such rebate as proposed would decrease the Exchange's expenditures with respect to its transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity to the Exchange. The Exchange is not

⁶ Market share percentage calculated as of May 28, 2026. The Exchange receives and processes data made available through consolidated data feeds (i.e., CTS and UTDF).

⁷ *Id.*

⁸ The base rebate for executions of Added Price-Improved Volume is referred to by the Exchange on the Fee Schedule under the existing description "Added volume, order subject to Display-Price Sliding that received price improvement when executed" with a Fee Code of "P", on execution reports.

⁹ The base rebate for executions of Added Non-Midpoint Non-Displayed Volume is referred to by the Exchange on the Fee Schedule under the existing description "Added non-displayed volume" with a Fee Code of "H", on execution reports.

¹⁰ The base rebate for executions of Added Midpoint Non-Displayed Volume is referred to by the Exchange on the Fee Schedule under the existing description "Added non-displayed volume, Midpoint Peg" with a Fee Code of "M", on execution reports.

⁵ See Exchange Rule 11.6(j)(1)(A).

proposing to change the base rebate for executions of Added Midpoint Non-Displayed Volume in securities priced below \$1.00 per share.

Non-Display Add Tiers

The Exchange currently offers Non-Display Add Tier 1 under which a Member may receive an enhanced rebate for executions of Added Non-Displayed Volume by achieving the corresponding required volume criteria for each such tier. Currently, the Added Non-Displayed Volume eligible to qualify for this rebate is comprised of the three following types of orders: (i) Added Midpoint Volume, which as noted above, is assigned the Fee Code “M”; (ii) orders which are not orders subject to Display-Price Sliding that receive price improvement when executed or Midpoint Peg Orders, that add non-displayed liquidity to the Exchange (*i.e.* Added Non-Midpoint Non-Displayed Volume), which are assigned the Fee Code “H”; and (iii) Added Price-Improved Volume, which is assigned the Fee Code “P”. At this time, the Exchange is proposing to modify the Non-Display Add Tiers (*i.e.* the current Non-Display Add Tier 1 and the newly proposed Non-Display Add Tier 2, as described further below), by removing Added Price Improved Volume from the group of order types eligible to receive the enhanced rebate under any Non-Display Add Tier. Accordingly, only executions of Added Midpoint Non-Displayed Volume and Added Non-Midpoint Non-Displayed Volume will be able to receive the applicable enhanced rebate.¹¹ The Exchange, notes, however, that executions of Added Price Improved Volume will continue to be counted towards a Member’s Non-Displayed ADAV¹² for purposes of meeting the applicable criteria under the Non-Display Add Tiers.

Additionally, the Exchange is proposing to add a new tier under the Non-Display Add Tiers, Non-Display Add Tier 2. Under this tier, the Exchange would provide an enhanced rebate of \$0.0025 per share for executions of Added Midpoint Non-Displayed Volume and Added Non-

Midpoint Non-Displayed Volume for Members that qualify for such tier by achieving a Non-Displayed ADAV that is equal to or greater than 1,000,000 shares.¹³ The proposed new Non-Display Add Tier 2 is designed to encourage Members to maintain or increase their order flow that adds liquidity, including in the form of non-displayed orders, to the Exchange in order to qualify for the proposed enhanced rebate for executions of Added Non-Displayed Volume, which, in turn, would encourage the submission of additional orders, thereby promoting price discovery and contributing to a deeper and more robust and well-balanced market ecosystem on the Exchange to the benefit of all Members and market participants.

Eliminate Display-Price Sliding Tier 1

Currently, as noted above, the Exchange provides a base rebate of \$0.0025 per share for executions of Added Price Improved Volume, which the Exchange is proposing to reduce to \$0.0010 per share in connection with this filing. Additionally, the Exchange offers the Display-Price Sliding Tier 1, under which the Exchange provides an enhanced rebate for executions of Added Price Improved Volume if a Member achieves an ADAV¹⁴ with respect to Added Price Improved Volume (excluding Retail Orders)¹⁵ that is equal to or greater than 5,000,000 shares. The “enhanced rebate” is not a set amount, but rather, the highest Added Displayed Volume¹⁶ rebate for all of its Added Price Improved Volume transactions during that month, plus

¹³ The pricing for Non-Display Add Tier 2 would be referred to by the Exchange on the Fee Schedule under the description “Added non-displayed volume, Non-Display Add Tier 2” with a Fee Code of “H2” or “M2”, as applicable, to be provided by the Exchange on the monthly invoices provided to Members.

¹⁴ As set forth on the Fee Schedule, “ADAV” means the average daily added volume calculated as the number of shares added per day, which is calculated on a monthly basis, and “Displayed ADAV” means ADAV with respect to displayed orders.

¹⁵ A “Retail Order” means an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization (“RMO”), provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* Exchange Rule 11.21(a).

¹⁶ Specifically, the possible rebates are those that the Exchange identifies in the Transaction Fees table on the Fee Schedule with the Fee Code “T” and include the base rebate for Added Displayed Volume, as well as the enhanced rebates under the Liquidity Provision Tiers, DLI Tiers, and Cross Asset Tiers.

any otherwise achieved additive rebates. The Exchange is now proposing to eliminate this Display-Price Sliding Tier 1, as the Exchange no longer wishes to, nor is required to, maintain such tier.

Tape A Quoting Tier

The Exchange currently offers the Tape A Quoting Tier under which a Member may receive an additive rebate of \$0.0002 per share for a qualifying Member’s executions of Added Displayed Volume (other than Retail Orders) in Tape A securities priced over \$1.00 per share by achieving an NBBO Time¹⁷ of at least 25% in an average of at least 500 Tape A securities per trading day during the month. Now, the Exchange proposes to reduce the additive rebate provided under the Tape A Quoting Tier to \$0.0001 per share.¹⁸ The Exchange is not proposing to change the criteria required to qualify for Tape A Quoting Tier.

The Exchange believes that the proposed reduction of the additive rebate under the Tape A Quoting Tier (*i.e.*, by \$0.0001 per share) represents a modest reduction and that the proposed additive rebate under Tape A Quoting Tier remains commensurate with the required criteria under such tier and is reasonably related to the market quality benefits that the tier is designed to achieve.

Tape C Quoting Tier

Lastly, the Exchange currently offers the Tape C Quoting Tier under which a Member may receive an additive rebate of \$0.0002 per share for a qualifying Member’s executions of Added Displayed Volume (other than Retail Orders) in Tape C securities priced over \$1.00 per share by achieving an NBBO Time of at least 50% in an average of at least 500 Tape C securities per trading day during the month. Now, the Exchange proposes to reduce the additive rebate provided under the Tape C Quoting Tier to \$0.0001 per share.¹⁹

¹⁷ As set forth on the Fee Schedule, the term “NBBO Time” means the aggregate of the percentage of time during regular trading hours during which one of a Member’s market participant identifiers (“MPIDs”) has a displayed order of at least one round lot at the national best bid or the national best offer.

¹⁸ The pricing for the Tape A Quoting Tier is referred to by the Exchange on the Fee Schedule under the existing description “Tape A Quoting” Tier with a Fee Code of “a” to be appended to the otherwise applicable Fee Code assigned by the Exchange on the monthly invoices for qualifying executions.

¹⁹ The pricing for the Tape C Quoting Tier is referred to by the Exchange on the Fee Schedule under the existing description “Tape C Quoting” Tier with a Fee Code of “c” to be appended to the otherwise applicable Fee Code assigned by the Exchange on the monthly invoices for qualifying executions.

¹¹ The Exchange will reflect this amendment on the Fee Schedule by deleting the Fee Code “P1” from the Transaction Fee table next to the description “Added non-displayed volume, Non-Display Add Tier 1”, as well as by adding a note under the Non-Display Add Tiers pricing table that denotes which executions the rebate shall apply.

¹² As noted on the Fee Schedule, Non-Displayed ADAV is defined as ADAV with respect to non-displayed orders (*including orders subject to Display-Price Sliding that receive price improvement when executed and Midpoint Peg orders*) (emphasis added).

The Exchange is not proposing to change the criteria required to qualify for Tape C Quoting Tier.

The Exchange believes that the proposed reduction of the additive rebate under the Tape C Quoting Tier (*i.e.*, by \$0.0001 per share) represents a modest reduction and that the proposed additive rebate under Tape C Quoting Tier remains commensurate with the required criteria under such tier and is reasonably related to the market quality benefits that the tier is designed to achieve.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,²⁰ in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,²¹ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”²²

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange’s transaction fees and rebates, and market participants can readily trade on

competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to incentivize market participants to direct additional order flow, including displayed and non-displayed, liquidity-adding orders to the Exchange, both which the Exchange believes would promote price discovery and enhance liquidity and market quality on the Exchange to the benefit of all Members and market participants.

The Exchange believes that the proposed changes to reduce the base rebates for executions of Added Price Improved Volume, Added Non-Midpoint Non-Displayed Volume, and Added Midpoint Non-Displayed Volume, are reasonable because the amended rebates remain in line with or are greater than the rebates provided by at least one other exchange for executions of the same type.²³ The Exchange also believes the reduced rebates are equitable and not unfairly discriminatory, as such rebates will apply equally to all Members of the Exchange.

The Exchange notes that volume and quoting-based incentives (such as tiers) have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide additional benefits that are reasonably related to the value of an exchange’s market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and the introduction of higher volumes of orders into the price and volume discovery process. The Exchange believes that the Tape A and Tape C Quoting Tiers, each as modified by the proposed changes herein, as well as the adoption of Non-Display Add Tier 2, are reasonable, equitable and not unfairly discriminatory, as such tiers will continue to provide Members with an incremental incentive to achieve certain volume thresholds on the Exchange, are available to all Members on an equal basis, and, as described above, are designed to encourage Members to maintain or increase their order flow, including in the form of displayed, and/

or non-displayed, liquidity-adding orders to the Exchange, thereby contributing to a deeper, more liquid and well balanced market ecosystem on the Exchange to the benefit of all Members and market participants.

The Exchange believes the proposed change to eliminate the Display-Price Sliding Tier 1 is reasonable because it would enable to the Exchange to redirect the associated resources and funding into other incentives and tiers, and the Exchange is not required to maintain such incentive or provide Members any opportunities to receive enhanced rebates. The Exchange believes the proposal to eliminate such incentive is also equitable and not unfairly discriminatory because it applies equally to all Members, in that the incentive would no longer be available for any Member.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act²⁴ in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange’s statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the proposal is intended to incentivize market participants to direct additional order flow to the Exchange, thereby enhancing liquidity and market quality on the Exchange to the benefit of all Members and market participants. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers the Commission’s goal in adopting Regulation NMS of fostering competition among orders, which promotes “more efficient pricing of

²³ See, *e.g.*, the Cboe BZX equities fee schedule on its public website (available at https://www.cboe.com/us/equities/membership/fee_schedule/bzx/) which reflects a standard rebate for Added Price Improved Volume of “Free” and a standard rebate for Added Non-Displayed Volume of \$0.0008 per share per share for executions of orders in Tape A securities priced at or above \$1.00 per share that remove liquidity.

²⁰ 15 U.S.C. 78f.

²¹ 15 U.S.C. 78f(b)(4) and (5).

²² Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

²⁴ 15 U.S.C. 78f(b)(4) and (5).

individual stocks for all types of orders, large and small.”²⁵

Intramarket Competition

As discussed above, the Exchange believes that the proposal would incentivize Members to submit additional order flow, including displayed and non-displayed, liquidity-adding orders to the Exchange, thereby enhancing liquidity and market quality on the Exchange to the benefit of all Members, as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send additional orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants.

The Exchange does not believe that the proposed changes to reduce the base rebates for executions of Added Price Improved Volume, Added Non-Midpoint Non-Displayed Volume, and Added Midpoint Non-Displayed Volume would impose any burden on intramarket competition because such changes will apply to all Members uniformly in that the proposed reduced rebates for such executions would be the rebates applicable to all Members, and the opportunity to qualify for enhanced rebates, as applicable, is available to all Members. Further, the opportunity to qualify for the newly proposed Non-Display add Tier 2, and thus receive the proposed enhanced rebate for executions of Added Non-Displayed Volume under such tier, and the opportunity to qualify for the reduced additive rebates under the Tape A and Tape C Quoting Tiers, respectively, would be available to all Members that meet the associated volume or quoting requirements in any month. Additionally, as noted above, the elimination of the Display-Price Sliding Tier will apply to all Members equally. For the foregoing reasons, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

As noted above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a

particular venue to be excessive or incentives to be insufficient. Members have numerous alternative venues that they may participate on and direct their order flow to, including 17 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 14% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market.

Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, including with respect to Added Non-Displayed Volume and Added Displayed Tape A and Tape C volume and market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As described above, the proposed changes represent a competitive proposal through which the Exchange is seeking to generate additional revenue with respect to its transaction pricing and to encourage the submission of additional order flow to the Exchange through volume and quoting-based tiers, which have been widely adopted by exchanges, including the Exchange. Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other exchanges that offer similar pricing incentives to market participants.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”²⁶ The fact that this market is competitive has

also long been recognized by the courts. In *NetCoalition v. SEC*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”²⁷ Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act²⁸ and Rule 19b-4(f)(2)²⁹ 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 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:

²⁷ *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR-NYSE-2006-21)).

²⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁹ 17 CFR 240.19b-4(f)(2).

²⁵ See *supra* note 21 [sic].

²⁶ *Id.*

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-MEMX-2026-16 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-MEMX-2026-16. 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 also 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-MEMX-2026-16 and should be submitted on or before July 6, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁰

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026-11919 Filed 6-12-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105652; File No. SR-MEMX-2026-14]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rules 18.7 and 18.9 To Permit an Increase in Position and Exercise Limits for Options on IBIT

June 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 27, 2026, MEMX LLC ("MEMX" 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 Act³ 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 18.7, Position Limits, and Rule 18.9, Exercise Limits, regarding the position and exercise limits for options on the iShares Bitcoin Trust ETF ("IBIT"). 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 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 Rules 18.7 (Position Limits) and 18.9 (Exercise Limits)⁵ to permit an increase in position and exercise limits for options on IBIT. This is a competitive filing based on a similar proposal submitted by Nasdaq ISE, LLC ("ISE") and approved by the Commission.⁶

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4.

⁵ The Exchange notes that all the rules of Chapter 18 of MEMX, including Rule 18.7 and 18.9, are incorporated by reference into the rulebook of MX2, LLC.

⁶ See Securities Exchange Act Release No. 105317 (April 27, 2026), 91 FR 23333 (April 30, 2026) (SR-ISE2025-26) (Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 5, to

IBIT is an Exchange-Traded Fund ("ETF") that holds bitcoin and is listed on the Nasdaq Stock Market LLC.⁷ In November 2024, the Exchange received approval to list options on IBIT.⁸ The position and exercise limits for IBIT options are stated in Exchange Rule 18.7, Position Limits, and Exchange Rule 18.9, Exercise Limits.⁹ Position limits and exercise limits, are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly may control. These limits are intended to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. Position and exercise limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes. To achieve this balance, the Exchange proposes to increase the position limits and exercise limits for options on IBIT to 1,000,000 contracts by noting the proposed position limit in Rule 18.7, Interpretation and Policy .01, Position Limits, and the proposed exercise limit in Rule 18.9, Interpretation and Policy .01, Exercise Limits. The position limit for options on IBIT is currently set pursuant to Rule 18.7(d) where the largest in capitalization and the most frequently traded stocks and ETFs have an option position limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization stocks and ETFs have position limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, recapitalizations, etc.) on the same side of the market. The Exchange notes that the proposed position limits and exercise limits for options on IBIT are consistent with existing position limits and exercise limits for options on iShares MSCI

Amend the Position and Exercise Limits for IBIT Options) ("ISE Approval Order").

⁷ Nasdaq received approval to list and trade Bitcoin-Based Commodity-Based Trust Shares in IBIT pursuant to Rule 5711(d) of Nasdaq. See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (SR-NASDAQ-2023-016) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units). IBIT started trading on January 11, 2024.

⁸ See Securities Exchange Act Release No. 101778 (November 27, 2024), 89 FR 95871 (December 3, 2024) (SR-MEMX-2024-45).

⁹ IBIT currently has a position and exercise limit of 250,000 contracts.

³⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Emerging Markets, iShares China Large-Cap ETF, and iShares MSCI EAFE ETF.

Composition and Growth Analysis for Underlying ETFs

As stated above, position (and exercise) limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate the underlying market so as to benefit options positions. The Commission has recognized that these limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market, as well as serve to reduce the possibility for disruption of the options market itself, especially in illiquid classes.¹⁰

Per the Commission, “rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options positions.”¹¹ For this reason, the Commission requires that “position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security.”¹² The Exchange has observed an ongoing increase in demand in options on IBIT in 2025.¹³ The Exchange believes the current position limit and exercise limit of 250,000 contracts (the highest position limit available pursuant to Rule 18.7 and exercise limit pursuant to Rule 18.9) will impede trading activity and strategies of investors, such as use of effective hedging vehicles or income generating strategies (e.g., buy-write or put-write), and the ability of Market Makers to make liquid markets with tighter spreads in IBIT options.

The Exchange believes that increasing the position limit (and exercise limit)

for options on IBIT to 1,000,000 contracts would enable liquidity providers to provide additional liquidity to the Exchange, as well as other options exchange on which they participate. As described in further detail below, the Exchange believes that the continuously increasing market capitalization of IBIT options, as well as the highly liquid markets for those securities, reduces the concerns for potential market manipulation and/or disruption in the underlying markets upon increasing position limits, while the rising demand for trading options on IBIT for legitimate economic purposes compels an increase in position limits (and corresponding exercise limits).

IBIT currently qualifies for a 250,000 contract position limit pursuant to the criteria in Rule 18.7(d), which requires that, for the most recent six-month period, trading volume for the underlying security be at least 100 million shares.¹⁴ As of February 11, 2026, the market capitalization for IBIT was \$52,661,063,818¹⁵ with an average daily volume (“ADV”), for the preceding 6 months prior to February 11, 2026 of 61,803,035 shares. By comparison on the same day, the iShares MSCI Emerging Markets (“EEM”) has an ADV of 29,459,889 shares and an AUM of 27,761,941,292 the iShares China Large-Cap ETF (“FXI”) has an ADV 31,656,532 and an AUM of 6,594,337,253, and the iShares MSCI EAFE ETF (“EFA”) has an ADV of 17,215,037 shares and an AUM of 76,788,457,200.¹⁶

In addition to IBIT’s Rule 18.7(d) eligibility for 250,000 contracts, ISE performed additional analysis with respect to IBIT. First, ISE considered IBIT’s market capitalization and ADV, and prospective position limit in relation to other securities. In measuring IBIT against other securities, ISE aggregated market capitalization and volume data for securities that have defined position limits utilizing data from The Options Clearing Corporations

(“OCC”).¹⁷ This pool of data took into consideration 3,797 options on single stock securities, excluding broad based ETFs.¹⁸ Next, the data was aggregated based on market capitalization and ADV and grouped by option symbol and position limit utilizing statistical thresholds for ADV, based on 180 days, and market capitalization that were one standard deviation¹⁹ above the mean for each position limit category (i.e., 25,000, 50,000 to 52,000, 75,000, 200,000, 250,000 to 375,000, 450,000 to 650,000, 750,000 to 1,250,000 and, and greater than or equal to 2,000,000).²⁰ This exercise was performed to demonstrate IBIT’s position limit relative to other options symbols in terms of market capitalization and ADV. For reference, the market capitalization for IBIT was \$52,661,063,818²¹ with an ADV for the preceding 180 days prior to February 11, 2026, of 61,803,035 shares.

According to the ISE Approval Order, if IBIT were compared to the 10 stocks that have position limits of 750,000 contracts to 1.25 million contracts it would rank in the 45th percentile for market capitalization and the 89th percentile for ADV. ISE also analyzed the position limits for IBIT by regressing the median elements from each bucket of market capitalization and 180-day ADV of all non-ETF equities, against their respective position limit figures. From this regression, ISE was able to determine the implied coefficients to create a formulaic method for determining an appropriate position limit.²² ISE utilized a linear model approach which incorporated the median metric from each bucket given the data at both the lower end of each position limit bucket and the higher end of each position limit bucket could be

¹⁷ The computations are based on OCC data from February 11, 2026. Data displaying zero values in market capitalization or ADV were removed.

¹⁸ IBIT has one asset and therefore is not comparable to a broad-based ETF where there are typically multiple components.

¹⁹ The standard deviation added limited utility to the analysis given the heavily skewed distribution of market capitalizations in the single stock securities.

²⁰ These buckets are based on OCC’s current positions limits. See <https://www.theocc.com/marketdata/market-data-reports/series-and-trading-data/position-limits>. Rule 18.7(d) sets out position limits for various contracts. For example, a 25,000 contract limit applies to those options having an underlying security that does not meet the requirements for a higher options contract limit. The Exchange notes that position limits may also be higher due to corporate actions in the underlying equities, such as a stock split.

²¹ Net Asset Value of \$38.29 by the number of shares outstanding 1,337,920,000 This figure was acquired as of February 11, 2026. See <https://www.ishares.com/us/products/333011/ishares-bitcoin-trust-etf>.

²² ISE utilized Excel’s Data Analysis Package to model the position limit.

¹⁰ See Securities Exchange Act Release No. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR-NYSEAmex-2012-29).

¹¹ See Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR-ISE-2024-03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, To Permit the Listing and Trading of Options on the iShares Bitcoin Trust) (“ISE IBIT Approval Order”).

¹² See *id.*

¹³ In 2025 the Exchange filed to eliminate the 25,000 contract position and exercise limits for IBIT options and apply the position and exercise limits in Exchange Rules 18.7 and 18.9, respectively, to IBIT options utilizing November 25, 2024 data. See Securities Exchange Act Release No. 103752 (August 20, 2025), 90 FR 41436 (August 25, 2025) (SR-MEMX-2025-26).

¹⁴ Exchange Rule 18.7(d) provides at subparagraph (5) that to be eligible for the 250,000 contract limit, either the most recent six (6) month trading volume of the underlying security must have totaled at least 100 million shares or the most recent six-month trading volume of the underlying security must have totaled at least seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding.

¹⁵ The market capitalization was determined by multiplying a Net Asset Value of \$38.29 by the number of shares outstanding 1,337,920,000 This figure was acquired as of February 11, 2026. See <https://www.ishares.com/us/products/333011/ishares-bitcoin-trust-etf>.

¹⁶ These figures are from February 11, 2026.

considered significant outliers, thereby skewing the results.

ISE utilized IBIT's market capitalization of 52,661,063,818 to arrive at a modeled position limit of 1,707,654. Additionally, ISE utilized IBIT's ADV of 61,803,035 to arrive at a modeled position limit of 5,672,081. Based on the aforementioned analysis, the Exchange believes that the proposed 1,000,000 contracts position and exercise limit is appropriate.

Second, ISE reviewed IBIT's data relative to the market capitalization of the entire Bitcoin market in terms of exercise risk and availability of deliverables. Also, as of February 11, 2026, there were approximately 20.5 million Bitcoins in circulation.²³ At a price of \$66,938,²⁴ that equates to a market capitalization of greater than \$1.374 trillion US. If a position limit of 1,000,000 contracts were considered, the exercisable risk would represent 7.474%²⁵ of the outstanding shares outstanding of IBIT. Since IBIT has a creation and redemption process managed through the issuer, the position limit can be compared to the total market capitalization of the entire Bitcoin market and in that case, the exercisable risk for options on IBIT would represent 0.278% of all Bitcoin outstanding.²⁶ Assuming a scenario where all options on IBIT shares were exercised given the proposed 1,000,000-contract position limit (and exercise limit), this would have a virtually unnoticed impact on the entire Bitcoin market. This analysis demonstrates that the proposed 1,000,000 per same side position and exercise limit is appropriate for options on IBIT given its liquidity.

Third, ISE reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the Commodity Futures Trading Commission ("CFTC"). While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), ISE examined equivalent bitcoin futures position limits. In particular, ISE looked to the CME bitcoin futures contract²⁷ that has

a position limit of 2,000 futures.²⁸ On February 11, 2026, CME bitcoin futures settled at \$677,150,406.33.²⁹ On February 11, 2026, IBIT settled at \$38.29, which would equate to greater than 17,684,774 shares of IBIT if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio is likely to be out of the money on expiration, an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are ≤ 1.00) should be a bit higher than the CME implied 176,848 limit. Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).³⁰ Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.³¹ If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading, but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Based on the aforementioned analysis, the Exchange believes that the proposed 1,000,000 contracts position and exercise limit is appropriate.

Fourth, ISE analyzed a position limit and exercise limit of 1,000,000 for IBIT options against other options on ETFs with an underlying commodity, namely SPDR Gold Shares ("GLD"), iShares Silver Trust ("SLV"), and ProShares Bitcoin ETF ("BITO").³² GLD has a float

of 377 million shares³³ and a position limit of 250,000 contract. SLV has a float of 552 million shares,³⁴ and a position limit of 250,000 contracts. Finally, BITO has 200.89 million shares outstanding³⁵ and a position limit of 250,000 contracts. As previously noted, position limits and exercise limits are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. A position limit exercise in GLD would represent 6.63% of the float of GLD; a position limit exercise in SLV would represent 4.53% of the float of SLV, and a position limit exercise of BITO would represent 12.44% of the float of BITO. In comparison, a 1,000,000-contract position limit in IBIT options would represent 7.474%³⁶ of the float of IBIT. Consequently, the 1,000,000 proposed IBIT options position and exercise limit is more conservative than the standard applied to GLD, SLV and BITO, and appropriate.

Fifth, ISE notes that IBIT began trading in penny increments as of January 2, 2025 pursuant to the Penny Interval Program.³⁷ The Commission noted that evidence and analysis provided in connection with the Penny Pilot demonstrated that the Pilot benefited investors and other market participants in the form of narrower spreads.³⁸ The most actively traded options classes are included in the Penny Program based on certain objective criteria (trading volume thresholds and initial price tests). As noted in the Penny Approval Order, the Penny Program reflects a certain level of trading interest (either because the class is newly listed or a class experienced a significant growth in investor interest) to quote in finer trading increments, which in turn should benefit market participants by reducing the cost of trading such options.³⁹ IBIT options is

²³ See <https://www.coingecko.com/en/coins/bitcoin>.

²⁴ This is the approximate price of Bitcoin from February 11, 2026.

²⁵ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding).

²⁶ This number was arrived at with this calculation: (1,000,000 limit * 100 shares per option * \$38.29 IBIT NAV) / (20,528,687 BTC outstanding * \$66,938 BTC price).

²⁷ CME Bitcoin Futures are described in Chapter 350 of CME's Rulebook.

²⁸ See the Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME's Rulebook.

²⁹ 2,000 futures at a 5 bitcoin multiplier (per the contract specifications) equates to \$677,150,000 (2,000 contracts * 5 BTC per contract * \$67,715 price of February BTC future) of notional value.

³⁰ See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limitsaggregation-of-contracts-and-table.htm>.

³¹ *Id.*

³² GLD, SLV and BITO each hold one asset in trust similar to IBIT.

³³ See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

³⁴ See <https://www.ishares.com/us/products/239855/ishares-silver-trust-fund>.

³⁵ See <https://www.marketwatch.com/investing/fund/bitc>.

³⁶ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding). This information was captured on February 11, 2026.

³⁷ See Rule 21.5.

³⁸ See Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545, 19548 (April 7, 2020) (File No. 4-443) (Joint Industry Plan; Order Approving Amendment No. 5 to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options To Adopt a Penny Interval Program) ("Penny Approval Order").

³⁹ *Id.* at 19548.

among a select group of products that have achieved a certain level of liquidity that have garnered it the ability to trade in finer increments. Failing to increase position and exercise limits for IBIT options, now that it is trading in finer increments, may artificially inhibit liquidity and create price inefficiency. The Exchange notes that options on iShares MSCI Emerging Markets, iShares China Large-Cap ETF and iShares MSCI EAFE ETF also trade in penny increments based on their liquidity.

The Exchange believes that IBIT options have more than sufficient liquidity to garner an increased position and exercise limit of 1,000,000 contracts. The Exchange believes that any concerns related to manipulation and protection of investors are mollified by the significant liquidity provision in IBIT. The Exchange states that, as a general principle, increases in active trading volume and deep liquidity of the underlying securities do not lead to manipulation and/or disruption.

The Exchange believes that increasing the position (and exercise) limits for IBIT options would lead to a more liquid and competitive market environment for IBIT options, which will benefit customers that trade these options. Further, the reporting requirement for such options would remain unchanged. Thus, the Exchange will still require that each Participant that maintains positions in impacted options on the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information includes, but would not be limited to, the options' positions, whether such positions are hedged and, if so, a description of the hedge(s). Market Makers would continue to be exempt from this reporting requirement, however, the Exchange may access Market Maker position information.⁴⁰ Moreover, the Exchange's requirement that Participants file reports with the Exchange for any customer who held aggregate large long or short positions on the same side of the market of 200 or more option contracts of any single class for the previous day will remain at this level and will continue to serve as

an important part of the Exchange's surveillance efforts.⁴¹

The Exchange also has no reason to believe that the growth in trading volume in IBIT will not continue. Rather, the Exchange expects continued options volume growth in IBIT as opportunities for investors to participate in the options markets increase and evolve. The Exchange believes that the current position and exercise limits in IBIT options are restrictive and will hamper the listed options markets from being able to compete fairly and effectively with the over-the-counter ("OTC") markets. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process on a public exchange or other lit markets. The Exchange believes that without the proposed changes to position and exercise limits for IBIT options, market participants will find the 250,000-contract position limit an impediment to their business and investment objectives as well as an impediment to efficient pricing. As such, market participants may find the less transparent OTC markets a more attractive alternative to achieve their investment and hedging objectives, leading to a retreat from the listed options markets, where trades are subject to reporting requirements and daily surveillance.

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange are capable of properly identifying disruptive and/or manipulative trading activity. The Exchange also represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange's listing standards. These procedures monitor market activity via automated surveillance techniques to identify unusual activity in both options and the underlyings, as applicable. The Exchange also notes that large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G,⁴² which are used to report ownership of stock which exceeds 5% of a company's total stock issue and may assist in providing information in monitoring for any potential manipulative schemes. Further, the Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding

potentially large, unhedged positions in equity options. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a Participant must maintain for a large position held by itself or by its customer.⁴³ In addition, Rule 15c3-1⁴⁴ imposes a capital charge on Participants to the extent of any margin deficiency resulting from the higher margin requirements.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),⁴⁵ in general, and Section 6(b)(5) of the Act,⁴⁶ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that increasing the position limit and exercise limit for options on IBIT to 1,000,000 contracts is consistent with the Act. This proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it will provide market participants with the ability to more effectively execute their trading and hedging activities. Also, based on current trading volume, the resulting increase in the position (and exercise) limits for IBIT options may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued high consumer demand in IBIT options. The increased position and exercise limits may also encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price discovery conducted on the Exchange through increased order flow. Further, this proposal would allow institutional investors to utilize IBIT options for prudent risk management purposes.

In addition, the Exchange believes that the current liquidity in IBIT will

⁴⁰ OCC through the Large Option Position Reporting ("LOPR") system acts as a centralized service provider for Participant compliance with position reporting requirements by collecting data from each Participant, consolidating the information, and ultimately providing detailed listings of each Participant's report to the Exchange, as well as Financial Industry Regulatory Authority, Inc. ("FINRA"), acting as its agent pursuant to a regulatory services agreement ("RSA").

⁴¹ See Rule 18.10.

⁴² 17 CFR 240.13d-1.

⁴³ See Rule 28.3.

⁴⁴ 17 CFR 240.15c3-1.

⁴⁵ 15 U.S.C. 78f(b).

⁴⁶ 15 U.S.C. 78f(b)(5).

continue to mitigate concerns regarding potential manipulation of IBIT options and/or disruption of IBIT upon amending the table of position limits in Rule 18.7, Interpretation and Policy .01. ISE compared IBIT's data relative to the market capitalization of the entire Bitcoin market in terms of exercise risk and availability of deliverables, and concluded that if a position limit of 1,000,000 contracts were considered, the exercisable risk would represent 7.474%⁴⁷ of the shares outstanding of IBIT. Since IBIT has a creation and redemption process managed through the issuer (whereby Bitcoin is used to create IBIT shares), the position limit can be compared to the total market capitalization of the entire Bitcoin market and in that case, the exercisable risk for options on IBIT would represent less than 0.278% of all Bitcoin outstanding.⁴⁸ This analysis demonstrated that a 1,000,000 contracts position and exercise limits would be appropriate. Comparing a position limit of 1,000,000 for IBIT options against other options on ETFs with an underlying commodity, namely GLD, SLV and BITO, a position limit exercise in GLD represents 6.63% of the float of GLD, a position limit exercise in SLV represents 4.53% of the float of SLV, and a position limit exercise of BITO represents 12.44% of the float of BITO. In comparison, a 1,000,000-contract position limit in IBIT options would represent 7.474%⁴⁹ of the float of IBIT. Consequently, a 1,000,000 IBIT options position limit is generally aligned with the standards applied to GLD, SLV and BITO, and appropriate. ISE notes that IBIT began trading in penny increments on January 2, 2025 pursuant to the Penny Interval Program.⁵⁰ The Commission noted that evidence and analysis provided in connection with the Penny Pilot demonstrated that the Pilot benefitted investors and other market participants in the form of narrower spreads.⁵¹ The most actively traded options classes are included in the Penny Program based on certain objective criteria (trading volume

thresholds and initial price tests).⁵² As noted in the Penny Approval Order, the Penny Program reflects a certain level of trading interest (either because the class is newly listed or a class that experience a significant growth in investor interest) to quote in finer trading increments, which in turn should benefit market participants by reducing the cost of trading such options.⁵³ IBIT options are among a select group of products that have achieved a certain level of liquidity that have garnered it the ability to trade in finer increments pursuant to the Penny Interval Program. Failing to permit IBIT options to potentially increase position and exercise limits given the trading in finer increments, may artificially inhibit liquidity and create price inefficiency for IBIT options.

Finally, as discussed above, the Exchange's surveillance and reporting safeguards continue to be designed to deter and detect possible manipulative behavior that might arise from increasing or eliminating position and exercise limits in certain classes. The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in the options on the underlying securities, further promoting just and equitable principles of trading, the maintenance of a fair and orderly market, and the protection of investors.

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. In this regard and as indicated above, the Exchange notes that the rule change is substantially similar in all material respects to a proposal submitted by ISE.⁵⁴

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or

appropriate in furtherance of the purposes of the Act. The Exchange's proposal does not burden intra-market competition because all participants would be subject to the position limits in Rule 18.7 and corresponding exercise limits in Rule 18.9. The Exchange believes that the proposed rule change will also provide additional opportunities for market participants to continue to efficiently achieve their investment and trading objectives for equity options on the Exchange.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁵⁵ and subparagraph (f)(6) of Rule 19b-4 thereunder.⁵⁶

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)⁵⁷ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the proposal will conform the Exchange's IBIT options position and exercise limits with ISE's IBIT options position and exercise limits.⁵⁸ Therefore, the proposal raises no novel legal or regulatory issues. Thus, the Commission believes that waiver of the 30-day operative delay is consistent with the

⁴⁷ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding). This information was captured on February 11, 2026.

⁴⁸ This number was arrived at with this calculation: (1,000,000 limit * 100 shares per option * \$38.29 IBIT NAV) / (20,528,687 BTC outstanding * \$66,938 BTC price).

⁴⁹ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding). This information was captured on February 11, 2026.

⁵⁰ See Rule 21.5.

⁵¹ See *supra* note 38.

⁵² Options on iShares MSCI Emerging Markets, iShares China Large-Cap ETF and iShares MSCI EAFE ETF also trade in penny increments based on their liquidity.

⁵³ See *supra* note 38.

⁵⁴ See *supra* note 6.

⁵⁵ 15 U.S.C. 78s(b)(3)(A)(iii).

⁵⁶ 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.

⁵⁷ 17 CFR 240.19b-4(f)(6)(iii).

⁵⁸ See *supra* note 6 and accompanying text.

protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.⁵⁹

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.

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-MEMX-2026-14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MEMX-2026-14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MEMX-2026-14 and should be submitted on or before July 6, 2026.

⁵⁹ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁰

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026-11927 Filed 6-12-26; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21642 and #21643; ILLINOIS Disaster Number IL-20026]

Administrative Declaration of a Disaster for the State of Illinois

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative declaration of a disaster for the state of Illinois dated June 10, 2026.

Incident: Oak Lawn Apartment Complex Fire.

DATES: Issued on June 10, 2026.

Incident Period: May 15, 2026.

Physical Loan Application Deadline Date: August 10, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 10, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cook.

Contiguous Counties:

Illinois: DuPage, Kane, Lake, McHenry, Will.
Indiana: Lake.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 216425 and for economic injury is 216430.

The states which received an SBA Administrative declaration are Illinois, Indiana.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-11969 Filed 6-12-26; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21640; Rhode Island Disaster Number RI-20005 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Rhode Island

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Economic Injury Disaster Loan (EIDL) declaration for the state of Rhode Island dated June 10, 2026.

Incident: 2026 Historic Snowstorm.

DATES: Issued on June 10, 2026.

Incident Period: February 22, 2026 through February 24, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 10, 2027.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

⁶⁰ 17 CFR 200.30-3(a)(12), (59).

FOR FURTHER INFORMATION CONTACT:

Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Kent, Providence.

Contiguous Counties:

Rhode Island: Bristol, Newport,

Washington.

Connecticut: New London, Windham.

Massachusetts: Bristol, Norfolk,

Worcester.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 216400.

The states which received an EIDL declaration are Connecticut, Massachusetts, Rhode Island.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stalling,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026-11980 Filed 6-12-26; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice 13037]

60-Day Notice of Proposed Information Collection: Application Under the Hague Convention on the Civil Aspects of International Child Abduction

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to August 14, 2026.

ADDRESSES: You may submit comments by any of the following methods:

Web: Persons with access to the internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering "Docket Number: DOS-2026-0661" in the Search field. Then click the "Comment Now" button and complete the comment form.

Email: OCSRegs@state.gov.

Regular Mail: Send written comments to: U.S. Department of State, CA/OCS/MSU, SA-17, 10th Floor, Washington, DC 20522-1710. You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to OCSRegs@state.gov or CA/OCS/MSU at SA-17, 10th Floor, Washington, DC 20522-1710.

SUPPLEMENTARY INFORMATION:

Title of Information Collection: Application Under the Hague Convention on the Civil Aspects of International Child Abduction.

OMB Control Number: 1405-0076.

Type of Request: Revision of a Currently Approved Collection.

Originating Office: Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).

Form Number: DS-3013, DS-3013-S, DS-3013-P.

Respondents: Person seeking return of or access to child.

Estimated Number of Respondents: 400.

Estimated Number of Responses: 400.
Average Time per Response: 60 minutes.

Total Estimated Burden Time: 400 hours.

Frequency: On occasion.

Obligation to Respond: Voluntary.

We are soliciting public comments to permit the Department to:

Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

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.

Enhance the quality, utility, and clarity of the information to be collected.

Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Application Under the Hague Convention on the Civil Aspects of International Child Abduction (DS-3013, DS-3013-S and DS-3013-P) is used by parents or legal guardians who are requesting the State Department's assistance in seeking the return of, or access to, a child or children alleged to have been wrongfully removed from or retained outside of the child's habitual residence and currently located in another country that is also party to the Hague Convention on the Civil Aspects of International Child Abduction (the Convention). The application requests information regarding the identities of the applicant, the child or children, and the person alleged to have wrongfully removed or retained the child or children. In addition, the application requires that the applicant provide the circumstances of the alleged wrongful removal or retention and the legal justification for the request for return or access. The State Department, as the U.S. Central Authority for the Convention, uses this information to establish, if possible, the applicants' claims under the Convention; to inform applicants about available remedies under the Convention; and to provide the information necessary to the foreign Central Authority in its efforts to locate the child or children, and to facilitate return of or access to the child or children pursuant to the Convention. 22 U.S.C. 9008 is the legal authority that permits the Department to gather this information.

Methodology

The completed form DS-3013, DS-3013-S and DS-3013-P may be submitted to the Office of Children's

Issues by mail, by fax, or electronically accessed through www.travel.state.gov.

Elizabeth M. Gracon,

Managing Director, Overseas Citizens Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2026–11939 Filed 6–12–26; 8:45 am]

BILLING CODE P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at the June 4, 2026 Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on June 4, 2026 in Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects and took additional actions, as set forth in the **SUPPLEMENTARY INFORMATION** below.

DATES: June 4, 2026.

ADDRESSES: Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT:

Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238–0423, ext. 1312, fax: (717) 238–2436; email: joyler@srbc.gov. Regular mail inquiries may be sent to the above address. See also the Commission website at www.srbc.gov.

SUPPLEMENTARY INFORMATION: The Commission took the following actions at its June 4, 2026 business meeting: (1) adopted the FY2027 budget reconciliation; (2) approved a grant agreement with the U.S. Environmental Protection Agency; (3) approved a grant amendment with the Pennsylvania Department of Environmental Protection; (4) adopted the annual update to the 2025–2027 Water Resources Program; (5) extended an emergency certificate; and (6) acted on 15 regulatory program water projects, tabling two as listed below.

Project Applications Approved

1. Project Sponsor and Facility: Aquaport, LLC, Old Lycoming Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.250 mgd (30-day average) from Well 1.

2. Project Sponsor and Facility: The Municipal Authority of the Borough of Berlin, Allegheny Township, Somerset County, PA. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.220 mgd from Well

9 and 0.153 mgd from Well 10, consumptive use of up to 0.498 mgd (peak day), and an out-of-basin diversion of up to 0.498 mgd (30-day average) (Docket No. 19980702).

3. Project Sponsor and Facility: BKV Operating, LLC (Susquehanna River), Washington Township, Wyoming County, PA. Application for renewal with modification of surface water withdrawal of up to 5.000 mgd (peak day) (Docket No. 20240603).

4. Project Sponsor and Facility: Cargill Meat Solutions Corporation, Wyalusing Township, Bradford County, PA. Applications for renewal of consumptive use of up to 0.080 mgd (peak day) and groundwater withdrawals (30-day averages) of up to 0.500 mgd from River Well 6, 1.000 mgd from River Well 7, and 0.500 mgd from River Well 8 (Docket No. 19990304).

5. Project Sponsor: Cedar Rock Materials Corporation. Project Facility: Bower Quarry, Salem Township, Luzerne County, PA. Application for renewal of groundwater withdrawal of up to 0.720 mgd (30-day average) from Well PW–1 (Docket No. 20110302).

6. Project Sponsor: Chobani, LLC. Project Facility: South Edmeston, Town of Columbus, Chenango County, NY. Application for groundwater withdrawal of up to 0.756 mgd (30-day average) from Well 4.

7. Project Sponsor: Constellation Energy Generation, LLC. Project Facility: Christopher M. Crane Clean Energy Center, Londonderry Township, Dauphin County, PA. Applications for renewal with modification for surface water withdrawal of up to 73.200 mgd (peak day) from the Susquehanna River, consumptive use of up to 21.000 mgd (peak day), and groundwater withdrawals (30-day averages) of up to 0.072 mgd from Well A, 0.054 mgd from Well B, and 0.045 mgd from Well C (Docket No. 20221203).

8. Project Sponsor and Facility: Galetton Borough Authority, West Branch Township, Potter County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.072 mgd from Wetmore Run Test Well 1 and 0.043 mgd from Wetmore Run Test Well 5.

9. Project Sponsor: Hazleton City Authority. Project Facility: Hazleton Division, Hazle Township, Luzerne County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.223 mgd from Mount Pleasant Well 2, 0.432 mgd from Mount Pleasant Well 5, 0.468 mgd from Mount Pleasant Well 6, and 0.108 mgd from Mount Pleasant Well 11.

10. Project Sponsor: KH Holdings, LLC. Project Facility: KH Spring Waters,

LLC, North Union Township, Schuylkill County, PA. Application for consumptive use of up to 0.075 mgd (peak day).

11. Project Sponsor: Nature's Way Purewater Systems, Inc. Project Facility: USHydrations—Dupont Bottling Plant, Dupont Borough, Luzerne County, PA. Application for renewal of consumptive use of up to 0.449 mgd (30-day average) (Docket No. 20230319).

12. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Lewisburg Quarry, Buffalo Township, Union County, PA. Applications for surface water withdrawal of up to 0.300 mgd (peak day) from Buffalo Creek and renewal of consumptive use of up to 0.181 mgd (30-day average) (Docket No. 20040906).

13. Project Sponsor and Facility: PPG Operations LLC (West Branch Susquehanna River), Goshen Township, Clearfield County, PA. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20240319).

Projects Tabled

14. Project Sponsor and Facility: Middlesex Township Municipal Authority, Middlesex Township, Cumberland County, PA. Application for groundwater withdrawal of up to 0.914 mgd (30-day average) from Well 2.

15. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Tyrone Quarry, Snyder Township, Blair County, and Warriors Mark Township, Huntingdon County, PA. Application for surface water withdrawal of up to 0.216 mgd (peak day) from Logan Spring Run and modification to add Logan Spring Run as a source for consumptive use (Docket No. 20220611).

Extension of Emergency Certificate

1. Project Sponsor and Facility: Village of Sidney, Delaware County, NY. Request for extension and continued temporary operation under Emergency Certificate issued December 31, 2025, authorizing temporary extension of the approval term of Docket Nos. 19860201 and 19860201–3 for Well 2–88.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: June 11, 2026.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2026–11967 Filed 6–12–26; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: May 1–31, 2026.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: joyler@srbc.gov. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) for the time period specified above.

Approvals By Rule—Issued Under 18 CFR 806.22(e)

1. SVC Manufacturing, Inc.; Gatorade—Mountaintop; ABR—202605001; Wright Township, Luzerne County, Pa.; Consumptive Use of Up to 1.3000 mgd; Approval Date: May 5, 2026.

Approvals by Rule—Issued Under 18 CFR 806.22(f)

1. MODIFICATION—Coterra Energy Inc.; Pad ID: ConboyT P1; ABR—202312002.1; Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.5000 mgd; Approval Date: May 11, 2026.

2. RENEWAL—BKV Operating, LLC; Pad ID: Baker West (Brothers); ABR—201103049.R3; Forest Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 11, 2026.

3. RENEWAL—Coterra Energy Inc.; Pad ID: LymanJ P1; ABR—201104018.R3; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 11, 2026.

4. RENEWAL—Expand Operating LLC; Pad ID: Noble Drilling Pad #1; ABR—201104015.R3; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 11, 2026.

5. RENEWAL—Expand Operating LLC; Pad ID: PU–CC Valentine–Price Pad; ABR—201104019.R3; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 11, 2026.

6. RENEWAL—Pennsylvania General Energy Company, L.L.C.; Pad ID: Reed Run Norwich Pad D; ABR—201012028.R3; County; Consumptive Use of Up to 3.5000 mgd; Approval Date: May 11, 2026.

7. RENEWAL—XTO Energy Inc.; Pad ID: Renn Unit A; ABR—201103033.R3; Jordan Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 11, 2026.

8. RENEWAL—Coterra Energy Inc.; Pad ID: GeigerK P1; ABR—202105001.R1; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 20, 2026.

9. RENEWAL—Expand Operating LLC; Pad ID: Broughton; ABR—201012001.R3; Morris Township, Tioga County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2026.

10. RENEWAL—Expand Operating LLC; Pad ID: Crain; ABR—201104028.R3; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2026.

11. RENEWAL—Expand Operating LLC; Pad ID: Fausto; ABR—201101015.R3; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2026.

12. RENEWAL—Expand Operating LLC; Pad ID: Franclaire; ABR—201012011.R3; Braintrim Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2026.

13. RENEWAL—Expand Operating LLC; Pad ID: Kingsley; ABR—201104029.R3; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2026.

14. RENEWAL—Expand Operating LLC; Pad ID: Martino Drilling Pad #1; ABR—201604001.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 20, 2026.

15. RENEWAL—Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad F; ABR—201105001.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 20, 2026.

16. RENEWAL—XTO Energy Inc.; Pad ID: PA Tract B1H; ABR—201104023.R3; Chapman Township, Clinton County,

Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 20, 2026.

17. RENEWAL—Expand Operating LLC; Pad ID: Hi-Lev; ABR—201103051.R3; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 24, 2026.

18. RENEWAL—Expand Operating LLC; Pad ID: Hulslander; ABR—201104021.R3; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 24, 2026.

19. RENEWAL—Expand Operating LLC; Pad ID: Jones Pad; ABR—201103022.R3; Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 24, 2026.

20. RENEWAL—Expand Operating LLC; Pad ID: Kerrick Drilling Pad #1; ABR—201103040.R3; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 24, 2026.

21. RENEWAL—Expand Operating LLC; Pad ID: Moody; ABR—201104027.R3; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 24, 2026.

22. RENEWAL—Expand Operating LLC; Pad ID: Sarah; ABR—201103041.R3; Athens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 24, 2026.

23. RENEWAL—Expand Operating LLC; Pad ID: Shoemaker-Saxe; ABR—202103004.R1; Colley Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 24, 2026.

24. Expand Operating LLC; Pad ID: JANNEY BRA PAD; ABR—202605002; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 26, 2026.

25. Expand Operating LLC; Pad ID: SGL–12 G UNIT PAD; ABR—202605003; Canton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 26, 2026.

26. RENEWAL—Expand Operating LLC; Pad ID: Curtin Drilling Pad #1; ABR—201012034.R3; Albany and Cherry Townships, Bradford and Sullivan Counties, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 26, 2026.

27. RENEWAL—Expand Operating LLC; Pad ID: MPC New; ABR—201104030.R3; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2026.

28. RENEWAL—Expand Operating LLC; Pad ID: PMG Annie Drilling Pad #1; ABR—201103015.R3; Springville

Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2026.

29. RENEWAL—Expand Operating LLC; Pad ID: Stempel; ABR–201104020.R3; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2026.

30. RENEWAL—Expand Operating LLC; Pad ID: Taylor Drilling Pad #1; ABR–201104024.R3; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 28, 2026.

31. RENEWAL—EXCO Resources (PA), LLC; Pad ID: Doebler Drilling Pad #1; ABR–201012033.R3; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: May 29, 2026.

32. RENEWAL—Expand Operating LLC; Pad ID: Lomison Inc; ABR–201105023.R3; Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2026.

33. RENEWAL—Expand Operating LLC; Pad ID: LRJ; ABR–201105011.R3; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2026.

34. RENEWAL—Expand Operating LLC; Pad ID: Price Pad; ABR–201104017.R3; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 29, 2026.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: June 11, 2026.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2026–11968 Filed 6–12–26; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2025–4676; Summary Notice No. 2026–17]

Petition for Exemption; Summary of Petition Received; ASJR Aviation, LLC

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's

awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 6, 2026.

ADDRESSES: Send comments identified by docket number FAA–2025–4676 using any of the following methods:

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

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nondie Hemphill, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–4676.

Petitioner: ASJR Aviation, LLC.

Section(s) of 14 CFR Affected:

§ 61.157(f)(2).

Description of Relief Sought:

Petitioner seeks an exemption from § 61.157(f)(2) to allow an FAA Designated Pilot Examiner to conduct checks in a full motion flight simulator. These checks are normally restricted to an FAA Aviation Safety Inspector, an Aircrew Program Designee, or a Training Center Evaluator.

[FR Doc. 2026–11988 Filed 6–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–2026–1057]

30-Day Notice of Request for Renewal With Change of a Previously Approved Collection

AGENCY: Office of the Secretary (OST), Department of Transportation (Department) or (DOT).

ACTION: Notice; request for comments.

SUMMARY: The Office of Small and Disadvantaged Business Utilization invites public comments about our intent to seek approval from the Office of Management and Budget (OMB) to renew an information collection. The collection pertains to the “Small Business Transportation Technical Assistance Center (SBTTAC) Intake Form (DOT F 4500)” with *OMB Control Number* 2105–0554.

DATES: Please submit comments by July 15, 2026.

ADDRESSES: You may submit comments identified by Docket No. DOT–OST–2026–1057 through one of the following methods:

Mail: Office of Management and Budget, Attention: Desk Officer for U.S. Department of Transportation, Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503, *Email:* oirq_submission@omb.eop.gov, *Fax:* (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Leonardo San Roman, 202–366–1930, Office of Small and Disadvantaged Business Utilization (OSDBU), Office of the Secretary (OST), U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W74–310,

Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Small Business Transportation Technical Assistance Center (SBTTAC) Intake Form (DOT F 4500).

OMB Control Number: 2105–0554.

Background: In accordance with Public Law 95–507, which amended the Small Business Act and the Small Business Investment Act of 1953, the Office of Small and Disadvantaged Business Utilization (OSDBU) is responsible for the implementation and execution of DOT activities on behalf of small businesses, in accordance with Section 8, 15 and 31 of the Small Business Act (SBA), as amended. The OSDBU also administers the provisions of Title 49, of the United States Code, Section 332, the Minority Resource Center (MRC), including advocacy, outreach, and financial services for small businesses and those certified under 49 CFR parts 23 and 26. The SBTTACs will collect information on small businesses regarding the types of services they seek from the Centers. These services include business analysis, technical assistance, counseling, training, and assistance with loans, bonding and other financial instruments. The cumulative data collected will be analyzed by the OSDBU to determine the effectiveness of services provided, including counseling, training, outreach, and financial assistance efforts. The data will also be used to assess the agency's effectiveness in helping small businesses expand opportunities to participate in government contracts and subcontracts. This notice is published in accordance with the requirements of the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

Title: Small Business Transportation Technical Assistance Center (SBTTAC) Intake Form (DOT F 4500).

Form Numbers: DOT F 4500.

Type of Review: Renewal of an information collection.

The SBTTAC Intake Form, (DOT F 4500) is used to enroll small business clients into the program and to create a viable database of firms that can participate in government contracts and subcontracts, particularly transportation-related projects. Each area on the fillable PDF form must be completed electronically by the Centers' staff and be accessible to OSDBU at all times. The Centers will retain a copy of each Intake Form for their records. The information collected through the form supports each business's specific needs, including referral to other technical assistance providers, identification of the firms' profession or trade of the business, type certifications they hold, length of time in business, and location of the firm. This data also assists the Centers in developing or refining business plans to strengthen the firms' ability to market their goods and services to buyers and potential clients.

Estimate of burden hours for information requested:

Number of Annual Respondents: 2,527 (2,521 Clients + 6 Centers).

Frequency of Response: On occasion (Intake) and Monthly (Reporting).

Estimated Total Annual Burden: 3,853.5 Hours.

Explanation of Burden Estimate: The total burden is calculated based on two distinct groups of respondents:

Small Business Intake (Client Burden)
 ○ *Respondents:* 2,521 (Small Business Owners).

○ *Frequency:* One-time.

○ *Burden:* 90 minutes (1.5 hours) to review instructions, retrieve documents (Tax returns, UEI/EIN, Bond history), and complete Parts A through E.

○ *Calculation:* 2,521 respondents × 1.5 hours = 3,781.5 hours.

SBTTAC Reporting (Center Burden)

○ *Respondents:* 6 (Center Directors/Staff).

○ *Frequency:* Monthly (12 times per year).

○ *Burden:* 1 hour to validate data in the CRM.

○ *Calculation:* 6 Centers × 12 months × 1 hour = 72 hours.

Justification for Monthly Reporting:

The Department requires monthly data maintenance to ensure strict fiscal oversight and real-time performance monitoring. This frequency allows the 6 Centers to perform small, routine validations (approx. 60 minutes) of the data already entered in the CRM, rather than a significant quarterly reconciliation. This approach keeps information current for outreach and technical assistance activities without overwhelming Center staff.

Total Annual Burden Calculation:

3,781.5 hours (Clients) + 72 hours (Centers) = 3,853.5 Total Annual Burden Hours.

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 Department's functions, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden associated with the proposed information collected; (c) ways to enhance the quality, utility and clarity of the information collected; and (d) ways to minimize the burden on respondents through the use of electronic methods, including automated collection techniques or other forms of information technology. The agency will summarize and/or include comments received in its 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 in Washington, DC.

Leonardo San Roman,

Manager, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 2026–11916 Filed 6–12–26; 8:45 am]

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Part II

Department of Veterans Affairs

38 CFR Part 26

Implementing Regulation for National Environmental Policy Act (NEPA):
Environmental Effects of the Department of Veterans Affairs Actions;
Interim Final Rule

DEPARTMENT OF VETERANS AFFAIRS**38 CFR Part 26**

RIN 2900–AS33

Implementing Regulation for National Environmental Policy Act (NEPA): Environmental Effects of the Department of Veterans Affairs Actions**AGENCY:** Department of Veterans Affairs.**ACTION:** Interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) is issuing this interim final rule to amend its agency procedures for implementing the requirements of the National Environmental Policy Act (NEPA). Since VA last updated its NEPA regulations in 1989, Congress amended NEPA through the Fiscal Responsibility Act of 2023 and the One Big Beautiful Bill Act of 2025, the Council on Environmental Quality rescinded its NEPA regulations, and substantial changes have occurred in VA's delivery of care and benefits to veterans. The revisions to VA's NEPA regulations improve the efficiency and quality of VA's NEPA process and align the NEPA process with decision-making across VA by more clearly focusing on the planning stages of VA actions, improving consistency in NEPA implementation throughout VA, updating the VA categorical exclusion list to reflect current VA activities, and complying with NEPA, as revised.

DATES: This interim final rule is effective June 15, 2026. Comments must be received by July 15, 2026.

ADDRESSES: You may submit comments through www.regulations.gov under RIN 2900–AS33. That website includes a plain-language summary of this rulemaking. Instructions for accessing agency documents, submitting comments, and viewing the rulemaking docket, are available on www.regulations.gov under “FAQ.”

FOR FURTHER INFORMATION CONTACT: Glenn Elliott, Office of Construction & Facilities Management (003C2), (202) 360–1243.

SUPPLEMENTARY INFORMATION:**I. Background**

Congress enacted NEPA to declare a national policy “to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and [to] fulfill the social, economic, and other requirements of

present and future generations of Americans.” 42 U.S.C. 4331(a).

NEPA furthers this national policy by requiring Federal agencies to prepare an environmental impact statement (EIS)—“in essence, a report”—for proposed “major Federal actions significantly affecting the quality of the human environment” (42 U.S.C. 4332(2)(C); *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 145 S. Ct. at 1497, 1507 (2025)). This statement must address: (1) the reasonably foreseeable environmental effects of the proposed agency action; (2) any reasonably foreseeable adverse environmental effects that cannot be avoided should the proposal be implemented; (3) a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed action should it be implemented. 42 U.S.C. 4332(2)(C).

NEPA does not mandate particular results or substantive outcomes. *Seven County*, 145 S. Ct. at 1510–12. Rather, NEPA requires Federal agencies to consider the environmental effects of proposed actions as part of agencies' decision-making processes. NEPA provides requirements to facilitate timely and unified Federal reviews, including provisions clarifying lead, joint lead, and cooperating agency designations, generally requiring the development of a single environmental document, directing agencies to develop procedures for project sponsors to prepare environmental assessments (EAs) and EISs, and prescribing page limits and deadlines. 42 U.S.C. 4336a. NEPA also sets forth the circumstances under which agencies may rely on programmatic environmental documents (42 U.S.C. 4336b) and adopt and use another agency's categorical exclusions (CATEXs) (42 U.S.C. 4336c).

NEPA identifies three levels of review—CATEX, EA, and EIS. 42 U.S.C. 4336a. A CATEX is “a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of [NEPA] section 102(2)(C)”. 42 U.S.C. 4336e(1). An EA is a “concise” document “set[ting] forth the basis of

[an] agency's finding of no significant impact or determination that an environmental impact statement is necessary,” prepared in connection with a proposed agency action that does not have a significant impact or the significance of whose impact is unknown. 42 U.S.C. 4336(b)(2). An EIS is a document analyzing a proposed agency action with significant impact, governed by the provisions of 42 U.S.C. 4332(2)(C) and 4336(b)(1).

VA developed its NEPA implementing procedures in 1986 and amended them in 1989 “in accordance with” the Council on Environmental Quality's (CEQ's) NEPA implementing regulations (title 38 Code of Federal Regulations (CFR) 26.1). Since that time, VA policies and activities have changed and expanded. Moreover, CEQ has rescinded its NEPA implementing regulations, effective April 11, 2025 (*Removal of National Environmental Policy Act Implementing Regulations*, 90 FR 10610, Feb. 25, 2025). This action was necessitated by, and is consistent with, Executive Order 14154, *Unleashing American Energy* (90 FR 8353, Jan. 20, 2025), in which President Trump rescinded President Carter's Executive Order 11991, *Relating to Protection and Enhancement of Environmental Quality* (42 FR 26967, May 24, 1977), which was the basis CEQ had invoked for its authority to make rules to begin with. VA's regulations thus stand in obvious need of fundamental revision. President Trump, in Executive Order 14154, further directed agencies to revise their NEPA implementing procedures, consistent with the executive order, including its direction to CEQ to rescind its regulations.

In addition, Congress amended NEPA in substantial part in 2023 through the Fiscal Responsibility Act of 2023 (Public Law (Pub. L.) 118–5 (June 3, 2023)). Congress added substantial detail and direction in Title I of NEPA, including in particular on procedural issues that CEQ addressed in its regulations and that individual action agencies had previously addressed in their own NEPA implementing procedures. VA recognized the need to update its regulations in light of these substantial legislative changes. Since VA's regulations were originally written in accordance with CEQ's NEPA implementing regulations, VA had been awaiting CEQ action before revising its regulations, consistent with CEQ direction. *See* 40 CFR 1507.3(b) (2024); *see also* 86 FR 34154 (June 29, 2021). However, with CEQ's regulations now rescinded, and with VA's NEPA implementing procedures still

unmodified more than two years after this substantial legislative overhaul, it is exigent that VA quickly conform its procedures to the statute as amended.

Moreover, the Supreme Court on May 29, 2025, issued the landmark *Seven County Infrastructure Coalition* decision, in which it decried the “transform[ation]” of NEPA from its roots as “a modest procedural requirement,” into a “substantive roadblock” that “paralyze[s]” “agency decisionmaking”. 145 S.Ct. at 1507, 1513 (quotations omitted). The Supreme Court explained that part of that problem had been caused by decisions of lower courts, which it rejected, issuing a “course correction” mandating that courts give “substantial deference” to reasonable agency conclusions underlying their NEPA processes. 145 S.Ct. at 1513–14. But the Court also acknowledged, and through its course correction sought to address, the effect on “litigation-averse agencies” which, in light of judicial “micromanage[ment],” had been “tak[ing] ever more time and . . . prepar[ing] ever longer EISs for future projects”. 145 S.Ct. at 1513. VA is therefore issuing this interim final rule to align its actions with the Supreme Court’s decision and streamline its process of ensuring reasonable NEPA decisions.

Finally, Congress again amended NEPA in 2025 through section 60026 of the One Big Beautiful Bill Act (Pub. L. 119–21 (July 4, 2025)), adding section 112 of NEPA, entitled “Project Sponsor Opt-in Fees for Environmental Reviews.” This provision allows project sponsors to pay a fee to obtain shortened NEPA review deadlines.

Thus, VA is revising its NEPA regulations to reflect the current policies and activities within VA, the rescission of the CEQ NEPA implementing regulations, recent case law, and to comply with NEPA, as revised. Further, this revision standardizes the approach to improve both the quality and timeliness of VA’s NEPA process. This revision has been called for, authorized, and directed by all three branches of government at the highest possible levels.

II. Discussion of the Interim Final Rule

A. Subpart A: General Information

The legal authorities for 38 CFR part 26 are revised to remove reference to revoked Executive Order 11991 and Executive Order 11514, add reference to Executive Order 14154, and retain citation of NEPA (42 U.S.C. 4321 *et seq.*).

Section 26.0 addresses the purpose of subpart A by explaining that subpart A provides the procedures by which the VA considers the environmental effects of its actions in carrying out the VA mission. It also explains that subpart A sets forth the scope and terminology of part 26, and the responsibilities for implementing the requirements of the NEPA and part 26.

Existing 38 CFR 26.2 “Applicability and scope” is revised by § 26.11 to clearly state that VA’s NEPA regulations encompass all VA offices, administrations, and activities. Existing § 26.1 “Issuance and purpose” is revised by § 26.10 to include VA’s objectives in the updated approach to implementing NEPA, by emphasizing early incorporation of NEPA into agency planning, the quality of environmental analysis, and timely decision-making.

Section 26.11, the revised “Applicability and Scope” §, describes the types of actions within VA control and subject to NEPA. Currently, the regulations contain a blanket statement (existing § 26.2) applying the NEPA procedures to VA and its offices. The applicability of NEPA, and the reach of VA’s NEPA regulations, will not change, but the new language clarifies the scope and applicability for improved awareness and understanding. These regulations apply only to major Federal actions as defined in section 111(10) of NEPA (42 U.S.C. 4336e(10)), including but not limited to construction and maintenance projects, real property acquisition and disposal, leases and sharing agreements, grants and other funding actions, other facility and asset management decisions, and any other action that meets the statutory definition of a major Federal action and has the potential for a significant environmental impact. Section 26.11 of 38 CFR also identifies activities and decisions that are not major Federal actions and thus not subject to NEPA, for example, entitlements. Entitlements are benefits provided to veterans in which VA’s role is purely administrative in nature such as pension benefits. The existing regulations do not distinguish between VA actions that are major Federal actions and those that are not.

Section 26.3, the existing “Definitions” §, defines only the terms “United States” and “VA elements” and provides a generic reference to the definitions in the now-revoked CEQ regulations. Section 26.12 of the interim final regulations references the statutory definitions set forth in section 111 of NEPA (42 U.S.C. 4336e) and provides the full text of definitions only for terms relevant to implementing the VA NEPA

procedures that are not defined in the statute.

Existing 38 CFR 26.5

“Responsibilities” assigns roles to only three types of VA staff. By contrast, new § 26.13 “Responsibilities” describes and includes a list of responsibilities for “applicants,” “Senior Agency Official,” and other types of agency staff who participate in the NEPA process.

The interim final rule provides a new § 26.14 for specific “Environmental Practices.” Section 26.14 includes practices for efficiency, capability, similar actions, combining NEPA with other environmental and historic preservation requirements, programmatic NEPA documents, and connected actions. Section 26.14 emphasizes the efficient use of VA resources during the NEPA process by encouraging the use of allowable efficiency approaches. The existing regulations do not include information about these practices. VA is including § 26.14 in the interim final rule to encourage strategic planning and avoid redundant environmental analyses.

As part of this revision, some existing §§ and text in the current regulations have been relocated. The following summary provides a guide to where the text originally found in 38 CFR 26.1 through 26.5 has been moved, along with a summary of any revisions to the existing text:

Existing § 26.1 “Issuance and purpose.”

VA revises and moves existing § 26.1 to § 26.10 “Purpose of this part” to provide legal authorities for the revised regulations.

Existing § 26.2 “Applicability and scope.”

The revised and relocated text, in § 26.11 “Applicability and scope,” clarifies the applicability of the interim final rule and describes the types of actions to which the interim final rule does and does not apply.

Existing § 26.3 “Definitions.”

In § 26.12 “Definitions,” moved from existing § 26.3, VA expands the list of definitions to include the full text of terms commonly used within VA during the NEPA process.

Existing § 26.4 “Policy.”

In § 26.14 “Environmental practices,” new practices emphasize strategic environmental planning. Section 26.14 promotes early integration of NEPA into the decision-making process, combining other environmental and historic preservation requirements into the NEPA process for efficiency, and analyzing similar actions together in programmatic analyses for efficient decision-making.

Existing § 26.5 “Responsibilities.”

In § 26.13, moved from existing § 26.5, the interim final rule expands the current list of responsible parties to clarify the roles of VA staff participating in the NEPA process. VA is also including two new NEPA oversight roles to reflect current practice within VA: the NEPA Implementation Officer and the Senior Agency Official. The interim final rule also authorizes chains of delegation and promotes coordination.

B. Subpart B: NEPA Process for VA Actions

As explained in § 26.20, subpart B outlines the requirements and process for NEPA compliance to inform VA decision-making. Section 26.21 provides context by explaining how VA will integrate NEPA with VA planning. Remaining §§ 26.22 through 26.73 lay out NEPA analysis options and NEPA implementation methods specific to those options.

Section 26.7(b) of the existing regulations indicates the time at which VA must complete relevant environmental analyses for leases, grants, policies, legislative proposals, miscellaneous and non-recurring delegated projects, land acquisitions, and emergency circumstances. However, these activities no longer reflect the full scope of VA activities and the list of activities did not provide for decisions related to ongoing or new operations. Section 26.21 of the interim final rule replaces the existing list of activities with procedures for activities now common to VA, including acquisition activities and construction projects. VA is combining and expanding upon existing §§ 26.6, 26.7, and 26.9 in the revised subpart B §§. Acquisitions and construction projects represent the majority of project types that require NEPA analyses within VA. VA is including these projects in § 26.21 “Integrating NEPA with VA planning” to standardize NEPA analyses across VA and clarify the proper timing of the NEPA process together with VA decision-making for these activities. VA also adds an emphasis in § 26.21(a)(1) on beginning the NEPA process at the earliest reasonable time. Additionally, VA added a requirement in § 26.21(a)(2) for relevant NEPA documents, comments, and responses to accompany the proposal through existing agency review processes.

The interim final rule includes a new § 26.22 “Determining the appropriate level of NEPA review,” which explains VA’s process for choosing the appropriate level of NEPA review: CATEX, EA, or EIS. The existing regulations do not explain the process

for selecting the appropriate level of review, which has made it difficult for VA decision-makers to know which type of analysis is appropriate for a given project. VA is adding this overview to help VA officials and to standardize the process for determining the appropriate level of NEPA review across VA.

The interim final rule contains specific requirements for CATEXs in §§ 26.30–26.32. Section 26.6 of the existing regulations includes a list of actions that typically require CATEXs, EAs, and EISs. Sections 26.30 and 26.32 revise the list of VA CATEXs and update procedures for their application for consistent documentation and use throughout the agency.

Within § 26.7(b) of the existing VA NEPA regulations, there is a list of “major decision points” when VA must complete a relevant environmental analysis for a proposed action. However, the existing VA regulations do not clearly state what to consider and prepare at each major decision point and the list is not comprehensive for VA activities. To clarify when VA must complete environmental analysis, VA is specifying the requirements in §§ 26.40 and 26.41 “Requirements for EAs” and “Requirements for EISs,” respectively. Requirements for time limits and page limits are included for each analysis type. Additionally, § 26.73 of the interim final rule includes direction on reevaluating and supplementing EAs and EISs.

Through § 26.42 of the interim final rule, VA is also providing procedures for public engagement. The existing regulations do not include information about how VA will reach out to the public. VA recognizes open discussion at the outset of the NEPA process can alleviate public concerns, where relevant. VA is including § 26.42 “Public engagement procedures” to standardize procedures for providing notice of intent and scoping. Section 26.42(a) also clarifies that the NEPA process for a CATEX does not exclude public engagement.

This interim final rule includes § 26.50 “Mitigation and monitoring.” Section 26.50 explains the purpose of mitigation measures and provides examples of mitigation approaches to help VA decision makers formulate and apply mitigation measures. VA is requiring mitigation and monitoring costs to be included in project budgets when the agency has such discretion. VA will identify monitoring and mitigation requirements in the NEPA decision document. The interim final rule also provides that VA may provide for required mitigation or monitoring

where VA has such discretion. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation.

In § 26.60 “The decision: documentation and initiation of action” this interim final rule codifies conditions for when VA can take action evaluated in a NEPA document. Section 26.60 includes a discussion of the required elements of a decision document, such as a finding of no significant impact or record of decision. The existing regulations do not explain when VA may proceed with a proposed action. The revised regulations ensure VA does not violate NEPA by inadvertently committing resources to a proposed action prior to the conclusion of the NEPA process (42 U.S.C. 4332(C)(v)).

VA is adding § 26.70 “Programmatic NEPA documents,” § 26.71 “Reliance on existing NEPA documents,” § 26.72 “Combining documents,” and § 26.73 “Supplemental analyses” to encourage their use throughout VA. These efficiency approaches are not encouraged within the existing regulations. As a result, these approaches are used infrequently in VA and are generally not well understood. For example, programmatic analyses allow VA to use NEPA for broad actions such as the development of master plans at VA facilities. Analyzing broad actions programmatically helps to capture all potential effects while simplifying and focusing tiered analyses for individual projects and improving the efficiency of the NEPA process for these projects. VA may rely on another Federal agency’s NEPA document if an action analyzed in NEPA document prepared by another Federal agency and VA’s action are substantially the same. Direction on how VA may rely on and use an EIS, EA, or CATEX determination have been incorporated into these regulations. VA uses supplemental analyses when VA proposes changes to a previously analyzed action or when there is substantial new information or circumstances relevant to environmental concerns. Supplemental analyses allow VA to add to an existing NEPA analysis instead of redoing the entire NEPA analysis. Thus, VA is adding § 26.73 “Supplemental analyses” to additionally clarify how the administrative record should document a supplemental analysis. Sections 26.70 through 26.73 will help VA save resources by reducing redundant analyses.

As part of the revision, some text in the current regulations has been relocated to different §§. The following summary provides a guide to these

changes to existing §§ 26.6, 26.7, and 26.9:

VA is expanding existing § 26.6 “Environmental documents.” into five new §§: § 26.22 “Determining the appropriate level of NEPA review,” § 26.30 “Categorical exclusions,” § 26.32 “List of VA categorical exclusions,” § 26.40 “Requirements for EAs,” and § 26.40 “Requirements for EISs.” The interim final rule also adds § 26.31 “Adoption and application of CATEXs from another agency’s NEPA procedures.”

VA moved existing § 26.7 “VA environmental decision making and documents.” to new § 26.21 “Integrating NEPA with VA planning” and § 26.22 “Determining the appropriate level of NEPA review.” In the interim final rule, VA reframes the discussion of environmental decision-making in the context of seeking and applying efficiencies, and focusing on reasonably foreseeable environmental effects specific to that action.

Existing § 26.9 addresses “Information on and public engagement in VA environmental process.” The interim final rule codifies public engagement procedures within VA by adding § 26.42 “Public engagement procedures” to provide consistency with and for flexibilities in accordance with current statutory requirements.

C. Subpart C: The Role of Third Parties in the NEPA Process

As explained in § 26.80, subpart C outlines the relationship between VA and Federal, Tribal, State, and local environmental agencies; identifies the role of VA in actions initiated by other Federal agencies and the role other Federal agencies may play in VA actions; and describes the role of applicants in VA’s NEPA process.

Section 26.8 of the existing regulations identifies several types of projects with third-party involvement that may require NEPA review and generally states in existing § 26.9 that VA will include other parties in the preparation of environmental documents to the extent practicable, but does not explain how or what type of involvement should occur. Sections 26.81 through 26.84 discuss third parties in greater detail, including relationships with third parties; State, Tribal, and local requirements; and the role of applicants.

Subpart C includes a new § 26.81 “Relationships with third parties.” New § 26.81 discusses how VA will participate as a lead, joint-lead, or cooperating agency when Tribes and Federal, State, and local agencies are involved in a proposed action. Section

26.5 of the existing regulations assigns responsibility for picking the lead VA element, but there are no procedures for determining the level of participation of VA, Tribes, and other agencies in a shared action. Section 26.81(c) of the interim final rule changes the responsibility for determining VA’s lead agency designation to the Senior Agency Official. The existing regulations also do not discuss joint lead agencies or cooperating agencies. New § 26.81 will help VA to improve coordination with Tribes and other agencies.

Section 26.82 “State, Tribal, and local requirements” addresses two issues. First, VA is including new § 26.82 to harmonize VA actions with State, Tribal, and local compliance activities to the extent practicable. State, Tribal, and local agencies may have programs, plans, and procedures that impact VA actions; or conversely, VA actions may impact the programs, plans, and procedures of State, Tribal, and local agencies. Secondly, new § 26.82 avoids duplication of NEPA analyses when similar environmental analyses and documents as those needed for a VA action exist or are necessary for State, Tribal, and local environmental and historic preservation requirements. VA does not have procedures for coordinating environmental analyses with other agencies in its existing regulations. Section 26.82 will help VA officials coordinate with their State, Tribal, and local counterparts and improve efficiency.

Tribes are identified separately in § 26.82 and throughout 38 CFR part 26 because of their sovereign status, the government-to-government relationship between Tribes and the Federal government, and the Federal-Tribal trust relationship. The Federal government must respect Tribal sovereignty when its activities may impact Tribal resources and engage with Tribes in a government-to-government relationship. The Federal government also has a trust responsibility to Tribes that includes the protection of Tribal sovereignty, and a legal obligation arises when the Federal government has control or deprives a Tribe of the ability to manage a Tribal resource. This legal obligation will require the Federal government to act in good faith toward a Tribe, Tribal property, and Tribal rights. VA recognizes the special status of Tribes and will interact with Tribes appropriately for VA activities that may impact Tribal resources.

VA is adding § 26.83 “Applicants for Federal assistance” in the interim final rule because an applicant’s participation in the NEPA process is critical to the completion of an EA or EIS for certain

Federal assistance actions, and the existing regulations do not discuss the role of applicants in the NEPA process. To complete the NEPA process, VA needs the applicant’s information concerning environmental resources at the site(s) of the proposed action. Applicants may prepare the EA or EIS and perform subsequent mitigation and monitoring. The revised regulations will provide information to applicants about their role in the NEPA process for grants and discretionary benefits, and actions the applicants may take to develop preliminary plans in accordance with NEPA.

VA is adding § 26.84 “Non-compliance by applicants” to codify that VA will promptly notify applicants of any non-compliance with the NEPA process. VA must ensure applicants comply with NEPA because the ultimate responsibility for compliance falls upon VA.

D. Subpart D: Unique Procedures: Emergencies, Protected Information, and International Actions

As explained in § 26.90, subpart D provides the VA procedures for complying with NEPA during emergencies, how VA will handle sensitive or classified information, and how VA will consider the international effects of VA actions. New subpart D includes NEPA procedures for emergency actions in § 26.91, actions with sensitive or classified information in § 26.92, and international actions or effects in § 26.93. The interim final rule groups §§ 26.91 through 26.93 together because actions taken in these circumstances do not follow the typical NEPA process. The existing regulations do not provide NEPA procedures for these actions. VA is adding subpart D to codify its procedures for developing alternative arrangements in emergencies, protecting sensitive or classified information, and considering international actions or effects to the extent practicable.

Section 26.7 of the existing regulations refers to the now-revoked CEQ regulations for developing alternative arrangements in an emergency, but it does not provide specific guidance on how to determine when alternative arrangements are necessary. New § 26.91 “Emergencies” adds procedures to determine when to develop alternative arrangements. VA is adding § 26.91 to make it easier for VA officials to include NEPA in their response to emergencies.

New § 26.92 “Sensitive or classified information” provides VA with policy and documentation requirements for protecting and documenting sensitive

and classified information submitted during the NEPA process. VA does not address sensitive or classified information in the existing VA procedures. New § 26.92 codifies its practice of protecting individual veterans' information from dissemination to the public or non-VA entities, consistent with the Freedom of Information Act (5 U.S.C. 552). VA will also protect sensitive and classified information in the interest of national security.

The new regulations include 38 CFR 26.93 "International actions or effects" to clarify what VA should consider with respect to environmental effects overseas. The existing regulations do not discuss international actions, which are actions taken outside of the United States. Extraterritorial actions with effects located entirely outside of the jurisdiction of the United States are excluded from the statutory definition of "major Federal action" and thus not subject to NEPA. 42 U.S.C. 4336e(10)(B). For such extraterritorial actions, the governing authority as cited in the regulations is Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*. Executive Order 12114 does not rely upon NEPA for its authority but does further the purpose of NEPA and provides guidance for VA on how to consider effects for its overseas operations.

III. Revisions to Categorical Exclusions

A. Explanation of Changes to CATEX List

Section 26.6(b) of current 38 CFR identifies 13 actions that are categorically excluded from further detailed review under NEPA. This list of categorically excluded actions has not been updated since 1989. Since that time, VA has added new programs and missions and gained additional experience implementing actions that do not generate significant effects.

VA is replacing the existing list of 13 CATEXs with 28 categories of actions that may be excluded from further NEPA review, as follows:

VA-Wide Operations

1. Field exercises and training.
2. Field studies and surveys.
3. Special events, ceremonies, and related activities.
4. Waste management.
5. Transportation.

Housing Operations

6. Provision of housing.

Acquisition or Disposition of Land, Buildings, or Space

7. Acquisition of space within an existing structure.
8. Acquisition of land and/or buildings.
9. Out-leases to third party tenants.
10. Agreements for use of VA-owned space.
11. Disposal of real property.

Services and Procurement

12. Medical-related services.
13. Research.
14. Laundry and food services.
15. Procurement, lease, transport, storage, and disposition of supplies, materials, and equipment.

Cemetery Operations

16. Interment ceremony services.
17. Soil excavation and replacement for interments.
18. Cemetery land development.

Electronics

19. Communication systems.

New Construction and Related Activities

20. New construction.
21. Interior renovation.
22. Installing new or replacing or relocating onsite existing building components, site elements, utilities, and equipment.
23. Repair, renovation, and maintenance.
24. Demolition.
25. Environmental remediation and abatement.

Energy

26. Solar and wind energy.
27. Retro commissioning.
28. Conservation and energy efficiency measures.

As appropriate, the activities described by VA's existing 13 CATEXs are incorporated into the replacement set of 28 CATEXs. VA found it to be more efficient to replace the existing CATEXs with a new list to add specificity and clarity and provide VA NEPA practitioners with better guidance on what qualifies for a CATEX. VA has found the brevity of the current CATEX descriptions to be difficult to appropriately apply. The revised list of CATEXs articulates with more specificity the types of activities to categorically exclude under each CATEX and adds appropriate limiting factors where needed.

The existing VA regulations do not identify documentation requirements for CATEXs. The revised regulations identify which CATEXs require documentation of the CATEX for each

proposed action, prepared in accordance with § 26.30 of the interim final rule.

B. Categories of CATEXs in Revised List

The revised CATEX list is organized categorically by the type of proposed action recognizable to VA staff across VA programs. These new groupings will help staff efficiently identify the CATEX applicable to their proposed action. The following paragraphs describe these CATEX groups:

VA-Wide Operations

The interim final rule provides five CATEXs for actions common to multiple VA administrations or offices including field exercises and training; field studies and surveys; special events, ceremonies, and related activities; waste management; and transportation. Two CATEXs in the current regulations address some aspects of these actions but required definition to clearly describe the types of actions and prevent misapplication.

Housing Operations

The interim final rule provides one CATEX in this category related to the provision of housing to veterans or other eligible persons. There are no CATEXs in the current regulations that specifically address housing operations.

Acquisition or Disposition of Land, Buildings, or Space

The interim final rule lists five CATEXs by type of proposed action to address those acquisition and disposition activities that have been demonstrated historically to have no significant environmental impacts. These are acquisition of space within an existing structure, acquisition of land and/or buildings with no near-term change in the general type and intensity of use, out-leases of buildings and/or land to third party tenants, agreements for use of VA-owned space, and disposal of real property that conforms to the General Services Administration guidance and meets applicable environmental and historic preservation requirements. The current regulations include only a single broad CATEX related to some real property type proposed actions.

Services and Procurement

The interim final rule provides four CATEXs specific to services and procurement, including medical-related services; research; laundry and food services; and procurement, lease, transport, storage, and disposition of supplies, materials, and equipment. The current regulations include two broad

CATEXs, one for procurement for goods and services for routine facility operations and support and one for actions supporting normal operation.

Cemetery Operations

The interim final rule provides three CATEXs to capture routine operations unique to VA's cemetery system. These are interment ceremony services, soil excavation and replacement for interments, and cemetery land development within the boundaries of an existing cemetery. There is only one cemetery-related CATEX in the existing regulations, which references land development, in addition to a broad CATEX for actions supporting normal operation.

Electronics

The interim final rule provides one CATEX for communication systems and ancillary equipment to clarify the types of such projects eligible for exclusion. There are two CATEXs in the current regulations that are related but not specific to such projects, resulting in inconsistent application.

New Construction and Related Activities

The interim final rule provides six CATEXs in this category. These CATEXs provide greater specificity to the types of activities allowable and are organized according to the most common types of construction activities within VA. The CATEXs are new construction on VA property, or property acquisition plus new construction with a building footprint that does not exceed 75,000 square feet or development of up to 20 acres of interment space, within certain limitations; interior renovation; installation, replacement, and relocation of onsite building components, site elements, site utilities, equipment, and cemetery elements; repair, renovation, and maintenance at VA facilities; demolition of structures in accordance with applicable environmental and historic preservation requirements; and environmental remediation and abatement. There are five CATEXs in the current regulations related to construction, but their grouping and definition require clarification to avoid misapplication.

Energy

The number of similar VA actions related to energy projects has increased dramatically, pointing to the need for development of new CATEXs to incorporate VA's experience with energy projects to simplify review of these actions where appropriate. The interim final rule adds three CATEXs for

proposed actions related to solar and wind energy, retro commissioning, and conservation measures. There are no CATEXs in the current regulations that fully address energy projects.

C. Comparison of Existing and Revised CATEXs

This discussion correlates the revised list of CATEXs with existing CATEXs, for which it provides the existing regulatory language.

1. Existing 38 CFR 26.6(b)(1)(i) Through (iii)

VA will remove the following CATEXs in the existing regulations and replace them with new § 26.32(a)(6)(i), (7)(iii), (7)(iv), and (8)(ii), covering related activities:

- Existing § 26.6(b)(1)(i) *Repair, replacement, and new installation of primary or secondary electrical distribution systems.*
- Existing § 26.6(b)(1)(ii) *Repair, replacement, and new installation of components such as windows, doors, roofs; and site elements such as sidewalks, patios, fences, retaining walls, curbs, water distribution lines, and sewer lines which involve work totally within VA property boundaries.*
- Existing § 26.6(b)(1)(iii) *Routine VA grounds and facility maintenance activities.*

The existing CATEXs § 26.6(b)(1)(i) and (ii) group repair, replacement, and installation activities together for electrical distribution systems, and separately group repair, replacement, and installation activities for building and site elements. Existing CATEX § 26.6(b)(1)(iii) provides for grounds and facility maintenance activities. VA reorganizes these groupings, moving installation and replacement under CATEX 22, repair and maintenance under CATEX 23, alarms and communications equipment under CATEX 19, and retro commissioning activities under CATEX 27. Note retro commissioning is the application of the commissioning process to an existing building that has not previously undergone the commissioning process to reduce reactive repairs, improve building systems performance, and maintain energy efficiency in an existing building. This regrouping will eliminate potential overlapping applicability in the existing list and clearly distinguish between activities that involve putting new components onto VA property as installation or replacement; activities that involve fixing minor components of VA properties; installation or modification of communications equipment; and

activities to analyze, diagnose, repair, and maintain building systems.

CATEXs 22 and 23 provide examples (not all-inclusive) to illustrate the type of installation and replacement, and repair and maintenance activities allowable under the respective CATEX.

Application of CATEX 22 requires documentation of the CATEX for each proposed action. Application of CATEX 19 requires documentation of the CATEX for ground-disturbing actions. Application of CATEXs 23 and 27 does not require documentation of the CATEX for each proposed action.

The substantiation record cites application of existing CATEXs (i), (ii), and (iii) to demonstrate that VA has previously found these activities do not generate significant effects and categorically excluded the actions from further NEPA review. To further support CATEX 22, the substantiation record provides EAs of activities similar to installation and replacement to demonstrate its experience with these activities and its findings of no significant impact. VA also includes the professional opinion of VA staff to support CATEX 27. The substantiation record also includes benchmarking of a wide variety of other agencies' CATEXs to demonstrate how other agencies have treated similar activities. Agency benchmarking examples include CATEXs from the Department of Agriculture, Air Force, Army, Department of Energy, Environmental Protection Agency, Federal Highway Administration, U.S. Forest Service, General Services Administration, Department of Homeland Security, Department of the Interior, and Navy.

2. Existing 38 CFR 26.6(b)(1)(iv)

VA is removing the following CATEX in the existing regulations and replacing it with new § 26.32(a)(4)(iv), covering related activities:

- Existing § 26.6(b)(1)(iv) *Procurement activities for goods and services for routing [sic] facility operations maintenance and support.*

The existing CATEX (iv) addresses procurement activities for goods and services for routine facility operations maintenance and support. VA is issuing one new CATEX to replace existing CATEX (iv). The revision will allow VA practitioners to evaluate the applicability of the CATEX more specifically to a proposed action. Under CATEX 15, VA clarified the CATEX requires that procurements must comply with Federal, State, and local requirements and be purchased in accordance with applicable policies and agency procurement requirements.

Application of CATEX 15 does not require documentation of the CATEX for each proposed action.

The substantiation record cites to VA's application of existing CATEX (iv), which encompasses services and goods for operations maintenance and support as evidence of VA's previous experience with these activities for which it has previously found procurement of goods, including medical supplies and other materials, and services to include a list of other agency CATEXs covering similar types of activities; CATEX 18 includes CATEXs from the Navy and the Postal Service; and CATEX 20 includes CATEXs from the Air Force, Army, Bureau of Prisons, Department of Homeland Security, Department of the Interior, Navy, and Postal Service. VA also includes the professional opinion of VA staff to support CATEX 17.

3. Existing 38 CFR 26.6(b)(1)(viii)

VA is removing the following CATEX in the existing regulations and replacing it with aspects of new § 26.32(a)(1)(i), (iii), (iv), (v); (2)(i); (4)(i), (ii), (iii), (iv); and (6)(i), covering similar activities:

- Existing § 26.6(b)(1)(viii) *Actions which involve support or ancillary appurtenances for normal operation.*

VA currently uses existing CATEX (viii) to cover a variety of activities that are necessary to support its primary operational focus of supporting veterans. Activities covered by existing CATEX (viii) include those proposed for provision of field exercises and training, special events and ceremonies, waste management, transportation, housing, medical-related services, aspects of research, laundry and food services, procurement, and communication systems. Because the language of existing CATEX (viii) is overly broad, VA staff and the public have had difficulty understanding what the existing language covers, resulting in inconsistent application of the CATEX. The CATEXs are intended to provide greater specificity and consistency in application of CATEXs throughout VA for these ancillary activities.

Application of CATEXs 1, 3, 4, 5, 6, 12, 13, 14, and 15 does not require documentation of the CATEX for each proposed action. Application of CATEX 19 requires documentation for ground-disturbing activities.

The substantiation record for the CATEXs cites to existing CATEX (viii), which VA currently uses to categorically exclude these activities from further NEPA review. The substantiation record also provides a number of similar CATEXs of other agencies to benchmark how other agencies have similarly found these

activities to not have the potential for significant impacts. These other agencies include the Air Force, Army, Bureau of Prisons, Department of Energy, Environmental Protection Agency, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, National Aeronautics and Space Administration, Navy, and Nuclear Regulatory Commission. VA also includes the professional opinion of VA staff to support CATEXs 1, 4, 5, 6, 12, 13, and 14.

4. Existing 38 CFR 26.6(b)(1)(ix)

VA is removing the following CATEX in the existing regulations and replacing it with new § 26.32(a)(3)(i), (iii), and (iv) covering similar activities:

- Existing § 26.6(b)(1)(ix) *Leases, licenses, permits, and easements.*

VA currently uses existing CATEX (ix) to categorically exclude any activity related to obtaining (or extending or offering) leases, licenses, permits, and easements VA have no significant impact. The substantiation record also benchmarks other agencies' CATEXs covering procurement of goods and services broadly, including agencies such as the Army, Department of Energy, and Nuclear Regulatory Commission.

5. Existing 38 CFR 26.6(b)(1)(v)

VA is removing the following CATEX in the existing regulations and replacing it with new § 26.32(a)(7)(i), (ii), and (vi), covering related activities:

- Existing § 26.6(b)(1)(v) *Interior construction or renovation.*

VA currently uses the existing § 26.6(b)(1)(v) for all interior construction and renovation work that it knows will not generate a significant impact. However, the existing CATEX neither provides any limiting factors nor clearly articulates the type of activities covered within the broad range of interior construction or renovation actions. To improve the application of NEPA for these activities and provide better guidance to VA practitioners, VA provides CATEXs 20, 21, and 25, which together cover activities previously categorically excluded under the existing CATEX.

CATEX 21 clarifies that the scope of actions of "interior renovation" refers to "renovation, alteration, restoration, or rehabilitation projects" and removes the word "construction," which is now covered under CATEX 20. CATEX 25 includes, along with other types of remediation, asbestos and lead-based paint abatement, which are routine activities for VA during interior

construction and renovation projects that VA knows through experience do not generate significant impacts when following all applicable environmental and historic preservation requirements. The additional specificity added through CATEXs 21 and 25, and the separation of construction actions included in CATEX 20, will aid VA practitioners in appropriately and consistently using these CATEXs across all VA facilities.

All VA CATEXs require VA to conduct the action in accordance with applicable environmental and historic preservation requirements.

Application of CATEX 20 requires documentation of the CATEX for each proposed action. Application of CATEXs 21 and 25 does not require documentation of the CATEX for each proposed action.

As VA previously used existing CATEX (v) to cover these activities, the substantiation record lists that existing CATEX for reference to support CATEX 21. VA is also supporting the promulgation of the CATEXs by including EAs in the substantiation record to demonstrate evidence of findings of no significant impact for renovation activities. For CATEX 25, VA cites to existing CATEX (v) to demonstrate its previous experience with remediation and asbestos and lead-based paint abatement activities and its decision to categorically exclude those activities from further NEPA review. VA also states that other types of environmental remediation actions that will be eligible for CATEX 25 would not have significant environmental impacts when conducted in accordance with environmental and historic preservation requirements, as their sole objective is to improve existing environmental conditions. The substantiation record also includes EAs for which the proposed action included abatement or remediation activities, and other agency CATEXs that benchmark similar activities that have been found to not generate significant impacts, including the Air Force, Army, Defense Logistics Agency, Department of Energy, Environmental Protection Agency, Federal Highway Administration, General Services Administration, Department of Homeland Security, Department of the Interior, Navy, and Postal Service.

6. Existing 38 CFR 26.6(b)(1)(vi and vii)

VA is removing the following CATEXs in the existing regulations and replacing them with aspects of new § 26.32(a)(5)(ii), (iii), and (7)(i), covering similar activities:

- Existing § 26.6(b)(1)(vi) *New construction of 75,000 gross square feet or less.*

- Existing § 26.6(b)(1)(vii) *Development of 20 acres of land or less within an existing cemetery, or development on acquired land of five acres or less.*

In the new CATEXs, VA clarifies the parameters around when new construction and development activities may be categorically excluded. Existing CATEXs (vi) and (vii) provide square footage and acreage limitations only, which do not address the necessary limiting factors that VA historically considers when determining whether to categorically exclude new construction activities from further NEPA review, based on agency experience and understanding of what activities may cause significant impacts. CATEX 18 provides for land development within an existing cemetery when it complies with applicable environmental and historic preservation requirements. CATEX 17 provides for soil excavation and replacement for interments in pre-placed crypts and direct burials in existing cemeteries. CATEX 20 applies to construction supporting any of VA's missions (veterans' health care, veterans' benefits, national cemeteries, and preparedness) and requires the project, whether on existing or newly acquired VA property or through a build-to-suit lease, to not exceed the capacity of existing infrastructure and comply with applicable environmental and historic preservation requirements. These details will enable VA practitioners to more easily determine whether to apply a CATEX to new construction activities.

Application of CATEXs 18 and 20 requires documentation of the CATEX for each proposed action. Application of CATEX 17 does not require documentation of the CATEX for each proposed action.

For CATEXs 18 and 20, the substantiation record cites to application of existing CATEXs (vi) and (vii), which VA currently use to categorically exclude new construction activities. VA also provides support in the substantiation record through EAs of similar activities to demonstrate the scope of the CATEXs aligns with its findings of the types of new construction activities that will not generate significant impacts, from onsite construction at hospitals and other medical facilities. The substantiation record also knows will not generate significant impacts. However, existing CATEX (ix) lacks descriptive language and limiting factors to guide VA practitioners in its application. In

review, VA is establishing CATEXs 7, 9, and 10 to better define these types of activities and requiring the activity to result in no change in the general type of use and no more than minimal occupancy level changes. In CATEX 7, VA is acquiring space within an existing structure from a third party. In CATEX 9, VA is offering out-leases of building and/or land to third party tenants. In CATEX 10, VA is offering Federal or State agencies or entities an agreement for sharing space and resources.

Application of CATEXs 7, 9, and 10 requires documentation of the CATEX for each proposed action.

As VA previously categorically excluded all related leasing, licensing, permitting, and easement activities that it knew through experience would not generate significant impacts, existing CATEX (ix) is the primary support for CATEXs 7, 9, and 10. The substantiation record also includes a number of EAs for CATEX 9 as further substantiation. The substantiation record also includes benchmarking of similar CATEXs from other Federal agencies, including the Air Force, Army, Bureau of Land Management, Department of Energy, Environmental Protection Agency, Federal Aviation Administration, Department of Homeland Security, General Services Administration, and National Aeronautics and Space Administration.

7. Existing 38 CFR 26.6(b)(1)(x)

VA is removing the following CATEX in the existing regulations:

- Existing § 26.6(b)(1)(x) *Reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes.*

Section 106 of the NEPA statute as revised states that an agency is not required to prepare an environmental document if “the proposed agency action is a nondiscretionary action with respect to which such agency does not have authority to take environmental factors into consideration in determining whether to take the proposed action”, and section 111 of the NEPA statute as revised excludes “activities or decisions that are non-discretionary and made in accordance with the agency’s statutory authority,” as well as ones with no or minimal Federal funding, from the definition of “major Federal action”. 42 U.S.C. 4336(a)(4), 4336e(10)(B)(vii). Therefore, such actions are excluded from the requirement for NEPA review and VA does not include this CATEX in the interim final rule.

8. Existing 38 CFR 26.6(b)(1)(xi)

VA is removing the following CATEX in the existing regulations and replacing it with new 38 CFR 26.32(a)(1)(ii), covering similar activities:

- Existing § 26.6(b)(1)(xi) *VA policies, actions and studies which do not significantly affect the quality of the human environment.*

VA is replacing existing CATEX (xi) with CATEX 2. The existing CATEX (xi) is written broadly and does not specify what types of policies, actions, studies, and guidance are major Federal actions subject to NEPA review and that fall within the scope of the CATEX. CATEX 2 will clarify this CATEX’s applicability for VA practitioners. The new CATEX specific to field studies and surveys clarifies the types of activities that are eligible for this CATEX and promotes consistency in NEPA reviews across VA.

For CATEX 2, the substantiation record cites to existing CATEX (xi), which VA currently uses to CATEX these types of actions, and benchmarks to other agency CATEXs. Other agency CATEXs similar to CATEX 2 and included in the substantiation record are from the Army, Department of Energy, General Services Administration, Department of Homeland Security, and National Aeronautics and Space Administration.

Application of CATEX 2 does not require documentation of the CATEX for each proposed action.

9. Existing 38 CFR 26.6(b)(1)(xii) and (xiii)

VA is eliminating the following existing VA CATEXs:

- Existing § 26.6(b)(1)(xii) *Preparation of regulations, directives, manuals or other guidance that implement, but do not substantially change, the regulations, directives, manuals, or other guidance of higher organizational levels or another Federal agency.*

- Existing § 26.6(b)(1)(xiii) *Actions, activities, or programs that do not require expenditure of Federal funds.*

VA rarely, if ever, applied CATEX (xii) due to its ill-defined nature, and it is not being retained. Regarding existing CATEX (xiii), section 111 of the NEPA statute as revised excludes actions with no or minimal Federal funding from the definition of “major Federal action”. 42 U.S.C. 4336e(10)(B)(i)(I). Therefore, such actions are excluded from the requirement for NEPA review and VA does not include these CATEXs in the interim final rule.

10. CATEXs for Activities Not Previously Categorically Excluded

The following CATEXs are for activities not previously clearly categorically excluded under the existing VA CATEX list in 38 CFR part 26:

38 CFR 26.32(a)(3)(ii) CATEX 8: *Acquisition of land and/or buildings.*

The substantiation record includes some aspects of existing VA CATEXs (vi), (vii), and (ix); and a number of EAs demonstrating that VA experience in acquisitions of land and/or buildings does not have the potential for significant impacts when there is no near-term proposed change in the general type of use or occupancy level. Also provided in the substantiation record are similar CATEXs from other agencies to benchmark how other agencies also found similar activities to not have the potential for significant impacts, including the Department of Energy, Environmental Protection Agency, and General Services Administration. Application of CATEX 8 requires documentation of the CATEX for each proposed action.

38 CFR 26.32(a)(3)(v) CATEX 11: *Disposal of real property.*

The substantiation record for CATEX 11 includes an EA demonstrating VA experience conducting these activities through either the transfer or sale of VA-owned property to other entities. The substantiation record also provides benchmarks of similar CATEXs of other Federal agencies including the Air Force, Army, Bureau of Land Management, Department of Energy, Environmental Protection Agency, Federal Highway Administration, and General Services Administration. Application of CATEX 11 requires documentation of the CATEX for each proposed action.

38 CFR 26.32(a)(4)(ii) CATEX 13: *Research.*

The substantiation record includes some aspects of existing VA CATEX (viii), and a number of similar CATEXs from other agencies to benchmark how other agencies also found research actions similar to those at VA where applicable environmental and safety requirements are met. These other agency CATEXs include those from the Department of Agriculture, Air Force, Army, Department of Energy, Environmental Protection Agency, Department of Homeland Security, National Aeronautics and Space Administration, and Navy. VA also provides the professional opinion of VA staff with experience conducting this activity to support CATEX 13. Application of CATEX 13 does not

require documentation of the CATEX for each proposed action.

38 CFR 26.32(a)(5)(i) CATEX 16: *Interment ceremony services.*

Other agencies with memorial services including the Army, the National Aeronautics and Space Administration, and the Navy have found that ceremonies for memorial and interment do not have the potential for significant impacts. VA has included references to these other agencies' CATEXs for similar activities to benchmark its own CATEX. VA also includes the professional opinion of VA staff with experience conducting these activities to support CATEX 16.

Application of CATEX 16 does not require documentation of the CATEX for each proposed action.

38 CFR 26.32(a)(7)(v) CATEX 24: *Demolition.*

For CATEX 24, the substantiation record includes several EAs to demonstrate VA's consistent findings of no significant impact for demolition of structures. Additionally, the substantiation record provides references to similar CATEXs at other agencies to benchmark those other agencies' determinations that demolition activities have no potential for significant impacts with completion of National Historic Preservation Act consultation, including the Army, Department of Energy, and Department of Homeland Security. Application of CATEX 24 requires documentation of the CATEX for each proposed action.

38 CFR 26.32(a)(8)(i) CATEX 26: *Solar and wind energy.*

The substantiation record includes aspects of existing VA CATEX (ii) and EAs for the installation of solar photovoltaic systems and wind turbines on existing non-historic structures to substantiate the CATEX. These EAs demonstrate the consistent finding of no significant impact for installation of solar photovoltaic systems and wind turbines by VA on structures such as buildings or carports that have no historical significance. The substantiation record also includes two references to Department of Energy CATEXs covering similar actions to benchmark the CATEX. Application of CATEX 26 requires documentation of the CATEX for each proposed action.

38 CFR 26.32(a)(8)(iii) CATEX 28: *Conservation and energy efficiency measures.*

For CATEX 28, the substantiation record includes aspects of existing CATEX (v) and EAs VA has conducted that included conservation and energy efficiency improvements in its facilities as part of a variety of larger actions including upgrade, renovation, and new

construction in different parts of the country and demonstrates the consistent finding of no significant impact. The substantiation record also benchmarks other agencies' CATEXs for similar actions by the Department of Energy and Federal Transit Administration. Application of CATEX 28 requires documentation of the CATEX for proposed actions involving ground source heat pump and combined heat and power systems, power storage, and small-scale research and development for energy efficiency and conservation.

Executive Orders 12866, 13563, and 14192

VA examined the impact of this rulemaking as required by Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. This interim final rule is a deregulatory action under Executive Order 14192.

Economic Impact: VA expects minor cost savings that cannot be quantified. VA does not have specific data to assess the economic impact of this interim final rule because such data do not exist and would be difficult to develop. This interim final rule modifies 38 CFR part 26. VA anticipates that the changes in this interim final rule will enable projects to move more expeditiously through the Federal environmental review process. It will reduce the preparation of extraneous environmental documentation and analysis not needed for compliance with NEPA while still ensuring that projects are built in an environmentally responsible manner and consistent with Federal law.

Administrative Procedure Act

The Secretary of Veterans Affairs finds that there is good cause under the provisions of 5 U.S.C. 553(b)(B) to publish this rule without prior opportunity for public comment.

VA's basis for issuing an interim final rule is the Administrative Procedure Act (APA) exception for "interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice". 5 U.S.C. 553(b)(A). VA's regulations implementing NEPA's procedural requirements may be characterized as rules of agency procedure and practice. NEPA itself is a

“purely procedural statute” which “‘simply prescribes the necessary process’ for an agency’s environmental review of a project”—a review that is, even in its most rigorous form, “only one input into an agency’s decision and does not itself require any particular substantive outcome”. *Seven County*, 145 S. Ct. at 1511). “NEPA imposes no substantive constraints on the agency’s ultimate decision to build, fund, or approve a proposed project,” and “is relevant only to the question of whether an agency’s final decision . . . was reasonably explained”. *Seven County*, 145 S. Ct. at 1511. VA’s regulations implementing NEPA do not dictate what outcomes such consideration must produce, nor do they impose binding legal obligations on private citizens. Rather, they prescribe the procedure by which VA should conduct its NEPA reviews: for example, by detailing the structure of EISs, specifying procedural requirements, and directing the timing of public comment periods. These are procedural provisions, not substantive environmental ones. Indeed, it is hard to see how they could be otherwise, since the Supreme Court has recently repeatedly emphasized that “NEPA is a purely procedural statute”; “NEPA is purely procedural. . . . NEPA does not mandate particular results, but simply prescribes the necessary process for an agency’s environmental review of a project” (internal quotation omitted); “NEPA is a purely procedural statute”; “NEPA is properly understood as “a modest procedural requirement””; “NEPA’s status as a purely procedural statute”; and “Simply stated, NEPA is a procedural cross-check, not a substantive roadblock”. *Seven County*, 145 S. Ct. at 1507, 1510, 1511, 1513, 1514. Procedures for implementing a purely procedural statute must be, by their nature, procedural rules. Thus, they cannot be legislative rules; as such, they do not need to be promulgated via notice-and-comment rulemaking.

Even if VA’s regulations were not procedural rules, they may be characterized as interpretative rules or general statements of policy. *See* 5 U.S.C. 553(b)(A). An interpretative rule provides an interpretation of a statute rather than makes discretionary policy choices, which establish enforceable rights or obligations for regulated parties under delegated congressional authority. General statements of policy provide notice of an agency’s intentions as to how it will conduct itself, again without creating enforceable rights or obligations for regulated parties under delegated congressional authority.

Both of these types of agency action are expressly exempted from notice and

comment by statute. 5 U.S.C. 553(b)(A). While the exception excludes notice and comment procedures, VA invites public comments on this interim final rule and will fully consider and address any comments received.

Moreover, VA also finds that, to the extent that prior notice and solicitation of public comment would otherwise be required or this action could not immediately take effect, the need to expeditiously replace its existing rules satisfies the APA’s “good cause” exceptions (5 U.S.C. 553(b)(B), (d)). The APA authorizes agencies to issue regulations without notice and public comment when an agency finds, for good cause, that notice and comment is “impracticable, unnecessary, or contrary to the public interest” (5 U.S.C. 553(b)(B)) and to make the rule effective immediately for good cause (5 U.S.C. 553(d)(3)). VA’s existing regulations were promulgated to implement NEPA in accordance with CEQ’s NEPA regulations, and thus relied on CEQ’s NEPA regulations (38 CFR 26.1). As such, VA’s current rules are in an uncertain status, implementing a NEPA process that no longer exists. VA, thus far and as a temporary, emergency measure, has been continuing to operate under its prior procedures as if the CEQ NEPA process still existed. However, this is not tenable.

That being so, rescinding the old procedures immediately without replacing them would create a vacuum that would inflict immense uncertainty and potentially grind all projects under VA’s purview to a halt. So, pairing the rescission with a new structure immediately is critical. Because of this need for speed and certainty, notice-and-comment is, to the extent it was required at all, impracticable and contrary to the public interest.

To the extent that public comment may inform VA as to whether it has legal authority to make a different choice than the one it has taken in this interim final rule, VA’s solicitation of public comment for 30 days following the publication of the interim final rule is intended to accommodate that possibility. To the extent that this interim final rule would otherwise require a proposal and solicitation of public comment, VA’s view is that the “good cause” exception (5 U.S.C. 553(b)(B)) pertains here. And though VA seeks comments to obtain the public’s views, such comments could not alter the legal realities—most notably the repeal of CEQ’s NEPA rules and the rescission of the executive order that purported to authorize them—that create the swift need for such a change. VA will consider comments submitted

in response to this action and may address them when issuing a final rule, if warranted, after consideration of the comments received.

For the same reasons, VA finds that “good cause” exists under 5 U.S.C. 553(d)(3) to waive the 30-day delay of the effective date that would otherwise be required. This interim final rule will accordingly be effective immediately.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

Unfunded Mandates

This interim final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year.

Paperwork Reduction Act

This interim final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501 through 3521).

Tribal Consultation

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, directs agencies to engage in nation-to-nation consultation with Tribes on agency actions that have substantial direct effects on Tribes. VA has assessed the impact of this interim final rule on Indian Tribal governments and has determined preliminarily that the interim final rule does not significantly or uniquely affect these communities. VA will continue to consult with Tribal nations on individual actions in compliance with Executive Order 13175, agency policy, and other authorities such as the National Historic Preservation Act.

NEPA

This interim final rule is procedural in its entirety and therefore does not require preparation of a NEPA analysis. NEPA does not require environmental analysis or documentation when establishing procedural guidance. Thus, establishing NEPA procedures does not require NEPA analysis and documentation (*Heartwood, Inc. v. U.S. Forest Service*, 230 F.3d 947, 954–55 (7th Cir. 2000)).

List of Subjects in 38 CFR Part 26

Environmental impact statements.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on June 8, 2026, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Gabriela DeCuir,

*Alternate Federal Register Liaison Officer,
Department of Veterans Affairs.*

■ For the reasons stated in the preamble, the Department of Veterans Affairs revises 38 CFR part 26 to read as follows:

PART 26—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Subpart A—General Information

Sec.

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26.10 Purpose of this part.

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Subpart C—The Role of Third Parties in the NEPA Process

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26.91 Emergencies.

26.92 Sensitive or classified information.

26.93 International actions or effects.

Authority: 42 U.S.C. 4321–4370a; E.O. 11514, 90 FR 8353.

Subpart A—General Information

§ 26.0 Purpose of this subpart.

This subpart provides the procedures by which the Department of Veterans Affairs (VA) considers the environmental effects of its actions in carrying out the VA mission. This subpart also sets forth the scope and terminology of this part, and the responsibilities for implementing the requirements of the National Environmental Policy Act (NEPA) and this part.

§ 26.10 Purpose of this part.

(a) The purpose of this part is to implement NEPA as amended (42 U.S.C. 4321 *et seq.*) for VA actions. VA will follow the procedures and policies outlined in this part; relevant Executive orders, statutes, and regulations; and the policies of VA.

(b) This part establishes a framework for the early incorporation of the NEPA process into VA planning and decision-making for all VA activities that meet the definition of *major Federal action* in section 111(10) of NEPA (42 U.S.C. 4336e(10)).

(c) This part emphasizes the quality and timeliness of analysis of environmental effects rather than simply the production of documents.

(d) VA intends this part to ensure that VA identifies and considers relevant environmental information early in the process to ensure informed decision-making; to ensure that VA conducts environmental reviews in a coordinated, consistent, predictable, and timely manner; to reduce unnecessary burdens and delays; and to promote concurrent environmental reviews to ensure timely and efficient decision-making.

(e) This part does not, nor does it intend to, govern the rights and obligations of any party outside the Federal Government. They do, however, establish the procedures under which VA will typically fulfill its requirements under NEPA.

(f) In addition to the process for establishing or revising categorical exclusions (CATEXs) set forth in § 26.30(d), VA will consult with the Council on Environmental Quality (CEQ) on any proposed future revisions to these NEPA implementing procedures in accordance with section 102(2)(B) of NEPA (42 U.S.C. 4332(B)).

§ 26.11 Applicability and scope.

(a) This part applies to all VA elements in the United States, its territories, and possessions. VA elements include, but are not limited to, all of the sub-agencies, offices, organizations, and administrations

under VA control. This part also has information relevant to third parties who participate or otherwise assist VA in the NEPA process, including but not limited to States, Tribes, and applicants for VA benefits or other assistance. Subpart C of this part discusses the role of third parties in the NEPA process. In addition, § 26.93 provides information relevant to international actions or effects.

(b) VA's major Federal actions as defined in section 111(10) of NEPA (42 U.S.C. 4336e(10)) are subject to NEPA. In this part, VA actions refer to actions for which VA is the decision-maker (see § 26.12 for definition of *decision-maker*).

(1) This part applies to all VA major Federal actions. VA anticipates, on the basis of its experience, that the following types of actions are generally "major":

(i) Construction and maintenance projects;

(ii) Real property acquisition and disposal;

(iii) Leases and sharing agreements;

(iv) Grants and other funding actions; and

(v) Other facility and asset management decisions.

(2) VA will determine that NEPA does not apply to a proposed action when:

(i) The activities or decision do not result in final agency action under the Administrative Procedure Act (5 U.S.C. 704) or other relevant statute that also includes a finality requirement;

(ii) The proposed activity or decision is explicitly exempt from NEPA by law;

(iii) NEPA compliance would clearly and fundamentally conflict with another provision of law;

(iv) Congress, by statute, has prescribed decisional criteria with sufficient completeness and precision such that VA retains no residual discretion to alter its action based on the consideration of environmental factors, in which case that function of VA is nondiscretionary within the meaning of NEPA section 106(a)(4) and/or section 111(10)(B)(vii) (42 U.S.C. 4336(a)(4) and 4336e(10)(B)(vii), respectively), and NEPA does not apply to the action in question;

(v) The proposed action is an action for which another statute's requirements serve the function of agency compliance with NEPA; or

(vi) The proposed action is not a "major Federal action." The terms "major" and "Federal action," each have independent force. NEPA applies only when both of these two criteria are met. Such a determination is inherently bound up in the facts and circumstances of each individual situation, and is thus

reserved to the judgment of VA in each instance. NEPA does not apply to “non-Federal actions.” Therefore, under section 111(10)(B)(i) of NEPA, NEPA does not apply to actions with no or minimal Federal funding, or with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project (42 U.S.C. 4336e(10)(B)(i)). A “but-for” causal relationship is insufficient to make an agency responsible for a particular action under NEPA. By the same token, minimal Federal funding or involvement, which may in a causal sense be a “but-for” cause of an action, does not by itself convert that action into a Federal action within the meaning of the language of the statute. VA has determined that the following non-exhaustive list of VA activities or decisions are not subject to NEPA because they presumptively do not meet the definition of a “major Federal action”:

(A) Entitlement actions (see § 26.83(d)) and the VA home loan guaranty program; or

(B) The actions involve routine administrative matters including but not limited to funding salaries, fellowships, corresponding fringe benefits, and travel; budgeting; finance; program management; and record keeping.

(vii) In determining whether NEPA applies to a proposed agency action, VA will consider only the action or project at hand.

§ 26.12 Definitions.

(a) All definitions of words and phrases in section 111 of NEPA (42 U.S.C. 4336e) apply to the procedures in this part.

(b) In addition to the terms defined in section 111 of NEPA (42 U.S.C. 4336e), the following definitions apply to the procedures in this part:

Applicant means a non-Federal entity that seeks an action by VA such as granting a permit, license, or financial assistance. The term *applicant* includes Project Sponsors as referenced in sections 107(f) and 112 of NEPA (42 U.S.C. 4336a(f); as amended through Pub. L. 119–21, July 4, 2025).

Approval authority means the responsibility and authority to approve and sign a decision document such as a finding of no significant impact or record of decision, a memorandum of agreement, a consultation letter, or programmatic agreement. VA has approval authority for all VA actions. VA assigns and may delegate approval authority according to § 26.13.

Connected actions means a separate Federal action within the authority of VA that is closely related to the

proposed agency action and should be addressed in a single NEPA document because the proposed agency action:

(i) Automatically triggers the separate Federal action, which independently would require the preparation of additional NEPA documents;

(ii) Cannot proceed unless the separate Federal action is taken previously or simultaneously; or

(iii) Is an interdependent part of a larger Federal action that includes a separate Federal action, which mutually depend on the larger Federal action for their justification.

Decision document means a record of decision for an environmental impact statement, a finding of no significant impact for an environmental assessment, or the categorical exclusion document required for application of certain categorical exclusions as required in § 26.30(a).

Decision-maker means the entity or individual within VA with the authority to decide whether to proceed on a proposed action or select an alternative. In many, but not all, cases, the decision-maker will be the same individual or entity as the proponent. See also § 26.13(e) for a discussion of decision-maker responsibilities.

Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives.

(i) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values.

(ii) A “but-for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority, or that would occur regardless of the proposed action, or that would need to be initiated by a third party.

Extraordinary circumstances means factors or circumstances that indicate a normally categorically excluded action may have a potentially significant effect as described in § 26.30(b).

Human environment or environment means comprehensively the natural and physical environment and the

relationship of present and future generations with that environment.

Interim action means an action taken before the decision document is issued. Interim actions include but are not limited to VA actions for individual projects within a program before a programmatic analysis is complete for the entire program. See § 26.60(c) for limitations on actions during the NEPA process.

Jurisdiction by law means agency authority to approve, veto, or finance all or part of the proposal.

Mitigation means measures that avoid, minimize, or compensate for effects caused by a proposed action or alternatives as described in a NEPA document and that have a nexus to those effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation. Mitigation can include:

(i) Avoiding the impact altogether by not taking a certain action or parts of an action.

(ii) Minimizing effects by limiting the degree or magnitude of the action and its implementation.

(iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(v) Compensating for the impact by replacing or providing substitute resources or environments.

NEPA document means a categorical exclusion document, environmental assessment, environmental impact statement, finding of no significant impact, record of decision, notice of intent, notice of availability, or any other document prepared by VA pursuant to a requirement of NEPA. This is inclusive of “environmental documents” as defined in section 111(5) of NEPA (42 U.S.C. 4336e(5)), which refers specifically to environmental impact statements, environmental assessments, and findings of no significant impact.

NEPA Implementation Officer means the VA official responsible for helping to ensure the successful implementation of the NEPA process across all VA offices and administrations. See § 26.13(f) for a list of responsibilities.

NEPA process means all measures necessary for compliance with the requirements of section 2 and title I of NEPA (42 U.S.C. 4321, 4331–4336e; section 112 as amended through Pub. L. 119–21, July 4, 2025).

NEPA Specialist means a technical specialist in VA for matters relating to

NEPA. See § 26.13(h) for a list of responsibilities.

No action alternative means the option of maintaining the status quo and not proceeding with any action. The no action alternative may be included in the reasonable range of alternatives and may establish a benchmark for comparative analysis under NEPA.

Notice of availability means a notice announcing the issuance and public availability of a NEPA document.

Notice of intent means a public notice that an agency will prepare and consider an environmental impact statement or, as applicable, an environmental assessment.

Other environmental planning requirements means environmental planning requirements including, but not limited to, section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and its implementing regulations, section 7 of the Endangered Species Act (16 U.S.C. 1536) and its implementing regulations, Executive orders, and other environmental laws.

Proponent means the VA element, employee, or representative responsible for planning and initiating the proposed action. In many, but not all, cases, the proponent will be the same individual or entity as the decision-maker. See § 26.13(g) for a list of responsibilities.

Proposed action is used synonymously with “proposal” in this part; see 42 U.S.C. 4336e(12) for the definition of a proposal.

Public means individuals, non-governmental organizations, and community groups. VA may involve the public in the NEPA process through notice and comment procedures.

Affected public means those parties with a special interest in a proposed action. Affected public includes, but is not limited to, veterans, entities living in close proximity to a proposed action, and entities whose property or other interests may be affected by potential effects of a proposed action. See § 26.42 for public engagement procedures.

Publish and publication mean methods found by the agency to efficiently and effectively make NEPA documents and information available for review by interested persons, including electronic publication.

Related action means an action undertaken by an agency, for example, a permitting action, some other type of authorization action, an analysis required by statute, or the like, that bears a relationship to other actions undertaken by other agencies relevant to NEPA, such that a set of related actions are all related to one overarching project.

Reasonable alternatives means a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant.

Reasonably foreseeable means sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision.

Record of decision means a concise public document prepared by VA after an environmental impact statement is complete and that includes all elements listed in § 26.60(a)(2).

Scope consists of the range of actions, alternatives, and effects to be considered in a NEPA document. The scope of an individual statement may depend on its relationships to other statements.

Supplemental means an analysis performed after an environmental assessment or environmental impact statement has been issued. Supplemental analyses are prepared when the agency makes substantial changes to the proposed action that are relevant to environmental concerns or there are substantial new circumstances or information relevant to environmental concerns and bearing on the proposed action or its effects.

Tiering refers to the coverage of general matters in broader environmental impact statements or environmental assessments (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.

United States means all States, territories, and possessions of the United States, including all waters and air space subject to the territorial jurisdiction of the United States.

VA elements mean all entities within VA, including but not limited to all offices, programs, and administrations within VA.

§ 26.13 Responsibilities.

(a) *Successful completion.* The successful completion of the NEPA process is the duty of:

- (1) VA elements;
- (2) Persons authorizing or approving VA actions; and
- (3) Persons charged by VA to ensure the successful implementation of any and all elements of NEPA.

(b) *Applicants.* VA relies upon applicants to supply the environmental information necessary to complete the

NEPA analysis of proposed VA funded and Federal assistance actions and alternatives. VA retains the responsibility for compliance with NEPA and cannot delegate this responsibility to applicants.

(c) *Secretary of VA.* The Secretary of VA recognizes the importance of environmental stewardship and promotes the integration of an environmental ethic into all agency decision-making. The Secretary possesses the ultimate responsibility to ensure VA's compliance with NEPA and other environmental planning requirements.

(1) The Secretary has the following objectives for the NEPA process:

- (i) Efficient, timely, and effective NEPA planning;
- (ii) Maintenance of sufficient resources to meet the goals of timely, effective, and high-quality NEPA analyses;
- (iii) Full compliance with all environmental laws, regulations, and Executive orders; and
- (iv) Consistency with other VA mission objectives, including service to veterans, fiscal responsibility, and national security.

(2) The Secretary will:

- (i) Consider the environmental effects of his/her decisions;
- (ii) Plan, program, and budget for the requirements of this part;
- (iii) Fully integrate the requirements of this part into planning and decision-making for all policies, programs, activities, and operations of VA; and
- (iv) Delegate the authority to the Under Secretaries, Assistant Secretaries, and Directors of Staff Offices to implement the requirements of this part, including designation of the NEPA Implementation Officer; delegation of the authority to review NEPA analyses for technical adequacy and to sign NEPA decision documents based on technical adequacy; and delegation of overall agency NEPA compliance to the Senior Agency Official, who VA will specify in an agency-wide directive on NEPA roles and responsibilities. The Senior Agency Official is an individual with assistant secretary rank or higher and is typically within the Office of Acquisition, Logistics, and Construction.

(d) *Under Secretaries, Assistant Secretaries, and Directors of Staff Offices.* The Under Secretaries, Assistant Secretaries, and Directors of Staff Offices or their delegate will:

- (1) Assess environmental and historic preservation consequences of proposed, new, and on-going programs within their respective organizational units; and

(2) Delegate to points of contact within their organizations as needed to support NEPA compliance.

(e) *Decision-makers.* VA decision-makers may include but are not limited to Under Secretaries; medical center and cemetery administration directors; and regional medical, benefits, and cemetery administration directors. VA decision-makers will:

(1) Integrate environmental and historic preservation considerations into their decision-making prior to taking action; and

(2) Sign decision documents, as specified in an agency-wide directive on NEPA roles and responsibilities.

(f) *NEPA Implementation Officer.* The NEPA Implementation Officer is designated by the Secretary or the Secretary's designee, and has the authority to implement the Secretary's objectives for the NEPA process. The NEPA Implementation Officer has the requisite expertise and experience with NEPA to manage implementation of NEPA throughout VA. Typically, the NEPA Implementation Officer is a director within the Office of Construction & Facilities Management; VA will specify the location of this function in an agency-wide directive on NEPA roles and responsibilities.

(1) Support VA's compliance with NEPA and other environmental planning requirements;

(2) Provide technical expertise and guidance for proposed plans, programs, and activities throughout VA;

(3) Inform key environmental staff and Under Secretaries, the Senior Agency Official, Assistant Secretaries, and Directors of Staff Offices about the methods and status of NEPA implementation throughout VA programs and offices;

(4) Advise proponents, decision-makers, and procurement officials on the status and requirements for the NEPA analysis of VA actions;

(5) Develop and provide, as needed, supplemental guidance and training to enable the effective implementation of this part and other environmental planning requirements across all VA elements;

(6) Promote early outreach and solicitation of environmental information for NEPA analysis;

(7) Coordinate requests for cooperating agency status and joint lead agency status and coordinate with State, local, and Tribal agencies as needed with respect to completion of the NEPA process;

(8) Liaise with the Advisory Council on Historic Preservation, the Environmental Protection Agency, and other Federal agencies as needed to

satisfy coordination requirements and implement the NEPA process;

(9) Promote the involvement of the public and other non-Federal entities in the NEPA analysis of VA actions with respect to completion of the NEPA process;

(10) Identify discretionary activities within VA and ensure that VA fully integrates the requirements of this part into the planning and implementation of those activities;

(11) Sign records of decision (RODs) for environmental technical adequacy;

(12) Review and approve requests from NEPA Specialists to adopt other agencies' CATEXs in accordance with § 26.31 or rely on NEPA documents from other Federal agencies in accordance with § 26.71;

(13) Work with the Senior Agency Official, Under Secretaries, Assistant Secretaries, and Directors of Staff Offices to accomplish the VA mission in harmony with environmental stewardship by:

(i) Ensuring the NEPA process is complete before VA makes a decision or takes an action concerning the proposal that has an adverse environmental effect or limits the choice of reasonable alternatives;

(ii) Ensuring VA elements are aware of mitigation commitments to address the potential environmental effects of VA programs, projects, and plans; and

(iii) Monitoring the NEPA process to ensure compliance with timing, page limit, scoping, consultation, circulation, and public engagement requirements; and

(14) Delegating authority to sign NEPA documents to NEPA Specialists as appropriate.

(g) *Proponent.* Proponents are those VA staff in project or functional management positions in a facility or component organization within the Veterans Health Administration, National Cemetery Administration, Veterans Benefits Administration, or a VA program office. Proponents do not include applicants, non-Federal entities, or entities located organizationally outside of the VA element that is responsible for implementing the project. The proponent will:

(1) Consult with a NEPA Specialist or the NEPA Implementation Officer at the beginning of the planning and feasibility stage of any proposed action and before involving the public;

(2) Ensure the budget for a proposed VA action is adequate to comply with applicable environmental and historic preservation laws;

(3) Ensure the schedule for the proposed VA action includes sufficient time for compliance with relevant

environmental and historic preservation laws, including NEPA and the National Historic Preservation Act (NHPA);

(4) Initiate and coordinate with the appropriate environmental support to conduct the NEPA analysis prior to undertaking an action;

(5) Review and consider NEPA analyses before making a decision that has environmental or historic preservation effects or limits the choices of alternatives for a VA action; and

(6) Consider mitigation measures and ensure VA requires and provides for mitigation tasks and monitoring.

(h) *NEPA Specialists.* NEPA Specialists act as the technical specialists in VA for matters relating to the NEPA process and help to ensure its functional integration into the VA mission. NEPA Specialists support the NEPA Implementation Officer with advice and assistance for implementing NEPA in their respective offices and programs. NEPA Specialists may include but are not limited to facility environmental managers, national and regional environmental staff, and other staff specialists throughout VA. NEPA Specialists will:

(1) Act to support and ensure compliance with the requirements of NEPA, this part, applicable Executive orders, and other environmental and historic preservation requirements in conjunction with the proponent;

(2) Provide technical advice on the NEPA process to proponents, decision-makers, the NEPA Implementation Officer, and Under Secretaries, Assistant Secretaries, and Directors of Staff Offices; and

(3) Sign decision documents for technical adequacy, with the project decision itself documented by the approval signature on each decision document as specified throughout this section and in an agency-wide directive on NEPA roles and responsibilities.

(i) *Procurement Officials.* The Procurement Officials will expeditiously support and execute contract actions to support completion of NEPA analyses within required timeframes.

(j) *Office of General Counsel.* The Office of General Counsel will:

(1) Advise VA, in consultation with the NEPA Implementation Officer, on whether a proposed action is subject to the procedural requirements of NEPA, NHPA, the Endangered Species Act (16 U.S.C. 1531–1544), or other environmental or historic preservation laws, Executive orders, and regulations;

(2) Advise VA on compliance with environmental and historic preservation laws, regulations, applicable Executive

orders, and other planning requirements;

(3) Assist in establishing or revising VA's NEPA procedures and guidance documents, including appropriate CATEXs; and

(4) Provide VA with legal sufficiency reviews on environmental and historic preservation analyses, programmatic agreements, interagency agreements, consultations with other Federal agencies, and general legal advice as needed.

(k) *Federal Preservation Officer.* The Federal Preservation Officer will:

(1) Act as the single point of contact for all matters in VA related to stewardship of historic properties and cultural resources;

(2) Inform Under Secretaries, Assistant Secretaries, Directors of Staff Offices, and key environmental and historic preservation staff of current developments in historic preservation policy and programs;

(3) Provide guidance to VA project proponents and advise as needed in consultations with Tribes, Native Hawaiian organizations, and State Historic Preservation Officers; and

(4) Determine which personnel, VA staff, or contractors are qualified to meet the requirements of section 112 of the NHPA (54 U.S.C. 306131) and work on historic resources issues.

(l) *Senior Agency Official.* The Senior Agency Official is an individual with assistant secretary rank or higher. The Senior Agency Official is typically within the Office of Acquisition, Logistics, and Construction, and will be specified in an agency-wide directive on NEPA roles and responsibilities. The Senior Agency Official will:

(1) Act as the designee for oversight over VA NEPA compliance;

(2) Promote timely NEPA analysis;

(3) Review and approve requests for VA to serve as the lead agency for joint Federal NEPA actions, where VA and one or more Federal agencies are cooperating on a project;

(4) Resolve implementation issues; and

(5) Delegate authority for these responsibilities as appropriate.

§ 26.14 Environmental practices.

(a) *Efficiency.* VA seeks out opportunities to avoid duplication and delay in the approval of VA actions by integrating the NEPA process into the VA decision-making process as early as possible. For this reason, VA promotes an agency-wide system of NEPA analysis in this part for quality assessment of environmental effects.

(b) *Capability.* VA will maintain the staff and resources necessary to comply

with the requirements of this part. VA may use a contractor or other third party to meet the requirements of NEPA and the procedures in this part, provided VA retains sufficient resources to evaluate the work of those non-VA entities.

(c) *Similar actions.* VA will analyze similar actions the same way regardless of the proponent or funding source.

(d) *Combining NEPA with other environmental and historic preservation requirements.* VA encourages all VA elements to integrate the effects analyses required by other Federal and State environmental laws into the NEPA process to the maximum extent practicable. Through integration into one decision-making process, VA improves the quality of analysis of environmental effects, reduces project delays, and enhances the scoping process for discovering relevant environmental issues.

(1) *Environmental laws.* VA will integrate evaluation required by other environmental laws into the NEPA process, including but not limited to section 106 of the NHPA (54 U.S.C. 306108), section 7 of the Endangered Species Act (16 U.S.C. 1536), and section 404 of the Clean Water Act (33 U.S.C. 1344). VA achieves meaningful integration by synchronizing the timing of reviews under separate laws, removing duplication for requirements such as public comment periods when allowable, and ensuring that the NEPA analysis includes a discussion of the applicable laws and results of any consultation or analysis. VA may also use NEPA as a substitute for section 106 of the NHPA (54 U.S.C. 306108), as allowable under 36 CFR 800.8(c), when the stipulated requirements are met.

(2) *Timing.* VA will integrate other environmental laws into the NEPA process as early as possible. Each environmental law has its own timing requirements. Where VA can initiate or conduct consultations and permits during the NEPA (planning) phase for a project, VA may integrate them into the NEPA review.

(3) *Responsibility.* The NEPA Specialist and proponent are responsible for early integration of other environmental laws. The NEPA Specialist advises on the environmental laws applicable to the action.

(4) *Documentation.* VA will integrate documentation of compliance with other environmental requirements into the NEPA process and include this documentation in the documentation created during the NEPA analysis.

(5) *Executive orders.* VA will integrate compliance with Executive orders related to environmental issues into the NEPA process. VA recognizes its duty to

promote the policies set forth in Executive orders that address environmental issues evaluated in NEPA documents, including but not limited to environmental designations such as floodplains, environmental quality, and resource protection.

(e) *Programmatic NEPA documents.* VA prepares programmatic NEPA documents to analyze all or some of the environmental effects of a policy, program, plan, or group of related actions. VA can use programmatic NEPA documents as stand-alone documents when sufficient information is available to evaluate all potential effects or when VA anticipates subsequent analysis for specific projects once additional information is available. A programmatic NEPA document prepositions environmental information for VA decision-makers to expedite the approval process of a VA action and eliminates repetitive discussions of the same issues. See § 26.70 for VA requirements for a programmatic NEPA analysis.

(f) *Connected actions.* VA will address connected actions in a single NEPA document.

Subpart B—NEPA Process for VA Actions

§ 26.20 Purpose of this subpart.

This subpart outlines the requirements and process for NEPA compliance to inform VA decision-making. Section 26.21 provides context by explaining how VA will integrate NEPA with VA planning. Remaining §§ 26.22 through 26.73 lay out NEPA analysis options and NEPA implementation methods specific to those options.

§ 26.21 Integrating NEPA with VA planning.

(a) *General.* (1) Integration of the NEPA process with VA project and program planning will occur at the earliest relevant stage in the project life cycle to ensure that:

(i) VA minimizes delays and potential conflicts in the NEPA process;

(ii) VA decisions incorporate the environmental values and policies reflected in this part; and

(iii) VA takes no action concerning the proposal that would have an adverse environmental effect or limit the choice of reasonable alternatives until VA issues a ROD or finding of no significant impact (FONSI), or makes a CATEX determination. If VA is considering an application from a non-Federal entity and becomes aware that the applicant is about to take an action within VA's jurisdiction that would meet either of

the criteria that would have an adverse environmental effect or limit the choice of reasonable alternatives, VA will promptly notify the applicant that VA will take appropriate action to ensure that VA achieves the objectives and procedures of NEPA. This section does not preclude development by applicants of plans or designs or performance of other activities necessary to support an application for Federal, State, Tribal, or local permits or assistance. When considering a proposed action for Federal funding, VA may authorize such activities, including, but not limited to, acquisition of interests in land (for example, fee simple, rights-of-way, and conservation easements), purchase of long lead-time equipment, and purchase options made by applicants.

(2) Relevant NEPA documents, comments, and responses will accompany other decision documents through the decision-making process.

(b) *Acquisition.* VA will integrate the NEPA process and schedule with the acquisition and procurement process such that:

(1) Consideration of NEPA and planning for NEPA compliance begins as soon as VA identifies the need to acquire real property or materials that VA would use in implementing a major Federal action;

(2) Planning and budgeting activities include gathering data to identify relevant environmental issues and alternatives through the NEPA scoping process; and

(3) VA prepares the appropriate NEPA documents based on the entirety of the proposed action, including VA's proposed development and use of real property or materials.

(c) *Construction projects*—(1) *Design/build.* VA must align contracting decisions for design and construction with VA construction standards and requirements. VA will ensure the NEPA process is completed for all design/build actions before initiating construction or irretrievably committing resources to a construction project. Design/build actions are those actions in which VA hires one contractor to complete the design and construct the project, often shortening the time for contract completion.

(i) To prevent taking actions concerning the proposal that would have an adverse environmental effect or limit the choice of reasonable alternatives prior to completion of the NEPA process, VA will:

(A) Ensure that reasonable alternatives are not eliminated before the NEPA process is complete;

(B) Ensure the NEPA process is underway and advanced as far as

possible given the available data prior to award of the design/build contract;

(C) Ensure the NEPA process is complete (as evidenced by signed CATEX determination, signed FONSI, or signed ROD) prior to initiation of on-site construction including site clearing or demolition; and

(D) Include language in design/build contracts that duly notes the project may not proceed until the NEPA process is completed (as evidenced by signed CATEX, signed FONSI, or signed ROD).

(ii) To facilitate the design/build process, VA may:

(A) Issue a request for quotations or request for proposals prior to completion of NEPA, so long as the request for quotations or request for proposals informs proposers of the status of the NEPA process and makes no commitment as to any alternative under consideration including any no action alternative;

(B) Conduct preliminary design work; and

(C) Support coordination with regulatory agencies under NHPA or other environmental laws.

(2) *Design/bid/build.* VA will ensure compliance with the NEPA process for design/bid/build projects. For design/bid/build projects, VA has separate contracts for the design versus construction of a project. To ensure compliance with NEPA, VA will:

(i) Ensure design and construction contractors align design and construction activities with VA construction standards and requirements; and

(ii) Not irretrievably commit resources to construction prior to completion of the NEPA analysis of all reasonable alternatives.

(3) *Mitigation and monitoring.* VA will ensure construction contractors follow any mitigation and monitoring measures committed to during the NEPA process. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation.

§ 26.22 Determining the appropriate level of NEPA review.

(a) If VA determines under § 26.11 that NEPA applies to a proposed activity or decision, VA will then determine the appropriate level of NEPA review in the following sequence and manner. At all steps in the following process, VA will consider the proposed action or project at hand and its effects.

(1) If VA has established, or adopted pursuant to section 109 of NEPA (42 U.S.C. 4336c), a CATEX that covers the proposed action, VA will analyze whether to apply the CATEX to the

proposed action and apply the CATEX, if appropriate, pursuant to § 26.30.

(2) If another agency has already established a CATEX that covers the proposed action, VA will consider whether to adopt that CATEX pursuant to § 26.31 so that it can be applied to the proposed action at issue, and to future activities or decisions of that type.

(3) If the proposed action warrants the establishment of a new CATEX, or the revision of an existing CATEX, pursuant to § 26.30(d), VA will consider whether to so establish or revise, and then apply the CATEX to the proposed action pursuant to § 26.30(d).

(4) If VA cannot apply a CATEX to the proposed action consistent with paragraphs (a)(1) through (3) of this section, VA will consider the proposed action's reasonably foreseeable effects consistent with paragraph (b) of this section, and then will:

(i) If the proposed action is not likely to have reasonably foreseeable significant effects or the significance of the effects is unknown, develop an environmental assessment (EA), as described in § 26.40; or

(ii) If the proposed action is likely to have reasonably foreseeable significant effects, develop an environmental impact statement (EIS), as described in § 26.41.

(b) When considering whether the reasonably foreseeable effects of the proposed action are significant, VA will analyze the potentially affected environment and degree of the effects of the action. VA may use any reliable data source and will not undertake new research unless it is essential to evaluating alternatives and the cost and time of obtaining it are not unreasonable.

(1) In considering the potentially affected environment, VA may consider, as appropriate to the specific action, the affected area (national, regional, or local) and its resources.

(2) In considering the degree of the effects, VA may consider the following, as appropriate to the specific action:

(i) Both short- and long-term effects.

(ii) Both beneficial and adverse effects.

(iii) Effects on public health and safety.

(iv) Economic effects.

(v) Effects on the quality of life of the American people.

§ 26.30 Categorical exclusions.

(a) *Documentation and procedures*—(1) *Project description.* For CATEXs that require documentation for each proposed action, the proponent or applicant must include the location of the project, the project number (if

known), and a project description in a CATEX document. The project description is a brief statement of the project or activities proposed to occur, the existing environment at the project site, and any mitigation incorporated into the project to ensure there are no extraordinary circumstances that would prevent the application of the CATEX. If any unusual activities or potential extraordinary circumstances exist, then the description must disclose that information and whether these circumstances prevent the application of the CATEX. Where extraordinary circumstances are present, the agency should consider whether the application of the CATEX is still appropriate notwithstanding the presence of extraordinary circumstances because, even with the extraordinary circumstance, the proposed action does not have the potential to result in significant impacts. The mere presence of an extraordinary circumstance does not prevent the application of the CATEX.

(2) *CATEX being applied.* The CATEX document, if § 26.32 requires one, must identify the specific CATEX or CATEXs from § 26.32 for which the NEPA Specialist determines the proposed action is eligible.

(3) *Level of analysis.* The NEPA Specialist must indicate, and the approval authority consistent with VA policy or directive must approve, in a CATEX document, if one is required, that no EA or EIS is required and affirmatively state the intent to categorically exclude the proposed action.

(4) *Integration of other laws.* VA will integrate other environmental compliance requirements including NHPA into the NEPA process for CATEX actions. If the review of a CATEX action results in a determination that the proposed action complies with other environmental requirements and the proposed action, as mitigated if necessary, avoids significant impacts to those resources, then no further NEPA analysis is required under this part and VA will document this determination when required. If the level of effects related to other environmental compliance requirements is unclear, VA will determine whether to proceed to an EA or EIS.

(5) *Determination.* VA must make the determination of whether to issue a CATEX or proceed to an EA or EIS. If § 26.32 requires a CATEX document for a proposed action, a NEPA Specialist and decision-maker sign it to confirm the determination in the CATEX. The annotation "CXdoc" for certain CATEXs listed in § 26.32 identifies those that

require a CATEX document for each proposed action.

(6) *Documenting the decision to use a CATEX.* When using a CATEX that requires documentation of each proposed action, VA will document the use of a CATEX prior to making a decision on the proposed action. The CATEX document will provide the information required in paragraphs (a)(1) through (3) of this section and be conducted in accordance with the requirements in paragraphs (a)(4) and (5) of this section.

(b) *Extraordinary circumstances review.* Examples of extraordinary circumstances include whether the action:

(1) Introduces and/or uses technology with unknown environmental impacts;

(2) Has a reasonable likelihood of violating any Federal, State, or local law or requirement imposed for the protection of the environment;

(3) Has an effect that has not been satisfactorily resolved through another applicable environmental review or consultation process such as Coastal Zone Management Act (16 U.S.C. 1451–1466) consistency, NHPA section 106 (54 U.S.C. 306108) consultation, Endangered Species Act section 7 (16 U.S.C. 1536) consultation, or issuance of a relevant permit;

(4) Involves effects on the environment that are highly uncertain, or involve unique or unknown risks; or

(5) Establishes a precedent (or makes decisions in principle) for future or subsequent actions that are reasonably likely to have a future significant effect.

(c) *Public notice.* In certain situations, VA may choose to publish a CATEX document. These situations may include, but are not limited to, proposed actions that are of national focus or otherwise involve special issues that would make the proposed action of particular interest to the public. VA may publish a CATEX document on its website, in local newspapers, or in any other manner to reach the interested public.

(d) *VA review of list of categorical exclusions.* (1) VA may periodically review the list of CATEXs published in § 26.32 for continued relevance to VA programs and missions, additional experience on implementing actions that do not generate significant impacts, and improvements in clarity and appropriate limiting factors where needed. This review may conclude with recommendations to add, delete, or revise one or more CATEXs or to add or delete the requirement for project-specific documentation for application of a specific CATEX.

(2) VA may also consider revisions to the CATEX list when substantial changes or additions to VA plans, programs, or activities occur such that the current CATEX list may be inadequate or inaccurate given the current scope of VA activities. Potential triggers for revising the VA CATEX list may include:

(i) VA determines a class of actions are not expected to have significant environmental effects;

(ii) VA performs NEPA reviews of a class of actions and determines that, when implemented, the actions resulted in no significant environmental impacts;

(iii) Mission changes occur within the VA organization; or

(iv) VA acquires new responsibilities through legislation or administrative restructuring.

(3) To establish or revise a CATEX, VA will determine that the category of actions normally does not significantly affect the quality of the human environment. In making this determination, VA will:

(i) Develop a written record containing information to substantiate its determination;

(ii) Consult with CEQ on its proposed CATEX, including the written record, for a period not to exceed 30 days prior to providing public notice as described in paragraph (d)(3)(iii) of this section; and

(iii) Provide public notice in the **Federal Register** of VA's establishment or revisions of the CATEX and the location (for example, website) of availability of the written record.

§ 26.31 Adoption and application of CATEXs from another agency's NEPA procedures.

(a) VA may adopt and then apply CATEXs listed in another agency's NEPA procedures after consulting with the other agency when:

(1) VA has determined that it proposes to undertake actions for which another agency has listed a CATEX in its final NEPA procedures; and

(2) VA finds through consultation with the other agency that the adoption and application of the other agency's CATEX to a specific VA action or category of actions is appropriate.

(b) VA shall document the results of the consultation with the other agency including:

(1) How the adoption and application of the CATEX is appropriate for the VA actions;

(2) Whether the other agency identified any limiting factors or extraordinary circumstances specific to the CATEX;

(3) The extraordinary circumstances VA will consider in applying the CATEX; and

(4) Whether each application of the CATEX requires project-specific documentation.

(c) This documentation may take the form of a VA memorandum with attached concurrence of appropriate application of the CATEX to the VA activity from the other agency and VA must publish it on the VA website.

(d) When applying a CATEX adopted from another agency's NEPA procedures to a VA project, VA shall not use another agency's CATEX if there are extraordinary circumstances that would prevent the application of the CATEX.

§ 26.32 List of VA categorical exclusions.

(a) The following classes of major Federal actions, which VA has determined normally do not significantly affect the quality of the human environment, may be categorically excluded from further NEPA analysis. The actions in this section followed by the parenthetical notation "(CXdoc)" require preparation of a CATEX document for each action, in accordance with § 26.30.

(1) *VA-wide operations*—(i) *CATEX 1: Field exercises and training*. Training with field exercises (such as for medical, police, fire, and emergency management personnel) for emergency preparedness that substantially conforms to the use of the space where the training is proposed or does not otherwise impact the proposed training area (no ground disturbance or adverse effects to air, water, historic resources, or wildlife habitat).

(ii) *CATEX 2: Field studies and surveys*. Site characterization studies and environmental monitoring, including siting, erecting, operating, and dismantling or closing of characterization and monitoring devices, in compliance with applicable environmental and historic preservation requirements. Such activities include, but are not limited to:

(A) Site characterization and environmental monitoring activities;

(B) Feasibility studies;

(C) Geological, geophysical, geochemical, and engineering surveys, including the establishment of survey marks;

(D) Installation and operation of ambient air monitoring equipment;

(E) Sampling and characterization of surface and ground waters, soils, rocks, spills, or contaminants;

(F) Sampling and characterization of water effluents, air emissions, or solid waste streams;

(G) Sampling of flora or fauna; and

(H) Historic property identification and evaluation studies.

(iii) *CATEX 3: Special events, ceremonies, and related activities*. Hosting of special events or short-term ceremonies, including erection of temporary shelters or other structures to be used for the event or ceremony at VA cemeteries, medical centers, or ancillary facilities, including but not limited to Federal holiday events. The event must not exceed applicable noise ordinances or site capacity. The associated structures must be used only for the purposes of the event or ceremony and the duration of such structures must not substantially exceed the duration of the event.

(iv) *CATEX 4: Waste management*. Routine waste management, including transportation, collection, storage, treatment, removal, and disposition activities for solid waste, medical waste, special hazards (for example, asbestos, polychlorinated biphenyls, lead-based paint), and hazardous waste that comply with existing Federal, State, and local laws and regulations. This CATEX is not applicable to new construction of facilities for such management purposes.

(v) *CATEX 5: Transportation*. Routine transportation of veterans, VA employees, and/or other eligible persons and supplies for medical care, administrative, or other mission-related purposes using existing roads and vehicles.

(2) *Housing operations*—(i) *CATEX 6: Provision of housing*. Provision of VA housing services to veterans, VA employees, or other eligible persons in existing structures on property with substantially completed infrastructure when the placement does not exceed the capacity of existing transportation, waste, energy, or water infrastructure.

(ii) [Reserved]

(3) *Acquisition or disposition of land, buildings, or space*—(i) *CATEX 7: Acquisition of space within an existing structure* (CXdoc). VA acquisition of space within an existing structure where there is no change in the general type of use and no more than a 20 percent increase in maximum occupancy level is proposed (previous occupant need not have been a Federal tenant). This also includes lease extensions, renewals, or succeeding leases for VA-occupied space provided the continued use(s) are the same as those contained in the original lease.

(ii) *CATEX 8: Acquisition of land and/or buildings* (CXdoc). VA acquisition of land and/or buildings in the following circumstances:

(A) Acquisition of land where there is no near-term (within approximately five

years) proposed change in the general type of use; where, if the land is previously undisturbed, it will remain undisturbed for the near term; or where the continued use will not create significant impacts to the surrounding environment; or

(B) If there are structures or buildings on the land, the acquisition will not increase the previous maximum occupancy level by more than 20 percent (previous occupant need not have been a Federal tenant), although demolition in compliance with environmental and historic preservation requirements may occur.

(iii) *CATEX 9: Out-leases to third party tenants* (CXdoc). Out-leases to third party tenants of buildings and/or land, where there is no change in the general type of use and no more than a 20 percent increase in the previous maximum occupancy level is proposed, where the out-lease and use by third party tenants will comply with applicable environmental and historic preservation requirements.

(iv) *CATEX 10: Agreements for use of VA-owned space* (CXdoc). Agreements (for example, permits or licenses) for use of VA-owned space with other Federal or State agencies or entities for sharing of space and resources consistent with their previous use by either agency or entity. This includes agreement extensions, renewals, or succeeding permits or licenses provided the continued use(s) are the same as those contained in the original permit or license to other agencies or entities on VA land.

(v) *CATEX 11: Disposal of real property* (CXdoc). Disposal of real property to another Federal, State, or local agency; Tribe; private entity; or non-profit group, including demolition and site restoration, that conforms to the requirements of the General Services Administration Real Property Utilization and Disposal Resource Guide or subsequent similar guidance and where the reasonably foreseeable subsequent use is of similar intensity to VA's use and meets the requirements of all applicable environmental and historic preservation laws and guidance.

(4) *Services and procurement*—(i) *CATEX 12: Medical-related services*. Provision of medical care to veterans or other eligible persons including but not limited to medical diagnostic, treatment, and care services; distribution (and return) of pharmaceuticals, prosthetics, home oxygen, and other medical supplies; and provision of home healthcare services in support of normal day-to-day activities for provision of medical care.

(ii) *CATEX 13: Research*. Research activities conducted within an existing laboratory or other contained facility where all applicable safety and environmental requirements are met. May include use and disposition of radionuclides or hazardous or biological materials for research purposes that comply with VA master materials license requirements and any other applicable environmental and health and safety requirements.

(iii) *CATEX 14: Laundry and food services*. Laundry and food services operations from existing facilities conducted on-site at VA medical centers or ancillary VA facilities in compliance with applicable environmental, historic, and health and safety requirements.

(iv) *CATEX 15: Procurement, lease, transport, storage, and disposition of supplies, materials, and equipment*. Procurement and/or lease, transport, storage, and disposition of materials, supplies, and equipment related to medical treatment, diagnostic support, or research; cemetery operations; and other agency functions. Materials, supplies, and equipment must comply with applicable Federal, State, and local requirements and be purchased in accordance with applicable Federal procurement policies and VA procurement requirements.

(5) *Cemetery Operations*—(i) *CATEX 16: Interment ceremony services*. Interment ceremony services including but not limited to the committal service, motorcade, burial, and rendering of military honors.

(ii) *CATEX 17: Soil excavation and replacement for interments*. Soil excavation and replacement for access to pre-placed crypts for interment and for direct burials in designated interment areas in compliance with applicable environmental and historic preservation requirements.

(iii) *CATEX 18: Cemetery land development (CXdoc)*. Expansion of cemeteries where the expansion is limited to the construction and development of one or more new crypt fields or columbaria within the boundaries of an existing cemetery, and in compliance with applicable environmental and historic preservation requirements.

(6) *Electronics*—(i) *CATEX 19: Communication systems (CXdoc for ground-disturbing actions only)*. Procurement, installation, operation, modification, removal, or disposal of communication systems, computers, data processing equipment, fiber optic cables, alarm systems, wiring, antennae, and other communications equipment in accordance with applicable Federal, State, and local requirements. Includes

installing or modifying communications equipment by VA, a vendor, or telecommunications provider within or on existing structures, erecting free-standing antennae, and constructing buildings or additions.

(ii) [Reserved]

(7) *New construction and related activities*—(i) *CATEX 20: New construction (CXdoc)*. New construction in either of the following circumstances:

(A) Construction on existing VA property with substantially developed infrastructure, in developed or undeveloped areas of the property, the use or operation of which, when completed, is consistent with existing VA use of the overall property, does not change the function of the facility or modify VA's intended land use, and does not exceed the capacity of existing transportation, waste, energy, or water infrastructure serving the property. These activities include but are not limited to new structures or additions to existing buildings that comply with applicable environmental and historic preservation requirements; associated utility extensions and connections; and installation, use, and removal of facilities such as construction trailers and use of materials laydown areas during the construction process; or

(B) Acquisition of property and subsequent construction, with construction that does not exceed a total building footprint of 75,000 square feet including by build-to-suit lease, and/or 20 acres of interment space installation to be associated with an existing cemetery, and may include installation, use, and removal of facilities such as construction trailers and use of materials laydown areas during the construction process; where use will not exceed the capacity of existing transportation, waste, energy, or water infrastructure serving the property; and construction and use will comply with applicable Federal, State, and local environmental and historic preservation laws, regulations, and ordinances.

(ii) *CATEX 21: Interior renovation*. Interior renovation, alteration, restoration, or rehabilitation projects that do not adversely affect properties listed on or eligible for the National Register of Historic Places and are done in accordance with applicable environmental and historic preservation requirements.

(iii) *CATEX 22: Installing new or replacing or relocating onsite existing building components, site elements, utilities, and equipment (CXdoc)*. Installing, replacing, retrofitting, upgrading, or relocating onsite in a manner that substantially conforms to the pre-existing design, function, and

location and complies with applicable environmental and historic preservation requirements. These activities include but are not limited to:

(A) Installation or replacement of building components such as windows, doors, roofs, HVAC equipment, or electrical distribution system components in existing facilities;

(B) Installation or replacement of VA facility site elements such as sidewalks, patios, fences, sheds, retaining walls, curbs, parking lots, trails, memorials, fountains, benches, roads, garages, drainage structures, signs, and entrance features;

(C) Installation or replacement of site utilities whether by VA or a third party, such as water distribution lines and storage, storm or sanitary sewer lines, system generators, tanks for heating systems and/or generators, or primary or secondary electrical or communications lines, steam lines, and holding ponds, where the action does not exceed the site or system's capacity and including granting easements to utility companies to conduct these activities on VA property;

(D) Installation or replacement of equipment to support vehicular maintenance and operation (such as fuel storage, repair equipment);

(E) Installation or replacement of headstones, grave markers, statues, and monuments in existing VA cemeteries so long as the activity does not negatively affect the historic integrity or national shrine cemetery characteristics and is to a site that has been previously disturbed and can reasonably accommodate the activity; and

(F) Relocation of statues and monuments in existing VA cemeteries so long as the activity does not negatively affect historic integrity or national shrine cemetery characteristics and is to a site that has been previously disturbed and can reasonably accommodate the activity.

(iv) *CATEX 23: Repair, renovation, and maintenance*. Repair, renovation, maintenance, grounds-keeping, and custodial activities at VA facilities provided that the activities conform to pre-existing design and are performed in accordance with applicable environmental and historic preservation requirements such as those governing the use of toxic or hazardous materials. These activities include but are not limited to:

(A) Repair, renovation, and maintenance of building components such as windows, doors, roofs, HVAC equipment, and electrical distribution system components in existing facilities;

(B) Repair, renovation, and maintenance of VA facility site elements

such as sidewalks, patios, fences, sheds, retaining walls, curbs, parking lots, trails, memorials, fountains, and benches;

(C) Repair, renovation, and maintenance of site utilities such as water distribution lines and storage (including water towers), storage tanks, storm or sanitary sewer lines, primary or secondary electrical or communications lines, steam lines, and holding ponds where the action is in accordance with applicable regulations and does not exceed the site or system's capacity, including granting easements to utility companies for conducting these actions on VA property;

(D) Repair, renovation, and maintenance activities for property site elements such as roads, garages, drainage structures, signs, and entrance features;

(E) Interior and exterior facility maintenance, renovation, and custodial actions to preserve facility appearance, working conditions, and sanitation, and maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designed purpose such as pest management measures, window washing, surface coatings, paint, street sweeping, trash collecting, and snow removal that do not adversely impact wildlife habitat or historic resources; and safety, environmental, and historic preservation requirements are met;

(F) Grounds repairs, renovation, and maintenance activities including but not limited to use of irrigation systems where there is sufficient available water to do so; mowing and trimming of vegetation; and application of fertilizers, pesticides, and herbicides;

(G) Repair, renovation, and maintenance of VA equipment and other similar assets that are not attached to a structure; and

(H) Repair, maintenance, and treatment of headstones, grave markers, columbaria, statues, monuments, and flagpoles in existing VA cemeteries so long as the activities do not negatively affect the historic integrity or national shrine cemetery characteristics.

(v) *CATEX 24: Demolition (CXdoc)*. Actions involving partial or complete demolition of non-historic structures or historic structures in accordance with applicable environmental and historic preservation requirements including but not limited to parking structures, medical center buildings, and unused buildings.

(vi) *CATEX 25: Environmental remediation and abatement*. Actions undertaken in accordance with applicable environmental and historic

preservation requirements for remediating contamination of soil, water, air, biota, structures, or other environmental components and associated disposal; waste remediation or disposal; or abatement, containment, or removal and disposal of asbestos-containing material or lead-based paint from VA-owned, leased, or operated facilities.

(8) *Energy*—(i) *CATEX 26: Solar and wind energy (CXdoc)*. Installation, modification, operation, and removal on property owned or leased by VA of solar photovoltaic systems and wind turbines mounted on existing non-historic buildings or structures (for example, buildings, carports) or, if located on land, generally comprising less than 10 acres, in accordance with all applicable environmental and historic preservation requirements. For wind turbines, total height would be generally less than 200 feet (measured from ground to maximum height of blade rotation) and would comply with Federal Aviation Administration, National Weather Service, and U.S. Fish and Wildlife Service siting and design requirements and guidelines.

(ii) *CATEX 27: Retro commissioning*. Retro commissioning or re-commissioning of existing structures in accordance with applicable environmental and historic preservation requirements.

(iii) *CATEX 28: Conservation and energy efficiency measures (CXdoc for certain project types)*. Actions to conserve water or energy, demonstrate potential water or energy conservation, or promote energy efficiency improvements that do not exceed capacity of system components or have the potential to change concentrations of potentially harmful substances including but not limited to:

(A) Upgrading equipment and systems with more efficient components, green-roof retrofits, weatherization, timers on hot water heaters, energy efficient lighting, low-flow plumbing fixtures, drip-irrigation systems, and efficiency rating improvements for facilities or vehicles;

(B) Ground source heat pump and combined heat and power systems (CXdoc);

(C) Beneficial landscaping;

(D) Power storage (CXdoc); and

(E) Small-scale research and development for energy efficiency and conservation (CXdoc).

(b) VA may amend this list of CATEXs by following the procedure described in § 26.30(d).

§ 26.40 Requirements for EAs.

(a) *Purpose and need*. VA will briefly discuss the purpose and need for the proposed action based on VA's statutory authority. When the proposed action concerns VA's duty to act on an application for authorization, the purpose and need for the proposed action will also be informed by the goals of the applicant.

(b) *Proposed action*. The proponent will identify a proposed action. The proposed action could be a plan, program, policy, or a specific project. VA may incorporate avoidance or mitigation measures into the proposed action to minimize or negate adverse effects. At a minimum, the description of the proposed action will include:

- (1) The proposed site location(s) or geographic extent of the proposed project, plan, or program;
- (2) The proposed footprint or area of the proposed project, plan, or program;
- (3) The expected duration of the project, plan, program, or policy; and
- (4) A detailed description of the proposed action, including any related or connected actions.

(c) *Alternatives*. The EA will briefly discuss alternatives to the extent required by section 102(2)(H) of NEPA (42 U.S.C. 4332(2)(H)).

(d) *Scope of analysis*. The EA will briefly discuss the reasonably foreseeable effects of the proposed action and the alternatives considered.

(1) VA will focus its analysis on whether the environmental effects of the action or project at hand are significant.

(2) Similarly, VA will document in the EA where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographic territory of the project or might materialize later in time.

(3) To the extent it assists in reasoned decision-making, VA may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of VA's regulatory authority, or that would have to be initiated by a third party. If VA determines that such analysis would assist it in reasoned decision-making, it will document this determination in the EA and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.

(e) *Page limits*. The text of an EA is strictly prohibited from exceeding 75 pages, not including citations or appendices.

(f) *Deadlines*. As the Supreme Court has repeatedly held, NEPA is governed

by a “rule of reason.” Congress supplied the measure of that reason in the 2023 revision of NEPA by setting the deadlines in section 107(g) of NEPA (42 U.S.C. 4336a(g)). These deadlines indicate Congress’s determination that an agency, working within Congress’s allocation of resources, has presumptively spent a reasonable amount of time on analysis and the document should issue, absent very unusual circumstances. In such circumstances, an extension will be given only for such time as is necessary to complete the analysis. Thus:

(1) VA will complete the EA not later than the date that is one year after the date a notice of intent to prepare the EA is published; or, if a public notice of intent is not published, the date on which it is confirmed by VA’s assigned NEPA project manager for an agency- or applicant-prepared EA, or by the NEPA contractor for a contractor-prepared EA, that the proposed action is a major Federal action requiring NEPA review and is sufficiently defined to estimate that it would not have a reasonably foreseeable significant effect on the quality of the human environment.

(2) VA will define the end date for an EA as the date that either a FONSI is signed by the decision-maker or the date the VA NEPA project manager has notified the NEPA Implementation Officer that an EIS is required for the proposed action.

(3) VA will publish the EA, at the latest, on the day the one-year deadline elapses, in as substantially complete form as is possible, unless the deadline is extended pursuant to the provision in paragraph (f)(4) of this section.

(4) If VA determines it is not able to meet the deadline prescribed by section 107(g)(1)(B) of NEPA (42 U.S.C. 4336a(g)(1)(B)), it must consult with the applicant, if any, pursuant to section 107(g)(2) of NEPA (42 U.S.C. 4336a(g)(2)).

After such consultation, if needed, and for cause stated, it may establish a new deadline, approved in writing by the NEPA Specialist responsible for completing the EA on schedule. Cause for establishing a new deadline is only established if the EA is so incomplete at the time at which VA determines it is not able to meet the statutory deadline, that issuance pursuant to paragraph (f)(3) of this section would, in VA’s view, result in an inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete such EA. The announcement of the new deadline will specify the reason why the EA was not able to be completed under the statutory deadline

and whether the applicant, if any, consented to the new deadline.

(g) *Scoping.* Scoping is a process used to help determine the scope of issues for analysis during the NEPA process. VA may determine to publish a notice of intent to prepare the EA and accept public comments on the scope of the EA. In such case, VA would follow the procedures described in § 26.42.

§ 26.41 Requirements for EISs.

(a) *Purpose and need.* The EIS will include the purpose and need for the proposed action based on VA’s statutory authority. When the proposed action concerns VA’s duty to act on an application for authorization, the purpose and need for the proposed action will also be informed by the goals of the applicant.

(b) *Proposed action.* The proponent will identify a proposed action. The proposed action could be a plan, program, policy, or a specific project. VA may incorporate avoidance or mitigation measures into the proposed action to minimize or negate adverse effects. At a minimum, the description of the proposed action will include:

- (1) The proposed site location(s) or geographic extent of the proposed project, plan, or program;
- (2) The proposed footprint or area of the proposed project, plan, or program;
- (3) The expected duration of the project, plan, program, or policy; and
- (4) A detailed description of the proposed action, including any related or connected actions.

(c) *Alternatives.* The EIS will include a detailed statement on a reasonable range of alternatives to the proposed action, including an analysis of any adverse environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are, in VA’s expert judgment, technically and economically feasible, and meet the purpose and need of the proposal.

(d) *Analysis within the EIS.* (1) The EIS will include a detailed statement on:

- (i) Reasonably foreseeable environmental effects of the proposed action;
- (ii) Any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;
- (iii) The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity;
- (iv) Any irreversible and irretrievable commitments of Federal resources that would be involved in the proposed action should it be implemented; and
- (v) Any means identified to mitigate adverse environmental effects of the

proposed action. VA is mindful in this respect that NEPA itself does not require or authorize VA to impose any mitigation measures.

(2)(i) In preparing the EIS, VA will focus its analysis on the environmental effects of the action or project at hand that are significant.

(ii) Similarly, VA will document in the EIS where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographic territory of the project or might materialize later in time.

(iii) To the extent it assists in reasoned decision-making, VA may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of VA’s regulatory authority, or that would have to be initiated by a third party. If VA determines that such analysis would assist it in reasoned decision-making, it will document this determination in the EIS and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.

(3) EISs will discuss effects in proportion to their significance. With respect to issues that are not of a substantive nature and do not meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, there will be no more than the briefest possible discussion to explain why those issues are not substantive and therefore not worthy of any further analysis. EISs will be analytic, concise, and no longer than necessary to comply with NEPA in light of the congressionally mandated page limits and deadlines.

(e) *Format and page limits.* (1) Except as provided in paragraph (e)(2) of this section, the text of an EIS will not exceed 150 pages, not including citations or appendices.

(2) An EIS for a proposed action of extraordinary complexity is strictly prohibited from exceeding 300 pages, not including any citations or appendices. VA will determine at the earliest possible stage of preparation of an EIS whether the conditions for exceeding the page limit in paragraph (e)(1) of this section are present.

(f) *Deadlines.* As the Supreme Court has repeatedly held, NEPA is governed by a “rule of reason.” Congress supplied the measure of that reason in the 2023 revision of NEPA by setting the deadlines in section 107(g) of NEPA (42 U.S.C. 4336a(g)). These deadlines indicate Congress’s determination that

an agency, working within Congress's allocation of resources, has presumptively spent a reasonable amount of time on analysis and the document should issue, absent very unusual circumstances. In such circumstances, an extension will be given only for such time as is necessary to complete the analysis. Thus:

(1) VA will complete the EIS not later than the date that is two years after the sooner of, as applicable, the date a notice of intent to prepare the EIS is published; or the date on which it is confirmed by VA's assigned NEPA project manager for an agency- or applicant-prepared EIS, or by the NEPA contractor for a contractor-prepared EIS, that the proposed action is a major Federal action requiring NEPA review and is sufficiently defined to estimate that the reasonably foreseeable effects on the quality of the human environment would be significant.

(2) VA will define the end date for an EIS as the date the EIS is published or, in the case of a NEPA process in which VA first publishes a Draft EIS for public comment, the date the Final EIS is published.

(3) The EIS will publish (unless the deadline is extended pursuant to the provision in paragraph (f)(4) of this section) on the day the deadline elapses, in as substantially complete form as is possible.

(4) If VA determines it is not able to meet the deadline prescribed by section 107(g)(1)(A) of NEPA (42 U.S.C. 4336a(g)(1)(A)), it must consult with the applicant, if any, pursuant to section 107(g)(2) of NEPA (42 U.S.C. 4336a(g)(2)). After such consultation, if needed, and for cause stated, it may establish a new deadline, approved in writing by the NEPA Specialist responsible for completing the EIS on schedule, by means of a notice published to the same VA website where the original notice of intent for the EIS was posted. Cause for establishing a new deadline is only established if the EIS is so incomplete at the time at which VA determines it is not able to meet the statutory deadline, that issuance pursuant to paragraph (f)(3) of this section would, in VA's view, result in an inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete such EIS. The announcement of the new deadline will specify the reason why the EIS was not able to be completed under the statutory deadline and whether the applicant, if any, consented to the new deadline.

(g) *Publication of the EIS.* (1) VA will publish the entire EIS on a publicly accessible agency website.

(2) VA will file EISs together with comments and any responses with the Environmental Protection Agency, Office of Federal Activities, for publication in the **Federal Register**.

§ 26.42 Public engagement procedures.

(a) As a preliminary step to determining, in connection with a proposal that is not excluded pursuant to a CATEX, whether VA will prepare an EA or an EIS, VA will determine and document the scope of the project at hand.

(b) As soon as practicable after determining that a proposal is sufficiently developed to allow for meaningful public comment and requires an EIS, VA will publish a notice of intent to prepare an EIS. If VA determines that it will prepare an EA for a proposed action, VA may publish a notice of intent to publish an EA.

(1) The notice of intent for an EIS will include a request for public comment on alternatives or effects and on relevant information, studies, or analyses with respect to the proposed agency action. See section 107(c) of NEPA (42 U.S.C. 4336a(c)).

(2) In addition to a request for comment required for notices of intent for EISs, notice of intent for any environmental document may include:

- (i) The purpose and need for the proposed action;
- (ii) A preliminary description of the proposed action and alternatives the environmental document will consider;
- (iii) A brief summary of expected effects;
- (iv) Anticipated permits and other authorizations (that is, anticipated related actions);
- (v) A schedule for the decision-making process;
- (vi) A description of the public scoping process, including any scoping meeting(s);
- (vii) Contact information for a person within VA who can answer questions about the proposed action and the environmental document; and
- (viii) Identification of any cooperating and participating agencies (that is, agencies responsible for related actions), and any information that such agencies require in the notice to facilitate their decisions or authorizations.

(c) VA may use an early and open process to determine the scope of issues for analysis in an environmental document, including identifying substantive issues that meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, eliminating from further study non-substantive issues, and determining whether

connected actions should be addressed in the same environmental document. Scoping may begin as soon as practicable after the proposed action is sufficiently developed for consideration. Scoping may include appropriate pre-application procedures or work conducted prior to publication of the notice of intent.

§ 26.50 Mitigation and monitoring.

(a) VA will consider possible mitigation measures to avoid, minimize, or compensate for adverse effects caused by a proposed action or alternatives as described in the NEPA document, and that have a connection to those adverse effects. While NEPA requires consideration of mitigation, it does not mandate the form or adoption of any mitigation. NEPA documents will state the authority for any mitigation adopted and any applicable monitoring or enforcement provisions.

(b) Possible mitigation measures for effects generated by the VA action may include, but are not limited to, avoiding the effect by not taking a certain action or parts of an action; minimizing the effect by limiting the degree or magnitude of the action and its implementation; rectifying the effect by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the effect over time by preservation and maintenance operations during the life of the action; or compensating for the effect by replacing or providing substitute resources or environments.

(c) Mitigation shall be enforceable when the proposed action incorporates the mitigation measure(s) or conclusions about the significance of reasonably foreseeable adverse effects are based on implementation of mitigation measure(s).

(d) If VA finds no significant effects based on mitigation, the mitigated FONSI will state any mitigation requirements enforceable by VA or voluntary mitigation commitments that will be undertaken to avoid significant effects. VA may require a monitoring and compliance plan that includes:

(1) A basic description of the mitigation measure or measures;

(2) The parties responsible for monitoring and implementing the mitigation;

(3) The anticipated timeframe for implementing and completing mitigation;

(4) As applicable, the standard(s) for determining effectiveness of mitigation and steps to be taken when a measure is determined to be not sufficiently effective; and

(5) How the mitigation will be funded if other than by project construction funds.

(e) VA will include the cost of the mitigation and monitoring measures as part of the budget for the project when the agency has such discretion.

(f) For grant awards, lease contracts, or land transfer agreements, VA may include mitigation measure(s) as conditions, contract terms, or agreement terms, respectively, that require the applicant, awardee, or land transfer recipient to provide for their implementation.

§ 26.60 The decision: documentation and initiation of action.

(a) *Decision documents.* VA will prepare a FONSI or ROD at the conclusion of the EA or EIS process to evidence the EA- or EIS-level NEPA analysis and the decision that VA made after sufficient consideration of alternatives and input from the public, as applicable. VA will make the FONSI or ROD available to the public.

(1) *FONSI.* After preparing an EA, VA will prepare a FONSI when VA determines a not otherwise categorically excluded proposed action does not have the potential to cause significant impacts.

(i) VA shall include the EA in the FONSI or incorporate it by reference.

(ii) VA shall include any mitigation requirements or commitments in the FONSI (see § 26.50).

(iii) VA will make the EA and FONSI available to the public on an agency website.

(2) *ROD.* After completing an EIS, VA will issue a ROD that summarizes the findings of the EIS and identifies VA's selected alternative for implementation.

(i) The ROD will:

(A) State the decision.

(B) Identify the alternatives considered by VA in reaching its decision.

(C) Identify and discuss all relevant factors that VA balanced in making its decision and how their consideration entered into its decision, including, as relevant, environmental, economic, technical, considerations; VA's statutory mission; and essential considerations of national policy.

(D) State whether VA has adopted all practicable means to mitigate environmental harm from the selected alternative and, if not, why it has not.

(E) Identify any enforceable mitigation requirements or commitments (see § 26.50).

(ii) VA will publish a notice of availability in the same manner as the notice of intent to prepare the EIS was published, to notify the public of the existence of the ROD.

(iii) VA may issue a decision concurrently with or at any time after making an EIS publicly available, or making an EA publicly available if a FONSI is deemed appropriate.

(b) *Signatories.* The VA decision-maker must sign the FONSI or ROD. See § 26.13(e) for information on the responsibilities and designation of VA decision-makers.

(c) *Initiation of VA action.* With the exception of interim actions and actions that would not have an adverse environmental effect or limit the choice of reasonable alternatives:

(1) VA will not undertake actions evaluated in an EA until after VA signs a FONSI; and

(2) VA will not undertake actions evaluated in an EIS until after VA signs a ROD.

§ 26.70 Programmatic NEPA documents.

(a) Programmatic NEPA documents allow VA to conduct broad or holistic evaluations of effects or policy alternatives, evaluate widely applicable measures, or avoid duplicative analysis by considering all or some of the environmental effects of a policy, program, plan, group of projects or related types of projects, national or regional actions, or otherwise related actions. Programmatic NEPA documents support efficiency of NEPA review at the site-, action-, and project-specific level. VA may evaluate the proposal(s) in one of the following ways:

(1) Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area.

(2) Generically, including actions that have relevant similarities, such as common timing, effects, alternatives, methods of implementation, media, or subject matter.

(3) By stage of technological development.

(b) Consistent with section 108 of NEPA (42 U.S.C. 4336b), after completing a programmatic NEPA document, VA may rely on that document for five years if there are not substantial new circumstances or information about the significance of adverse effects that bear on the analysis. After five years, as long as VA reevaluates the analysis in the programmatic NEPA document and any underlying assumption to ensure reliance on the analysis remains valid and briefly documents its reevaluation and explains why the analysis remains valid considering any new and substantial information or circumstances, VA may continue to rely on the document.

(c) VA need not wait until the initiation of a specific project to begin a programmatic review.

(d) VA may prepare a NEPA analysis specific to a unique program or project that has aspects different from or not sufficiently evaluated within a larger programmatic analysis. To tier an analysis to a previous programmatic EIS or EA, VA must:

(1) Incorporate the programmatic EIS or EA by reference in the tiered analysis, and

(2) Analyze all specific reasonably foreseeable environmental effects and a reasonable range of alternatives not covered at the programmatic level.

§ 26.71 Reliance on existing NEPA documents.

(a) *Generally.* If the action covered by an original NEPA document from another Federal agency and VA's action are substantially the same, VA may rely on the other agency's NEPA document to satisfy or complete part of the NEPA analysis or to fulfill other Federal requirements integrated into the NEPA process. Existing documents are prepared for a purpose other than the proposed VA action. VA will only rely on another agency's NEPA document after the VA NEPA Implementation Officer or their delegate conducts and documents an independent review and creates a decision document to finalize the reliance on the other agency's NEPA document. The document may be an EIS, EA, or CATEX. When relying on a NEPA document, or portion thereof, VA will cite, briefly describe the content and relevance to VA's proposed action, and may make modifications that are necessary to render the relied-upon document, or portion thereof, fit for fulfilling NEPA's analytic requirements for the action at hand.

(b) *Substantial similarity.* (1) If the actions covered by an original EIS or EA and the proposed action are substantially the same, VA will republish the relied-upon EIS or EA.

(2) If the actions are not substantially the same, VA may modify the EIS or EA as necessary to render the document fit for fulfilling NEPA's analytic requirements for the action at hand, and publish the relied-upon EIS or EA, as modified. Where appropriate, VA may solicit comment to the extent that solicitation of comment will assist VA in expeditiously adapting the relied-upon EIS or EA so that it is fit for VA purposes.

§ 26.72 Combining documents.

Whenever practicable, VA will reduce duplication and paperwork by combining NEPA analyses for two or

more VA actions or combining NEPA documents with other VA documents, to the fullest extent practicable.

Circumstances in which VA may combine documents include but are not limited to actions located at the same site or region, similar actions (such as construction of similar types of facilities), and actions within the same program.

§ 26.73 Supplemental analyses.

VA will prepare a supplemental analysis if a major Federal action is incomplete or ongoing and if there are substantial changes to the proposed action that are relevant to environmental concerns or there are substantial new circumstances or information about the significance of adverse effects that bear on the analysis. VA may also prepare a supplemental analysis when the purposes of NEPA will be furthered by doing so. A supplemental analysis may be completed at any stage of an EIS or EA. If, following internal agency review of an existing NEPA document, VA finds that changes to the proposed action or new circumstances or information relevant to environmental concerns are not substantial and therefore do not require a supplement, a NEPA Specialist will prepare a memorandum-to-file detailing the review process and analysis, with concurrence from either the decision-maker (or their successor) who signed the original NEPA document (EA or EIS) or the current VA NEPA Implementation Officer.

(a) *Supplemental EA.* VA may publish for public comment a supplemental EA to a draft or final EA, as appropriate to the stage of the EA involved, in consideration of whether public comments on the EA were previously solicited and the nature of any comments received as relevant to the new information or circumstances.

(b) *Supplemental EIS.* VA may publish for public comment a supplemental EIS to a draft or final EIS, as appropriate to the stage of the EIS involved, in consideration of whether public comments on the EIS were previously solicited and the nature of any comments received as relevant to the new information or circumstances.

(c) *Administrative record.* VA must add any supplemental analysis, or memorandum-to-file concluding supplemental analysis is not required, to the administrative record of the original EA or EIS to which the supplement applies. VA will integrate the supplemental EA or EIS using a format and technology compatible with the administrative record for the original EA or EIS. If an index for the

original administrative record exists, VA will update or supplement it to list the supplemental EA or EIS.

Subpart C—The Role of Third Parties in the NEPA Process

§ 26.80 Purpose of this subpart.

This subpart outlines the relationship between VA and Federal, Tribal, State, and local environmental agencies; identifies the role of VA in actions initiated by other Federal agencies and the role other Federal agencies may play in VA actions; and describes the role of applicants in VA's NEPA process.

§ 26.81 Relationships with third parties.

Although VA is ultimately responsible for ensuring the NEPA process is completed for VA actions, VA may share responsibility with third parties for the completion of a NEPA analysis. VA will participate as a lead agency, joint lead agency, or cooperating agency during the NEPA process for VA actions and actions taken by third parties. See sections 111(2) and (9) of NEPA (42 U.S.C. 4336e(2) and (9)) for the definitions of cooperating agency and lead agency.

(a) *Cooperating agencies.* Cooperating agencies assist the lead agency during the NEPA process. VA may request Tribes and Federal, State, and local agencies to participate in the NEPA process as a cooperating agency for a VA action. Other agencies and Tribes may request to participate in a VA action as cooperating agencies or may request VA to participate in their NEPA processes as a cooperating agency.

(1) *Requests for another agency to participate as a cooperating agency in a VA action.* VA may request and approve another agency to participate in the NEPA process for a VA action as a cooperating agency when the other agency possesses specialized knowledge or jurisdiction by law applicable to the VA action, VA makes the request early in the NEPA process, and granting cooperating agency status will not create undue delay.

(2) *VA acting as a cooperating agency in another agency's action.* If another agency with a proposed action requests VA to participate in the NEPA process as a cooperating agency, VA will participate in the requesting agency's NEPA process whenever practicable. VA may request to participate as a cooperating agency in another agency's NEPA process when the other agency's proposed action overlaps with VA authority or actions.

(b) *Joint lead agencies.* VA may share lead agency status with one or more other agencies. Joint lead agencies can

be Federal or non-Federal entities. Ordinarily, the lead agency follows its own regulations implementing NEPA when preparing an environmental document in the NEPA analysis. However, when there are joint lead agencies, they will each ensure consistency with their own NEPA procedures to ensure they can rely on the environmental document. For each specific procedure, they will typically need to follow the most conservative agency procedure for each step.

(c) *Lead agency designation.* All requests from another agency for VA to participate as a lead agency should be sent to the Senior Agency Official.

(d) *Documentation.* VA will work with the other agencies participating in the NEPA process to separate and establish responsibilities among the agencies and will document these decisions in accordance with departmental policy.

§ 26.82 State, Tribal, and local requirements.

State, Tribal, and local agencies may have programs in place that apply to the implementation or planning of a VA action, including but not limited to a State permitting system. When possible, VA will eliminate duplicate documentation of compliance with State, Tribal, and local procedures that involve similar analysis or information gathering to what NEPA requires by producing one NEPA document to satisfy environmental requirements at the Federal, State, Tribal, and local levels.

§ 26.83 Applicants for Federal assistance.

(a) *Procedures for applicant-prepared NEPA documents.* (1) In accordance with section 107(f) of NEPA (42 U.S.C. 4336a(f)), VA has established procedures allowing applicants, or contractors hired by applicants, to prepare environmental documents under VA's supervision.

(2) A VA NEPA Specialist will independently evaluate the environmental document and VA will take responsibility for its contents.

(3) VA will assist applicants and applicant-hired contractors by providing guidance and outlining the types of information required for the preparation of the environmental document. VA may also provide appropriate guidance and assist in environmental document preparation, to the extent that VA's resources and policy priorities permit. VA will work with the applicant to define the purpose and need and, when appropriate, to develop a reasonable range of alternatives to meet that purpose and need.

(4) VA will develop and modify, as appropriate, a schedule for preparation of the environmental document. VA will document major changes to the schedule or related matters through written correspondence.

(5) VA may request from an applicant environmental information for use by VA in preparing or evaluating an environmental document. This may include a decision file consisting of any factual, scientific, or technical information used, developed, or considered by the applicant or applicant-hired contractor in the course of preparing an environmental document, including any correspondence with VA or third parties.

(6) Project sponsors intending to pay a fee for an expedited EIS or EA deadline pursuant to section 112 of NEPA (as amended through Pub. L. 119–21, July 4, 2025) for which VA would be the lead agency should consult with VA before submitting a request to CEQ. VA will use such consultation to assist the project sponsor in providing an accurate description of the project as it relates to the anticipated EIS- or EA-associated costs and understanding the anticipated scope of the environmental review including whether to prepare an EA or an EIS.

(b) *Grants*. Third parties may apply for VA grants. Where VA can identify similar types of grants, such as with the establishment of a new grant program, a programmatic NEPA analysis may be appropriate. Program applicants, including but not limited to entities such as a State veterans agency, may have to provide information to VA to support an environmental analysis of the project. Examples of grant actions include but are not limited to State veterans home construction grants and State cemetery grants.

(c) *Discretionary benefits*. VA may conduct a programmatic NEPA analysis for any benefit program that constitutes a major Federal action as defined in section 111(10) of NEPA (42 U.S.C. 4336e(10)).

(d) *Entitlements*. Entitlements are defined as assistance provided to a veteran or veteran's beneficiary over which VA has no discretion. VA's role in entitlements is purely administrative in nature. Since VA actions on entitlements are non-discretionary, entitlement awards do not meet the definition of a major action in section 111(10) of NEPA (42 U.S.C. 4336e(10)), are outside of the scope of this part, and NEPA does not apply. Examples of VA entitlements include but are not limited to pensions and survivor benefits.

(e) *Plans for VA assistance*.

Applicants for VA grants and discretionary benefits may develop preliminary plans, designs, and other work to support an application to VA. Preliminary plans do not violate the purpose of this part.

§ 26.84 Non-compliance by applicants.

VA will promptly notify the applicant that VA requires appropriate action to comply with NEPA when VA becomes aware that an applicant is about to take action that would have an adverse environmental effect or limit the choice of reasonable alternatives prior to the issuance of a CATEX, FONSI, or ROD.

Subpart D—Unique Procedures: Emergencies, Protected Information, and International Actions

§ 26.90 Purpose of this subpart.

This subpart provides the VA procedures for complying with NEPA during emergencies, how VA will handle sensitive or classified information, and how VA will consider the international effects of VA actions.

§ 26.91 Emergencies.

An emergency is a situation in which human life or the human environment is in jeopardy and urgent or immediate action is necessary to prepare for or respond to the situation. Emergencies include natural disasters and human-caused events such as terrorist attacks, oil spills, and industrial explosions. Emergencies do not include a failure to plan for a project or program or a failure to adequately prepare for a NEPA analysis or other environmental requirements. During an emergency, VA will comply with the NEPA process as established in this part or implement alternative arrangements for compliance with NEPA to the extent feasible, and only for actions necessary to control the immediate impacts of the emergency; other actions remain subject to NEPA review in accordance with this part.

(a) *EISs*. Alternative arrangements are alternatives to the traditional documentation requirements for EISs in NEPA. VA creates alternative arrangements based on specific facts and circumstances. Alternative arrangements are limited to actions necessary to control the immediate impacts of the emergency. The long-term response or recovery actions remain subject to the regular NEPA process. When VA is contemplating an emergency action with alternative arrangements to the NEPA process, relevant factors include the nature and scope of the emergency, whether the action is necessary to control the

immediate effects of the emergency, potential adverse effects of the proposed action, components of the NEPA process that VA can follow and provide value to decision-making, the duration of the emergency, and potential mitigation measures.

(b) *CATEXs*. VA may respond to an emergency with an action that is categorically excluded from further NEPA analysis. When a CATEX applies in an emergency situation, no alternative arrangements are necessary.

(c) *EAs*. For VA emergency actions that are not expected to have significant environmental impacts and are not categorically excluded, VA prepares an EA. VA will waive its own procedural requirements for actions normally subject to an EA if an emergency necessitates an action to save human life and property. In such an emergency, VA will develop alternative arrangements. VA will consider factors including but not limited to the nature and scope of the emergency, whether the action is necessary to control the immediate effects of the emergency, potential adverse effects of the proposed action, aspects of the NEPA process that VA may follow during the emergency response, the duration of the emergency, and potential mitigation measures.

(d) *Consultation with CEQ*. VA consults with CEQ as early as possible when VA determines alternative arrangements for compliance with section 102(2)(C) of NEPA (42 U.S.C. 4332(2)(C)) may be necessary to respond to an emergency for an action with reasonably foreseeable significant environmental effects. The NEPA Implementation Officer will contact CEQ when VA makes such a determination.

§ 26.92 Sensitive or classified information.

(a) *Policy*. VA will not disclose information that is protected from disclosure under the Freedom of Information Act. Although VA will not release protected information to the public, VA may in some cases use sensitive or classified information in preparing NEPA analyses. VA policy for withholding sensitive and classified information will not contravene VA's commitment to public engagement under NEPA. When a NEPA analysis relies on sensitive or classified information, VA must withhold the protected information from intentional disclosure while releasing the environmental analysis to the public. VA will not disclose sensitive information, including an individual veteran's medical records, personal information, or other information considered personal. Generally, VA will

use veterans' information in the aggregate in a NEPA analysis to identify trends, needs, levels, types, and locations of services or benefits that VA provides. VA must protect classified information for national security reasons. See the Freedom of Information Act for an explanation of classified information.

(b) *Documentation*. VA must assess and document the environmental effects of its proposed action despite the presence of sensitive or classified environmental information. If only part of the environmental information is sensitive or classified, VA will segregate

the sensitive or classified information from the remainder of the environmental information. VA will disclose the non-sensitive and non-classified information to the public in the NEPA analysis.

§ 26.93 International actions or effects.

(a) *Customary international law*. VA programs and benefits extend to veterans of the United States who live abroad. VA is committed to pursuing an active role in addressing environmental quality issues in VA relations with neighboring communities in foreign countries and assuring that

consideration of the environment is an integral part of all decisions.

(b) *VA actions abroad*. Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, does not rely upon NEPA for its authority but does further the purpose of NEPA and provides guidance for analyzing the environmental impacts of VA actions abroad. VA will act in accordance with the requirements of Executive Order 12114 and document potential environmental effects of VA actions abroad to the extent consistent with law.

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